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Presidential Documents

Title 3—

The President

Executive Order 13176 of November 27, 2000

Facilitation of a Presidential Transition

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 5 U.S.C. 7301, to further the purposes of the Presidential Transition Act of 1963, as amended, and to assist the transition from this Administration to that of the President-elect, it is hereby ordered as follows:

Section 1. *Presidential Transition Coordination.* (a) To assist and support the transition efforts of the President-elect, there is established a Presidential Transition Coordinating Council (Council).

(b) The Council shall be composed of the following officials or their designees:

1. Chief of Staff to the President;
2. Counsel to the President;
3. Assistant to the President and Cabinet Secretary;
4. Assistant to the President for Management and Administration;
5. Assistant to the President and Director of Presidential Personnel;
6. Director of the Office of Management and Budget;
7. Director of the Federal Bureau of Investigation;
8. Director of the Office of Personnel Management;
9. Administrator of General Services;
10. Archivist of the United States;
11. Commissioner of Internal Revenue;
12. Director of the Office of Government Ethics; and
13. Such others as the President may select.

(c) The Council shall be chaired by the Chief of Staff to the President or his designee.

(d) The Council shall coordinate assistance to the President-elect in fulfilling his responsibilities and make every reasonable effort to facilitate the transition between administrations. This assistance may include, among other things, providing publicly available information relevant to facilitating the personnel aspects of a presidential transition and such other information that, in the Council's judgement, is useful and appropriate as long as providing such information is not otherwise prohibited by law.

Sec. 2. *Transition Activities and Materials.* (a) The Administrator of General Services, in consultation with the Director of the Office of Presidential Personnel, the Director of the Office of Personnel Management, and the Director of the Office of Government Ethics, shall coordinate orientation activities for key prospective Presidential appointees.

(b) The Administrator of General Services, in consultation with the Director of the Office of Presidential Personnel, the Director of the Office of Personnel Management, and the Archivist of the United States, shall develop a transition directory. The transition directory shall include Federal publications and materials that provide information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

(c) The White House Office of Presidential Personnel shall coordinate with all departments and agencies of the executive branch of the Government to produce a catalogue of all positions in their respective jurisdictions that are filled by presidential appointment requiring Senate confirmation (PAS positions). The catalogue shall include:

(1) the legal authority establishing each PAS position;

(2) a description of duties and statutory authorities of the position;

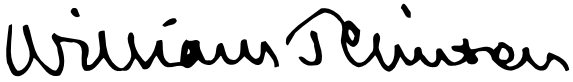
(3) the names of Senate committees that review nominees for the position;

(4) the names of congressional committees with which appointees in the position regularly interact; and

(5) the name and contact information of an experienced executive in the agency or department, a previous office holder or a White House Liaison, or a comparable individual who can answer questions about the position.

(d) Executive departments and agencies shall prepare a set of orientation materials for new political appointees before the inauguration of the President-elect. Copies of all such materials shall be provided to the Incoming Transition Team upon its request.

Sec. 3. *Transition Agreement.* To assist and support the transition efforts of the President-elect, a transition agreement between the current Administration and the Office of the President-elect will be entered into regarding transition procedures and identification of transition contacts.



THE WHITE HOUSE,
November 27, 2000.

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Rules and Regulations

Federal Register

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–88–AD; Amendment 39–12005; AD 2000–23–32]

RIN 2120–AA64

Airworthiness Directives; DG Flugzeugbau GmbH Models DG–500 Elan Series, DG–500M, and DG–500MB Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain DG Flugzeugbau GmbH (DG Flugzeugbau) Models DG–500 Elan Series, DG–500M, and DG–500MB sailplanes. This AD requires you to visually inspect the elevator control system for proper movement, obtain and incorporate a repair scheme if improper movement is found, and modify and install resin thickened cottonflock reinforcements to the elevator control system as a way to increase the stiffness of the elevator control support stand. 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 by this AD are intended to detect and correct improper movement in the elevator control system and to increase the stiffness of the elevator control support stand. Without accomplishing these actions, the pilot's capability to use full elevator control deflection could be limited, which could require increased force in moving the elevator control with a consequent potentially uncontrolled flight condition.

DATES: This AD becomes effective on January 13, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 13, 2001.

ADDRESSES: You may get the service information referenced in this AD from DG Flugzeugbau GmbH, 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–88–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: 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 Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, recently notified FAA that an unsafe condition may exist on certain DG Flugzeugbau Models DG–500 Elan Series, DG–500M, and DG–500MB sailplanes. The LBA reports an incident where a Model DG–500 sailplane experienced notably higher elevator control stiffness during an aerobatic flight. This situation was the result of the outer aluminum tube moving and slipping within the elevator control support stand.

What Are the Consequences If the Condition Is Not Corrected?

If the elevator control support stand permits the outer aluminum tube to move, the pilot's capability to use full elevator control deflection could be limited, which could require increased force in moving the elevator control. This could lead to an uncontrolled flight condition.

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 Models DG–500 Elan Series, DG–500M, and DG–500MB sailplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 21, 2000 (65 FR 57113). The NPRM proposed to require you to visually inspect the elevator control system for proper movement; obtain and incorporate a repair scheme if improper movement is found; and modify and install resin thickened cottonflock reinforcements to the elevator control system as a way to increase the stiffness of the elevator control support stand.

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 10 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 inspection and modification:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. sailplane operators
3 workhours × $60 per hour = $180.	$25 per sailplane	$180 + $25 = $205 per sailplane	$205 × 10 = $2,050.

Compliance Time of This AD

What Is the Compliance Time of This AD?

The compliance time of this AD is to accomplish the inspection ''within the next 30 calendar days after the effective date of this AD'' and to accomplish the modification ''within the next 120 days after the effective date of this AD.''

Why Is the Compliance Time Presented in Calendar Time Instead of Hours Time-in-Service (TIS)?

We have established the compliance in calendar time instead of hours time-in-service (TIS) because the unsafe condition described by this AD is not directly related to sailplane operation. The chance of this situation occurring is the same for a sailplane with 10 hours time-in-service (TIS) as it would be for a sailplane with 500 hours TIS. Calendar time for compliance will assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Why Are the Compliance Times of the German AD Different Than the Compliance Times in This AD?

The German AD requires the inspection before next flight and the modification within 45 days of the effective date of the German AD. We do not have justification to require the inspection before next flight. We use compliance times such as this when we have identified an urgent safety of flight situation. We believe that 30 calendar days will give the owners or operators of the affected sailplanes enough time to have the inspection accomplished without compromising the safety of the sailplanes.

The 120-calendar day compliance time for the modification gives the owners/operators of the affected sailplanes enough time to adequately schedule the work to coincide with other maintenance activities.

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 § 39.13 by adding a new AD to read as follows:

2000–23–32 DG Flugzeugbau GMBH: Amendment 39–12005; Docket No. 99–CE–88–AD.

(a) *What sailplanes are affected by this AD?* This AD affects Models DG–500 Elan Series, DG–500M, and DG–500MB sailplanes, all serial numbers up to and including 5E203, that are certificated in any category.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to detect and correct improper movement in the elevator control system and to increase the stiffness of the elevator control support stand. Without accomplishing these actions, the pilot's capability to use full elevator control deflection could be limited, which could require increased force in moving the elevator control with a consequent potentially uncontrolled flight condition.

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

Action	Compliance time	Procedures
(1) Visually inspect the push rod guide to ensure that the outer aluminum tube of the guide does not move.	Within the next 30 days after January 13, 2001 (the effective date of this AD), and prior to accomplishing the modification required in paragraph (d)(3) of this AD. The second inspection is not required if the modification is incorporated immediately after the initial inspection.	Follow the inspection procedures in the Instruction section of DG Flugzeugbau Technical Note (TN) 348/12 (applicable to the model DG–500 Elan Series) or TN 843/12 (applicable to the models DG–500M and DG–500MB), both dated October 6, 1999.
(2) If any movement is detected in the outer aluminum tube as specified in this AD and the referenced service information, accomplish the following.	Required prior to further flight after the inspection when the discrepancy is found.	In accordance with the repair scheme obtained from the manufacturer.
(i) Obtain a repair scheme from the manufacturer at the address presented in paragraph (h) of this AD; and.		
(ii) Incorporate this repair scheme		

Action	Compliance time	Procedures
(3) Modify and install resin thickened cottonflock reinforcements to the elevator control system as a way to increase the stiffness of the elevator control support stand.	Within the next 120 days after January 13, 2001 (the effective date of this AD).	Follow the modification procedures in the Working Instructions No. 1 for TN 348/12 (843/12), dated September 28, 1999. The instructions are referenced in DG Flugzeugbau Technical Note (TN) 348/12 (applicable to the model DG–500 Elan Series) or TN 843/12 (applicable to the models DG–500M and DG–500MB), both dated October 6, 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, 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 Working Instructions No. 1 for TN 348/12 (843/12), dated September 28, 1999, and DG Flugzeugbau Technical Note No. 348/12 and 843/12, dated October 6, 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. 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.

(i) *When does this amendment become effective?* This amendment becomes effective on January 13, 2001.

Note 2: The subject of this AD is addressed in German AD Number 1999–341, dated November 18, 1999.

Issued in Kansas City, Missouri, on November 14, 2000.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–29920 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–73–AD; Amendment 39–12006; AD 2000–23–33]

RIN 2120–AA64

Airworthiness Directives; British Aerospace HP137 Mk1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all British Aerospace HP137 Mk1 and Jetstream series 200 airplanes. This AD requires you to inspect the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets, and repair any vertical stabilizer skin where discrepancies are found. 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 prevent failure of the vertical stabilizer caused by disbonding, corrosion, cracks, or loose rivets in the stabilizer skin. Such failure could lead to aircraft controllability problems.

DATES: This AD becomes effective on January 12, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of January 12, 2001.

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. 99–CE–73–AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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 all British Aerospace HP137 Mk1 and Jetstream series 200 airplanes. The CAA reports instances of delamination and corrosion of the vertical stabilizer skin. Such damage resulted in cracks around the rivet holes.

What Are the Consequences If the Condition Is Not Corrected?

If not detected and corrected, a damaged vertical stabilizer skin could lead to failure of the vertical stabilizer with consequent airplane controllability 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 all British Aerospace HP137 Mk1 and Jetstream series 200 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on September 26, 2000 (65 FR 57748). The NPRM proposed to require you to inspect the vertical stabilizer skin for disbonding, corrosion, cracks, and loose

rivets, and repair any vertical stabilizer skin where discrepancies are found.

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

—wWll 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 85 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
5 workhours × $60 per hour = $300.	No parts required for the inspection.	$300 per airplane	$300 × 85 = $25,500.

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 § 39.13 by adding a new AD to read as follows:

2000–23–33 British Aerospace: Amendment 39–12006; Docket No. 99–CE–73–AD.

(a) *What airplanes are affected by this AD?* This AD affects HP137 Mk1 and Jetstream series 200 airplanes, all serial numbers, that are certificated in any category.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent failure of the vertical stabilizer caused by disbonding, corrosion, cracks, or loose rivets in the stabilizer skin. Such failure could lead to aircraft controllability problems.

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

Action	Compliance time	Procedures
(1) Inspect the right and left hand side of the vertical stabilizer skin for disbonding, corrosion, cracks, and loose rivets.	Within the next 60 calendar days after January 12, 2001 (the effective date of this AD).	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of British Aerospace Jetstream Alter Service Bulletin 55–A–JA–990640, Issued: September 1, 1999.
(2) Repair any vertical stabilizer skin where a discrepancy is found.	Prior to further flight after the inspection	Use the procedures in the maintenance manual if the discrepancies are within the limits specified in the maintenance manual. Use an FAA-approved repair scheme obtained from British Aerospace at the address specified in paragraph (h) of this AD if the discrepancies are outside the limits specified in the maintenance manual.

Note 1: British Aerospace Jetstream Alert Service Bulletin 55–A–JA–990640, Issued: September 1, 1999, specifies reporting the results of the inspections to British Aerospace Regional Aircraft. The FAA highly recommends that each owner/operator submit this information. British Aerospace and the British CAA will use this information to determine whether repetitive inspections are necessary, and, if so, at what intervals. The FAA will evaluate the information from the British CAA and may initiate further rulemaking action to propose a repetitive inspection requirement.

(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 2: 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 Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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 Jetstream Alert Service Bulletin 55–A–JA–990640, Issued: September 1, 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 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.

(i) *When does this amendment become effective?* This amendment becomes effective on January 12, 2001.

Note 3: The subject of this AD is addressed in British Aerospace Jetstream Alert Service Bulletin 55–A–JA–990640, Issued: September 1, 1999. This service bulletin is classified as mandatory by the United Kingdom Civil Aviation Authority (CAA).

Issued in Kansas City, Missouri, on November 14, 2000.

James E. Jackson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–29938 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–127–AD; Amendment 39–12026; AD 2000–24–19]

RIN 2120–AA64

Airworthiness Directives; Learjet Model 35, 35A, 36, and 36A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Learjet Model 35, 35A, 36, and 36A series airplanes, that requires revision of the Airplane Flight Manual (AFM) to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated. This amendment is intended to prevent incapacitation of the flightcrew due to lack of oxygen and consequent loss of control of the airplane due to absence of AFM procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

DATES: Effective January 4, 2001.

ADDRESSES: Information pertaining to this amendment may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Ben Sorensen, Flight Test Pilot, Flight Test and Program Management, ACE–117W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4165; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Learjet Model 35, 35A, 36, and 36A series airplanes was published in the **Federal Register** on June 8, 2000 (65 FR 36391). That action proposed to require revision of the Airplane Flight Manual (AFM) to add procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated. That proposal was intended to prevent incapacitation of the flightcrew due to lack of oxygen and consequent loss of control of the airplane due to absence of AFM procedures for donning the flightcrew oxygen masks when the cabin altitude warning horn is activated.

Since the Issuance of the Proposal

The FAA has determined that the identified unsafe condition is adequately addressed by Step 1 (donning the oxygen mask following a cabin high altitude warning) of the AFM revision under paragraph (a) of the proposed AD. In line with that determination, it is no longer necessary to include Steps 2 through 12 of paragraph (a). The FAA has revised paragraph (a) of the final rule accordingly.

Comments on the Proposal

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

Request To Withdraw the Proposal

One commenter states that it opposes the adoption of the proposal, as well as the FAA's continued efforts to use rulemaking to address ''operational'' concerns. The commenter contends that airworthiness directives should only address corrective actions that specifically identify product flaws that create an unsafe condition. In particular, the commenter maintains that the unsafe condition demands an ''operational'' as well as an educational concern. The commenter further states that its primary concern with the proposal is that, in the accidents and incidents reports where incapacitation of the flightcrew was due to hypoxia, the root design or mechanical flaw has not been identified. The commenter concludes that a pilot's failure to don an oxygen mask raises ''operational'' concerns that have nothing to do with the specific problems concerning the continued airworthiness of the product in question. From these comments, the FAA infers that the commenter requests that the proposed AD be withdrawn.

The FAA does not concur that the proposed AD should be withdrawn. The purpose of an AD is to correct an identified unsafe condition in products, regardless of where the unsafe condition is located or what it is caused by. The current AFM does not contain procedures to don oxygen masks when the cabin altitude aural warning is activated. The FAA considers that the lack of such procedures constitutes an unsafe condition and, as such, must be corrected. In essence, the requirement to revise the AFM to add procedures to don oxygen masks when the cabin altitude warning is activated serves to

protect the flying public from the consequences of the unsafe condition. The AD also serves to protect the manufacturer from the liability that would be faced should the unsafe condition not be corrected.

Request To Revise the Emergency Procedures

One commenter requests that the proposed emergency descent procedures be revised to specify that the flightcrew (1) don the oxygen mask; (2) level off (stabilize) the aircraft; and (3) verify loss of cabin pressure. The commenter suggests that if loss of cabin pressure is verified, the flightcrew should continue with the remainder of the emergency procedures. The commenter states that the purpose of adding these steps would be to ensure that the procedures, as proposed, do not lead the flightcrew to a possible overreaction. The commenter concludes that the suggested additional steps would provide clear direction for the flightcrew when the cabin altitude warning horn activates.

The FAA does not concur with the request to add procedures specifying that, immediately after donning the oxygen masks, the flightcrew level off the aircraft and verify loss of cabin pressure. As explained previously, the FAA has determined that, other than donning the oxygen masks, it is unnecessary to add further requirements to the Emergency Procedures Section of the AFM. The current FAA-approved AFM appears to take a conservative approach to cabin high altitude emergency procedures and specifies that the flightcrew perform an emergency descent. Furthermore, the FAA has not identified any unsafe conditions associated with those specific AFM procedures. The FAA has, however, forwarded the commenter's suggestions to the manufacturer for its consideration.

Request To Revise the Title of the Emergency Procedures

One commenter, the manufacturer, requests that the title of the emergency procedures be revised to also address the condition where the flightcrew notices a high cabin altitude before the warning horn sounds. The commenter suggests that the following words be added to the title: ''* * * or Cabin Altitude Exceeds 10,000 feet.''

The FAA finds that the suggested additional words will clarify and specify emergency procedures for a possible situation, and will encourage proactive flightcrew action. Therefore, the FAA concurs with the commenter's request, and has revised paragraph (a) of the AD accordingly.

Request To Add Certain Notes

One commenter, the manufacturer, also requests that two new notes be added to clarify the proposed requirements of paragraph (a) after Step 10 and Step 12.

The FAA does not concur. Since all steps except Step 1 of paragraph (a) of the proposal have been removed (as explained previously) from the proposed AD, it is unnecessary to provide further clarification of the other steps.

Request To Redesign the Oxygen System

Two commenters request that the proposal include a requirement that the oxygen bottle in the cockpit be redesigned to show oxygen bottle pressure and not system pressure. Additionally, one of those commenters requests that the oxygen bottle clearly indicate that the system is ''on'' during preflight.

The FAA does not concur that this AD should require redesign of the oxygen bottle system. The FAA finds that a properly conducted preflight of the oxygen masks will establish and verify the correct gauge that reads bottle pressure, and ensure that the oxygen bottle valve is properly positioned. Additionally, the required flow check will not work if the oxygen bottle is turned off since all oxygen would have been released from the system. The actions required in this AD are intended to sufficiently address the stated unsafe condition.

Since redesign of the oxygen bottle system was not specified in the proposal, to require such redesign in this AD would be to mandate requirements without benefit of opportunity for public comment. Since the FAA has received no reports of any unsafe conditions associated with the design of the indicating system or bottle pressure system, it is not considering further rulemaking at this time. However, the FAA has forwarded this suggestion to the manufacturer for its consideration.

Request To Add Additional Models to the Applicability

One commenter requests that the applicability be revised to include Learjet Model 23, early Model 24, and Model 25 series airplanes. The commenter states that the oxygen and pressurization systems on these airplanes are similar to the airplane models cited in the applicability of the proposed AD.

The FAA does not concur that additional airplane models should be added to the applicability of this AD. The FAA acknowledges that the oxygen and pressurization systems on those airplanes are similar to the Learjet Model 35 and 36 series airplanes. However, if those airplane models were added to the applicability of this AD, additional time for opportunity to comment would be required. The FAA finds that to delay this action would be inappropriate in light of the identified unsafe condition. If information is received that points to an unsafe condition on the Learjet Model 23, Model 24, or Model 25, the FAA will consider further rulemaking. The FAA will forward the commenter's suggestion to the airplane manufacturer.

Request To Identify Flight Conditions Where Emergency Descent Is Unnecessary

One commenter requests that the FAA identify all flight conditions in which an emergency descent is not required subsequent to donning oxygen masks, and clearly present the appropriate instructions in the final rule. The commenter notes that the proposed AD specifies that, regardless of the existing flight conditions, the flightcrew perform an emergency descent upon activation of the cabin altitude warning. The commenter points out that it is possible for the cabin altitude warning horn to activate during flight conditions that would not require an emergency descent and landing.

The FAA does not concur that identification of all flight conditions in which an emergency descent is not required is necessary. The FAA considers that the manufacturer has taken a prudent and conservative approach in establishing the current emergency descent procedures, which specify emergency descent is necessary regardless of flight conditions. However, for the reasons explained previously, other than donning the oxygen masks, the FAA has removed the requirement to complete additional emergency descent procedures from this final rule. Therefore, no change to the final rule is necessary in this regard.

Conclusion

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

Cost Impact

There are approximately 739 Learjet Model 35, 35A, 36, and 36A series airplanes of the affected design in the worldwide fleet. The FAA estimates that 500 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $30,000, or $60 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–24–19 Learjet: Amendment 39–12026. Docket 2000–NM–127–AD.

Applicability: Model 35, 35A, 36, and 36A series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew and consequent loss of control of the airplane due to delays in donning oxygen masks in response to the activation of the cabin altitude warning horn, accomplish the following:

(a) Within 10 days after the effective date of this AD, revise the Emergency Procedures Section of the FAA-approved Airplane Flight Manual (AFM) by accomplishing the actions specified in paragraphs (a)(1) and (a)(2) of this AD:

(1) Revise the title for the existing ''Emergency Descent'' section to read:

''CABIN ALTITUDE WARNING HORN ACTIVATES OR CABIN ALTITUDE EXCEEDS 10,000 FEET (EMERGENCY DESCENT)''

(2) Insert the procedures specified below between the new, revised title specified in paragraph (a)(1) of this AD and the existing procedures for emergency descent specified in the AFM.

''Don Oxygen Masks and Select 100% oxygen.''

Alternative Methods of Compliance

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

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

Special Flight Permit

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

Effective Date

(d) This amendment becomes effective on January 4, 2001.

Issued in Renton, Washington, on November 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–30396 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30215; Amdt. No. 2022]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 24, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 10113, 10120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective 28 Dec 2000*

Bessemer, AL, Bessemer, LOC/DME RWY 5, Orig, Cancelled
Bessemer, AL, Bessemer, ILS RWY 5, Orig

** * * Effective January 25, 2001*

Anchorage, AK, Anchorage Intl, NDB RWY 6R, Amdt 6E
Pine Bluff, AR, Grider Field, VOR/DME RWY 35, Amdt 11B
Rogers, AR, Rogers Municipal-Carter Field, GPS RWY 1, Orig-A
Carrollton, GA LOC RWY 34, Amdt 2
Rome, GA, Richard B. Russell, VOR/DME OR GPS RWY 19, Amdt 8
Gary, IN, Gary/Chicago, Copter ILS RWY 30, Orig
Gary, IN, Gary/Chicago, VOR/DME OR GPS RWY 2, Amdt 7
Gary, IN, Gary/Chicago, RNAV (GPS) RWY 20, Orig
Rochester, IN, Fulton County, NDB RWY 29, Amdt 12
Rochester, IN, Fulton County, GPS RWY 29, Orig-A, Cancelled
Rochester, IN, Fulton County, RNAV (GPS) RWY 11, Orig
Rochester, IN, Fulton County, RNAV (GPS), RWY 29, Orig
Shelbyville, IN, Shelbyville Muni, VOR RWY 19, Amdt 1
Shelbyville, IN, Shelbyville Muni, GPS RWY 1, Orig, Cancelled
Shelbyville, IN, Shelbyville Muni, RNAV (GPS) RWY 1, Orig
Shelbyville, IN, Shelbyville Muni, GPS RWY 19, Orig, Cancelled
Shelbyville, IN, Shelbyville Muni, RNAV (GPS) RWY 19, Orig
Sulphur, LA, Southland Field, LOC RWY 15, Amdt 1B
Sulphur, LA, Southland Field, NDB RWY 15, Amdt 1B
Ann Arbor, MI, Ann Arbor Muni, RNAV (GPS) RWY 6, Orig
Ann Arbor, MI, Ann Arbor Muni, RNAV (GPS) RWY 24, Orig
Howell, MI, Livingston County, NDB RWY 13, Amdt 2
Howell, MI, Livingston County, GPS RWY 13, Orig-A, Cancelled
Howell, MI, Livingston County, RNAV (GPS) RWY 13, Orig

Greenwood, MS, Greenwood-Leflore, GPS RWY 18, Orig, Cancelled
Greenwood, MS, Greenwood-Leflore, RNAV (GPS) RWY 18, Orig
Williamsport, PA, Williamsport-Lycoming County, VOR/DME RNAV-A, Orig, Cancelled
Portales, NM, Portales Muni, GPS RWY 1, Orig-A
Santa Fe, NM, Santa Fe Muni, NDB RWY 2, Amdt 4A
Santa Fe, NM, Santa Fe Muni, VOR RWY 33, Admt 9A
Santa Fe, NM, Santa Fe Muni, GPS RWY 28, Orig-B
Silver City, NM, Grant County, NDB RWY 26, Amdt 3B
Silver City, NM, Grant County, LOC/DME RWY 26, Amdt 4B
Silver City, NM, Grant County, GPS RWY 26, Orig-A
Taos, NM, Taos Muni, GPS RWY 4, Orig-A
Truth or Consequences, NM, Truth or Consequences Muni, GPS RWY 31, Orig-A
Tucumcari, NM, Tucumcari Muni, GPS RWY 3, Orig-A
Perry, OK, Perry Muni, GPS RWY 17, Orig-A
Babelthaup Island, PW, Babelthaup/Koror, NDB RWY 9, Orig
Babelthaup Island, PW, Babelthaup/Koror, NDB RWY 9, Cancelled

[FR Doc. 00–30523 Filed 11–29–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30216; Amdt. No. 2023]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace system, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Program Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timelessness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which regulation and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 24, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97,27, 97.29, 97.31, 97.33, 97.35 [AMENDED]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPS; AND § 97.35 COPTER SIAPs; identified as follows:

** * *Effective Upon Publication*

FDC date	State	City	Airport	FEC No.	SIAP
11/08/00	IL	Chicago/Aurora	Aurora Muni	0/3884	VOR RWY 15, ORIG. . .
11/08/00	KS	Hays	Hays Regional	0/3924	VOR RWY 16, AMDT 3A. . .
11/08/00	KS	Hays	Hays Regional	0/3925	VOR/DME RWY 16, AMDT 3B. . .
11/08/00	KS	Hays	Hays Regional	0/3926	VOR/DME RWY 34, AMDT 2B. . .
11/08/00	KS	Hays	Hays Regional	0/3931	VOR RWY 34, AMDT 5A. . .
11/08/00	NV	Elko	Elko Regional	0/3923	VOR/DME or GPS–B AMDT 3A. . .
11/08/00	OK	Sand Springs	William R. Pogue Muni	0/3887	NDB RWY 35, AMDT 2. . .
11/08/00	OK	Tulsa	Richard Lloyd Jones JR	0/3885	ILS RWY 1L, ORIG. . .
11/08/00	OK	Tulsa	Richard Lloyd Jones JR	0/3890	VOR RWY 1L, AMDT 4. . .
11/08/00	OK	Tulsa	Richard Lloyd Jones JR	0/3911	VOR/DME or GPS–A, AMDT 6. . .
11/08/00	TX	Dalhart	Dalhart Muni	0/3882	GPS RWY 17, ORIG–A. . .
11/08/00	UT	Cedar City	Cedar City Regional	0/3929	ILS RWY 20 AMDT 2A. . .
11/09/00	KS	Herington	Herington Regional	0/3988	NDB or GPS RWY 17, AMDT 1. . .
11/09/00	KS	Johnson	Stanton County Muni	0/3987	NDB or GPS RWY 17, ORIG. . .
11/09/00	KS	Parsons	Tri-City	0/3979	VOR/DME RNAV RWY 35, AMDT 5B. . .
11/09/00	KS	Parsons	Tri-City	0/3986	VOR/DME RNAV RWY 17, AMDT 5A. . .
11/09/00	TX	Dallas	Redbird	0/3995	VOR/DME or GPS RWY 17, ORIG. . .
11/13/00	TX	Houston	William P. Hobby	0/3997	NDB RWY 4, AMDT 32. . .
11/09/00	TX	Houston	William P. Hobby	0/4003	LOC RWY 22, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4004	GPS RWY 4, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4005	GPS RWY 12R, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4006	GPS RWY 17, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4007	GPS RWY 22, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4009	GPS RWY 30L, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4011	GPS RWY 35, ORIG. . .
11/09/00	TX	Houston	William P. Hobby	0/4012	VOR/DME RWY 4, AMDT 17. . .
11/09/00	TX	Houston	William P. Hobby	0/4013	VOR/DME RWY 17, AMDT 1B. . .
11/09/00	TX	Houston	William P. Hobby	0/4014	ILS RWY 4, AMDT 37. . .
11/09/00	TX	Houston	William P. Hobby	0/4015	ILS RWY 12R, AMDT 11A. . .
11/09/00	TX	Houston	William P. Hobby	0/4018	VOL/DME RWY 22, AMDT 22A. . .
11/09/00	TX	Houston	William P. Hobby	0/4019	VOL/DME RWY 35, AMDT 2A. . .
11/09/00	TX	Houston	William P. Hobby	0/4020	VOL/DME RWY 30L, AMDT 16A. . .
11/09/00	TX	Houston	William P. Hobby	0/4022	VOR RWY 12R, AMDT 18. . .
11/09/00	TX	Sherman/Denison	Grayson County	0/3994	VOR/DME–A, ORIG. . .
11/13/00	CT	Groton	Groton-New London	0/4114	VOR or GPS RWY 23 AMDT 9A. . .
11/13/00	CT	Groton	Groton-New London	0/4115	VOR or GPS RWY 5 AMDT 7. . .
11/13/00	CT	Groton	Groton-New London	0/4116	ILS RWY 5 AMDT 10A. . .
11/13/00	CT	Groton	Groton-New London	0/4117	GPS RWY 33 AMDT 1. . .

FDC date	State	City	Airport	FEC No.	SIAP
11/13/00	HI	Kaunakakai	Molokai	0/4079	VOR or TACAN or GPS–A AMDT 4. . .
11/13/00	TX	Houston	William P. Hobby	0/4122	ILS RWY 30L, AMDT 4. . .
11/14/00	FL	Tallahassee	Tallahassee Regional	0/4154	ILS RWY 36, AMDT 22B. . .
11/14/00	FL	Tallahassee	Tallahassee Regional	0/4155	NDB or GPS RWY 36, AMDT 18B. . .
11/14/00	FL	Tallahassee	Tallahassee Regional	0/4160	RADAR–1 AMDT 4A. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4164	VOR or GPS RWY 21R, AMDT 1B. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4169	NDB or GPS RWY 27R, AMDT 10A. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4170	ILS RWY 21R, AMDT 26B. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4171	ILS RWY 21L, AMDT 8C. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4172	ILS RWY 3R, AMDT 13A. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4173	ILS RWY 3L, AMDT 14B. . .
11/14/00	MN	St James	St James Muni	0/4163	NDB RWY 32, AMDT 1. . .
11/15/00	CO	Pueblo	Pueblo Memorial	0/4220	HI–VOR or TACAN RWY 26R, AMDT 2. . .
11/15/00	CO	Pueblo	Pueblo Memorial	0/4221	ILS RWY 8L, AMDT 22A. . .
11/15/00	CO	Pueblo	Pueblo Memorial	0/4222	HI–ILS RWY 26R, AMDT 3. . .
11/14/00	MI	Detroit	Detroit Metropolitan Wayne County	0/4231	NDB or GPS RWY 3L, AMDT 10B. . .
11/15/00	NM	Santa Fe	Santa Fe Muni	0/4239	ILS RWY 2, AMDT 5. . .
11/16/00	FL	Orlando	Executive	0/4266	VOR/DME RWY 7, ORIG–B. . .
11/17/00	LA	Bunkie	Bunkie Muni	0/4296	VOR/DME or GPS–A, AMDT 5. . .
11/17/00	SC	Charleston	Charleston Executive	0/4285	VOR/DME RNAV RWY 9, AMDT 5A. . .

[FR Doc. 00–30524 Filed 11–29–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30217; Amdt. No. 2024]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is unspecified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional; Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment states the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include ''or GPS or FMS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove ''or GPS or FMS'' from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as ''RNAV'' will be redesignated as ''VOR/DME RNAV'' without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAP's are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Dated: Issued in Washington, DC on November 24, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

Effective January 25, 2001

Bastrop, LA, Bastrop/Morehouse Memorial, VOR/DME or GPS–A, Amdt 8, Cancelled
Bastrop, LA, Bastrop/Morehouse Memorial, VOR/DME–A, Amdt 8
Covington, LA, Covington/Greater St. Tammany, VOR/DME or GPS–A, Orig, Cancelled
Covington, LA, Covington/Greater St. Tammany, VOR/DME–A, Orig
Eunice, LA, Eunice, VOR/DME or GPS–A, Amdt 2, Cancelled
Eunice, LA, Eunice, VOR/DME–a, Amdt 2
Lake Charles, LA, Lake Charles Regional, VOR or GPS–A, Amdt 13, Cancelled
Lake Charles, LA, Lake Charles Regional, VOR–A, Amdt 13
Marksville, LA, Marksville Muni, VOR/DME or GPS–A, Amdt 3A, Cancelled
Marksville, LA, Marksville Muni, VOR/DME–A, Amdt 3A
Minden, LA, Minden-Webster, VOR/DME or GPS–A, Amdt 4A, Cancelled
Minden, LA, Minden-Webster, VOR/DME–A, Amdt 4A
New Roads, LA, New Roads/False River Airpark, VOR/DME or GPS–A, Amdt 3A, Cancelled
New Roads, LA, New Roads/False River Airpark, VOR/DME–A, Amdt 3A
Rayville, LA, Rayville/John H. Hooks Jr. Memorial, VOR/DME or GPS–A, Amdt 2, Cancelled
Rayville, LA, Rayville/John H. Hooks Jr. Memorial, VOR/DME–A, Amdt 2
Sulphur, LA, Sulphur/Southland Field, VOR/DME or GPS–A, Amdt 1, Cancelled
Sulphur, LA, Sulphur/Southland Field, VOR/DME–A, Amdt 1
Belen, NM, Belen/Alexander Muni, VOR/DME or GPS–A, Amdt 1, Cancelled
Belen, NM, Belen/Alexander Muni, VOR/DME–A, Amdt 1
Santa Fe, NM, Santa Fe Muni, VOR/DME or GPS–A, Amdt 1, Cancelled
Santa Fe, NM, Santa Fe Muni, VOR/DME–A, Amdt 1
Silver City, NM, Silver City/Grant County, VOR or GPS–A, Amdt 7A, Cancelled
Silver City, NM, Silver City/Grant County, VOR–A, Amdt 7A
Silver City, NM, Silver City/Grant County, VOR/DME or GPS–B, Amdt 3A, Cancelled
Silver City, NM, Silver City/Grant County, VOR/DME–B, Amdt 3A
Socorro, NM, Socorro Muni, VOR/DME or GPS–A, Orig–A, Cancelled
Socorro, NM, Socorro Muni, VOR/DME–A, Orig–A
Taos, NM, VOR/DME or GPS–B, Amdt 2B, Cancelled
Taos, NM, VOR/DME–B, Amdt 2B
Truth or Consequences, NM, Truth or Consequences Muni, VOR or GPS–A, Amdt 9A, Cancelled
Truth or Consequences, NM, Truth or Consequences Muni, VOR–A, Amdt 9A
Ada, OK, Ada Muni, VOR/DME or GPS–A, Orig–B, Cancelled
Ada, OK, Ada Muni, VOR/DME–A, Orig–B
Altus, OK, Altus Muni, VOR or GPS–A, Amdt 4, Cancelled
Altus, OK, Altus Muni, VOR–A, Amdt 4
Blackwell, OK, Blackwell-Tonkawa Muni, VOR or GPS–A, Amdt 3, Cancelled
Blackwell, OK, Blackwell-Tonkawa Muni, VOR–A, Amdt 3
Boise City, OK, Boise City, NDB or GPS–A, Amdt 1A, Cancelled
Boise City, OK, Boise City, NDB–A, Amdt 1A
Boise City, OK, Boise City, NDB–A, Amdt 1A
Buffalo, OK, Buffalo Muni, NDB or GPS–A, Amdt 1, Cancelled
Buffalo, OK, Buffalo Muni, NDB–A, Amdt 1
Chickasha, OK, Chickasha Muni, VOR/DME or GPS–A, Orig, Cancelled
Chickasha, OK, Chickasha Muni, VOR/DME–A, Orig
Claremore, OK, Claremore Regional, VOR/DME or GPS–A, Orig, Cancelled
Claremore, OK, Claremore Regional, VOR/DME–A, Orig
Claremore, OK, Claremore Regional, VOR/DME or GPS–B, Amdt 1, Cancelled
Claremore, OK, Claremore Regional, VOR/DME–B, Amdt 1
Madill, OK, Madill Muni, VOR/DME or GPS–A, Amdt 3, Cancelled
Madill, OK, Madill Muni, VOR/DME–A, Amdt 3
Oklahoma City, OK, Oklahoma City/Clarence E. Page Muni, VOR or GPS–B, Amdt 2, Cancelled
Oklahoma City, OK, Oklahoma City/Clarence E. Page Muni, VOR–B, Amdt 2
Oklahoma City, OK, Oklahoma City/Wiley Post, VOR or GPS–A, Amdt 2, Cancelled
Oklahoma City, OK, Oklahoma City/Wiley Post, VOR–A, Amdt 2
Okmulgee, OK, Okmulgee Muni, VOR or GPS–A, Orig, Cancelled
Okmulgee, OK, Okmulgee Muni, VOR–A, Orig
Sallisaw, OK, Sallisaw Muni, NDB or GPS–A, Amdt 1, Cancelled

Sallisaw, OK, Sallisaw Muni, NDB–A, Amdt 1
Sand Springs, OK, Sand Springs/William R. Pogue Muni, VOR or GPS–A, Amdt 1A, Cancelled
Sand Springs, OK, Sand Springs/William R. Pogue Muni, VOR–A, Amdt 1A
Tulsa, OK, Tulsa/Richard Lloyd Jones Jr., VOR/DME or GPS–A, Amdt 6, Cancelled
Tulsa, OK, Tulsa/Richard Lloyd Jones Jr., VOR/DME–A, Amdt 6
Watonga, OK, Watonga, VOR/DME or GPS–A, Amdt 2, Cancelled
Watonga, OK, Watonga, VOR/DME–A, Amdt 2
Woodward, OK, Woodward/West Woodward, VOR/DME or GPS–A, Amdt 6, Cancelled
Woodward, OK, Woodward/West Woodward, VOR/DME–A, Amdt 6
Abilene, TX, Abilene Regional, VOR or GPS–A, Amdt 8, Cancelled
Abilene, TX, Abilene Regional, VOR–A, Amdt 8A
Amarillo, TX, Amarillo/Tradewind, NDB or GPS–A, Amdt 14, Cancelled
Amarillo, TX, Amarillo/Tradewind, NDB–A, Amdt 14
Bay City, TX, Bay City Muni, VOR/DME or GPS–A, Amdt 4A, Cancelled
Bay City, TX, Bay City Muni, VOR/DME–A, Amdt 4A
Beaumont, TX, Beaumont Muni, VOR/DME or GPS RWY 13, Amdt 2, Cancelled
Beaumont, TX, Beaumont Muni, VOR/DME RWY 13, Amdt 2
Breckenridge, TX, Breckenridge/Stephens County, NDB or GPS–A, Amdt 1A, Cancelled
Breckenridge, TX, Breckenridge/Stephens County, NDB–A, Amdt 1A
Cleveland, TX, Cleveland Muni, VOR or GPS–A, Amdt 4, Cancelled
Cleveland, TX, Cleveland Muni, VOR–A, Amdt 4
Del Rio, TX, Del Rio Intl, VOR/DME or GPS–B, Amdt 4, Cancelled
Del Rio, TX, Del Rio Intl, VOR/DME–B, Amdt 4
Del Rio, TX, Del Rio Intl, VOR or GPS–A, Amdt 11, Cancelled
Del Rio, TX, Del Rio Intl, VOR–A, Amdt 11
Dumas, TX, Dumas/Moore County, VOR/DME or GPS–A, Amdt 6, Cancelled
Dumas, TX, Dumas/Moore County, VOR/DME–A, Amdt 6
Fort Stockton, TX, Fort Stockton-Pecos County, VOR/DME or GPS–A, Amdt 5A, Cancelled
Fort Stockton, TX, Fort Stockton-Pecos County, VOR/DME–A, Amdt 5A
George West, TX, George West/Live Oak County, VOR/DME or GPS–A, Amdt 1, Cancelled
George West, TX, George West/Live Oak County, VOR/DME–A, Amdt 1
Giddings, TX, Giddings-Lee County, VOR/DME or GPS–A, Amdt 3, Cancelled
Giddings, TX, Giddings-Lee County, VOR/DME–A, Amdt 3
Henderson, TX, Henderson/Rusk County, VOR/DME or GPS–A, Amdt 3A, Cancelled
Henderson, TX, Henderson/Rusk County, VOR/DME–A, Amdt 3A
Liberty, TX, Liberty Muni, VOR or GPS–A, Amdt 5, Cancelled
Liberty, TX, Liberty Muni, VOR–A, Amdt 5
Llano, TX, Llano Muni, VOR or GPS–A, Amdt 3, Cancelled
Llano, TX, Llano Muni, VOR–A, Amdt 3
Lubbock, TX, Lubbock Intl, VOR or GPS–A, Amdt 6, Cancelled
Lubbock, TX, Lubbock Intl, VOR–A, Amdt 6
McKinney, TX, McKinney Muni, VOR/DME or GPS–A, Orig–B, Cancelled
McKinney, TX, McKinney Muni, VOR/DME–A, Orig–B
Mexia, TX, Mexia-Limestone County, NDB or GPS–A, Amdt 3, Cancelled
Mexia, TX, Mexia-Limestone County, NDB–A, Amdt 3
Pampa, TX, Pampa/Perry Lefors Field, VOR/DME or GPS–A, Amdt 2, Cancelled
Pampa, TX, Pampa/Perry Lefors Field, VOR/DME–A, Amdt 2
Pleasanton, TX, Pleasanton Muni, NDB or GPS–A, Amdt 5A, Cancelled
Pleasanton, TX, Pleasanton Muni, NDB–A, Amdt 5A
Port Isabel, TX, Port Isabel-Cameron County, VOR/DME or GPS–B, Amdt 2A, Cancelled
Port Isabel, TX, Port Isabel-Cameron County, VOR/DME–B, Amdt 2A
Port Isabel, TX, Port Isabel-Cameron County, VOR or GPS–A, Amdt 5A, Cancelled
Port Isabel, TX, Port Isabel-Cameron County, VOR–A, Amdt 5A
San Antonio, TX, San Antonio Intl, VOR or GPS–A, Amdt 5, Cancelled
San Antonio, TX, San Antonio Intl, VOR–A, Amdt 5
Sulphur Springs, TX, Sulphur Springs Muni, VOR/DME or GPS–B, Amdt 6, Cancelled
Sulphur Springs, TX, Sulphur Springs Muni, VOR/DME–B, Amdt 6
Sulphur Springs, TX, Sulphur Springs Muni, VOR or GPS–A, Amdt 4, Cancelled
Sulphur Springs, TX, Sulphur Springs Muni, VOR–A, Amdt 4

[FR Doc. 00–30525 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, 135 and 145

[Docket No. 28293 (FAA–2000–7952)]

RIN 2120–AF71

Service Difficulty Reports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, notice of meeting.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public of a meeting to discuss public concerns with reporting requirements of the Service Difficulty Report (SDR) Final Rule, Docket No. 28293 (FAA–2000–7952)

DATES: The meeting will be held on December 11, 2000, 9 a.m. to 12 p.m. Arrangements for presentations must be made by December 6, 2000.

ADDRESSES: The meeting will be held at the FAA 3rd Floor Auditorium, 800 Independence Ave., SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Jose Figueroa, Federal Aviation Administration, AFS–300, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3797, fax (202) 267–5115.

SUPPLEMENTARY INFORMATION: The meeting will be held on December 11, 2000, from 9 a.m. to 12 p.m., at the FAA 3rd Floor Auditorium, Washington, DC. The agenda will include:

1. SDR Reporting Requirements
2. SDR Guidance Materials

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by December 6, 2000, to present oral statements at the meeting. If you are in need of assistance or require a reasonable accommodation for the meeting please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Washington, DC, on November 16, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

[FR Doc. 00–29792 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM98–1–001; Order No. 607–A]

Regulations Governing Off-the-Record Communications

Issued: November 21, 2000.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on rehearing and clarification.

SUMMARY: On September 15, 1999, the Federal Energy Regulatory Commission (Commission) issued a final rule (Order No. 607), revising its regulations governing off-the-record communications between persons outside the Commission and the Commission and its employees. The general framework established by the

rule remains the same. The order does, however, grant rehearing and clarification in instances where the suggested changes will improve the new procedures.

EFFECTIVE DATE: The regulations are effective January 2, 2001.

FOR FURTHER INFORMATION CONTACT: Samuel Soopper, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 (202) 208–0154.

SUPPLEMENTARY INFORMATION: This order addresses the requests for rehearing and clarification of the Commission's final rule (Order No. 607) revising its regulations governing off-the-record communications between persons outside the Commission and the Commission and its employees.[1] The general framework established by the rule remains the same. This order does, however, grant rehearing and clarification in instances where the suggested changes will improve the new procedures and contribute to ensuring that the final rule fulfills its intention to permit fully informed decisionmaking while ensuring the integrity of the Commission's decisionmaking process.

I. Background

In promulgating Order No. 607, the Commission recognized that its prior *ex parte* regulations had been difficult to interpret and apply, both by its own staff as well as private parties. As the result of a public conference held in March 1992, a general consensus developed favoring a revised rule that would provide the Commission, the public, the industries it regulates and interested governmental bodies with a clearer statement of what communications are prohibited and when the prohibitions apply. Additionally, the Commission recognized the benefits of enhancing its access to information from Federal and state agencies and other interested persons to the extent consistent with law and fair process.

On September 16, 1998, the Commission issued a Notice of Proposed Rulemaking (NOPR) to revise its procedural rules concerning communications between the Commission and its employees and persons outside the Commission.[2] The NOPR requested comments on the proposed changes to the Commission's procedural rules governing such communications.[3] Thirty-two commenters, representing the hydropower, electric power, and natural gas pipeline industries, as well as state and Federal resource agencies, filed comments generally supporting adoption of the rule as proposed in the NOPR.

The final rule promulgated by the Commission was based on the fundamental APA principles that are the foundation for the *ex parte* prohibition, and furthers the basic tenets of fairness: (1) a hearing is not fair when one party has private access to the decision maker and can present evidence or argument that other parties have no opportunity to rebut;[4] and (2) reliance on ''secret'' evidence may foreclose meaningful judicial review.[5] The final rule sets out when communications between the Commission and Commission staff and persons outside the Commission may take place off the record, and when such communications must take place on the record. The final rule also provided specific directions on how both prohibited and exempted off-the-record communications will be handled by the Secretary's office and how public notice of such communications will be made.

The final rule prohibits off-the-record communications made in a ''contested on-the-record proceeding,'' defined as ''any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, or any proceeding initiated by the Commission on its own motion or in response to a filing.'' Proceedings not covered by this rule include informal (*i.e.*, notice and comment) rulemaking proceedings under 5 U.S.C. 553; investigations under part 1b of the Commission's regulations; any other proceeding not having a ''party or parties,'' as defined in Rule 102 of the Commission Rules of Practice and Procedure;[6] and any proceeding in which no party disputes any material issues.

The final rule articulated seven exemptions to the general prohibition against off-the-record communications relevant to the merits of proceedings at the Commission: (1) communications expressly permitted by rule or order; (2) certain communications related to emergencies; (3) communications agreed to by all parties; (4) written communications from non-party elected officials; (5) certain communications with other Federal, state, local and Tribal agencies that are not parties; (6) certain communications related to preparation of National Environmental Policy Act (NEPA) documentation; and (7) communications with individual non-party landowners. Additionally, the final rule established notice and disclosure requirements for both prohibited and exempted communications, as well as sanctions for noncompliance with the rule.

Timely requests for rehearing and/or clarification of Order No. 607 were filed by Chevron Pipe Line Company (Chevron); Edison Electric Institute (EEI); Indicated Shippers;[7] Interstate Natural Gas Association of America (INGAA); Southern Company Services, Inc. (SCSI); and the United States Department of the Interior (Interior). Their requests for rehearing and/or clarification will be addressed below. The topic headings in the discussion section generally track those used in Order No. 607. In addition, the Commission, upon further consideration, has identified several implementation issues that require clarification of the rule, as discussed below.

II. Discussion

A. Definitions in the Final Rule

(1) Contested On-the-Record Proceeding

In the final rule, the Commission defined a ''contested on-the-record proceeding'' in Rule 2201(c)(1)(i) as follows:

> Except as provided in paragraph (c)(1)(ii) of this section, any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, or any proceeding initiated by the Commission on its own motion or in response to a filing. [8]

However, the general rule prohibiting off-the-record communications goes on to state that it applies to, *inter alia,* ''[c]omplaints initiated pursuant to rule

[1] Regulations Governing Off-the-Record Communications, Order No. 607, 64 FR 51222 (Sept. 15, 1999).

[2] Regulations Governing Off-the-Record Communications, 63 FR 51312 (Sept. 25, 1998); FERC Stats. & Regs. [Proposed Regulations 1988–1998] ¶ 32,534 (Sept. 16, 1998).

[3] The Commission sought comments notwithstanding that, because this is a procedural rule, no opportunity for comment is required by the Administrative Procedure Act (APA).

[4] *WKAT, Inc.* v. *FCC,* 296 F.2d 375 (D.C. Cir.), *cert. denied,* 360 U.S. 841 (1961).

[5] *Home Box Office, Inc.* v. *FCC,* 567 F.2d 9, 54 (D.C. Cir.), *cert denied,* 434 U.S. 829 (1977); *U.S. Lines* v. *Federal Maritime Commission,* 584 F.2d 519, 541–542 (D.C. Cir. 1978).

[6] 18 CFR 385.102 (2000). This would also include any proceeding that does not have a docket number.

[7] Indicated Shippers consist of Amoco Production Company, Amoco Energy Trading Corporation, Anadarko Petroleum Corporation, Chevron U.S.A. Inc., Exxon Corporation, Marathon Oil Company, and Shell Offshore Inc.

[8] 18 CFR 385.2201(c)(1)(i). Paragraph (c)(1)(ii) excludes from the definition notice-and-comment rulemakings under 5 U.S.C. 553, investigations under 18 CFR Part 1b, proceedings that do not have a party or parties, and any proceeding in which no party disputes any material issue. 18 CFR 385.2201(c)(1)(ii).

206 from the date of the filing of the complaint with the Commission.'' [9]

A. On rehearing, Chevron states that there is ''clear contradiction'' between these provisions, in that Rule 2201(c)(1)(i) as promulgated apparently does not include a complaint proceeding as a ''contested on-the-record proceeding'' until a response is filed, while Rule 2201(d)(1)(iii) prohibits *ex parte* communications from the date of the filing of the complaint.[10] Chevron requests that the Commission amend the definition of Rule 2201(c)(1)(i) to specifically include a complaint pursuant to Rule 206.

The Commission grants rehearing on this issue. We will resolve this inconsistency by amending Rule 2201(c)(1)(i) to read as follows:

Except as provided in paragraph (c)(1)(ii) of this section, any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, *any proceeding initiated pursuant to rule 206 by the filing of a complaint with the Commission,* or any proceeding initiated by the Commission on its own motion or in response to a filing.

B. Chevron also argues on rehearing that the definition established by Order No. 607 for ''off-the-record communication'' is too broad because it does not take into account that the Commission's complaint regulations ''allow both a complainant and a respondent to file information with the Commission that is not served on other parties to the proceeding pending execution of a protective agreement.'' [11] Chevron proposes that the Commission remedy this situation by adding an additional exemption to Rule 2201(e) for documents and information filed with the Commission with a request for privileged treatment, but not served on a party pending the execution of a protective agreement.

The Commission denies Chevron's request for rehearing on this issue. Rule 2201(e)(1)(i) specifically provides an exemption from the *ex parte* prohibitions of the rule for ''[a]n off-the-record communication permitted by law and authorized by the Commission.'' [12] Because requests for privileged treatment in a complaint proceeding are authorized by the Commission's regulations, it follows that they fall within this exemption and do not violate the *ex parte* rule. We further observe that a party requesting privileged treatment of documents under the Commission's rules, 18 CFR 388.112, is required to file a public version of any document for which such treatment is sought. Thus, the public will have notice of any such filing, which is consistent with the public notice provisions for exempt off-the-record communications established by Order No. 607, and can request access to the privileged information subject to the terms of an appropriate protective order.[13]

C. Interior argues on rehearing that Rule 2201(c)(1)(i) should require the Commission to provide notice that the *ex parte* rule has been triggered in specific proceedings. According to Interior, relying on the parties to determine whether the rule applies, based on whether an intervention renders a proceeding contested, is arbitrary and unduly burdensome.

The Commission denies rehearing. We do not believe that the rule places an undue burden on a person to ascertain from the face of a motion to intervene filed in a proceeding whether it is a mere formality or raises issues so as to render a proceeding ''contested.'' Under the Commission's regulations ''[a]ny motion to intervene must state, to the extent known, the position taken by the movant and the basis in fact and law for that position.'' [14] Further, any person who is uncertain of the significance of a particular motion to intervene can avoid the application of the *ex parte* rule simply by making his or her communication on the record.

(2) Relevant to the Merits

The final rule established that ''[p]rocedural inquiries, such as a request for information relating solely to the status of a proceeding,'' are not considered communications that are ''relevant to the merits'' of a proceeding for purposes of rule.[15] In discussing this provision in Order No. 607, we observed:

Although simple requests for action by a specific date or for expedited action may be viewed as not relevant to the merits, the Commission strongly encourages that any such requests be made in writing and on the record. [16]

A. On rehearing, Indicated Shippers object that this discussion represents a ''prohibition against timing communications * * * [that] will chill if not eliminate altogether legitimate inquiries into the timing of a Commission decision in a contested matter.'' [17] According to Indicated Shippers, this conclusion is contrary to the APA's exclusion of requests for status reports from its definition of prohibited *ex parte* communications,[18] as well as judicial and Commission precedent.[19] Indicated Shippers also believe that the Commission's position runs afoul of the stated goal of Order No. 607 to increase flexibility in communications.

The Commission denies rehearing. We reject the contention that this aspect of Order No. 607 or our interpretation of it runs afoul of either the APA or the precedent on which the Indicated Shippers rely. First, nothing in the APA is contrary to our view that a request for expedited action must be made on the record to properly lie before the Commission. The APA does not prohibit an agency from taking such a measure to ensure the orderly processing of its dockets. Neither, for that matter, does *Gulf Oil* or *Iroquois*.[20]

Furthermore, status reports, as referred to by the statute, refer to reports about events that have already occurred, not requests for future action by an agency. Nothing in the APA requires an agency to provide status reports to persons making such requests. In this regard, we observe that the Commission has a specific rule that the nature and timing of its proposed actions are ''confidential and shall not be divulged to anyone outside the Commission.'' [21]

B. While the NOPR had proposed an exemption for certain staff communications concerning compliance matters where the compliance issue is not a subject of the rehearing, the final rule did not include such an exemption. Rather, Rule 2201(c)(5)(iii) provides that ''relevant to the merits'' does not include ''[c]ommunications relating to

[9] 18 CFR 385.2201(d)(1)(iii).

[10] Chevron Rehearing at 2.

[11] *Id.* at 3 (citations omitted).

[12] 18 CFR 385.2201(e)(1)(i).

[13] 18 CFR 385.2201(h).

[14] 18 CFR 385.214(b)(1).

[15] 18 CFR 385.2201(c)(5)(i).

[16] 64 FR at 51226. Any such requests not formally filed with the Commission of course would not be entertained by the Commission.

[17] Indicated Shippers Request for Rehearing at 5–6.

[18] *Id.* at 6, citing 5 U.S.C. 551(14).

[19] *Id.*, citing *Gulf Oil Company* v. *FPC*, 563 F.2d 588, 611 (3rd Cir. 1977) (*Gulf Oil*) and Iroquois Gas Transmission System, L.P., 52 FERC ¶ 61,091 at 61,431 n.17, *on reh'g*, 53 FERC ¶ 61,194 (1990), *on reh'g*, 54 FERC ¶ 61,103 (1991) (*Iroquois*).

[20] In *Gulf Oil,* the court found that, on the facts before it, actions by some Members of Congress to have the Commission accelerate disposition of a case did not relate to the merits of the case and were insufficient under the circumstances presented to render the Commission's decision invalid. *Gulf Oil*, 563 F.2d at 610–612. The excerpt from *Iroquois* relied on by Indicated Shippers is taken from a General Counsel's ''Memorandum to the Record'' appended to the Commission's decision. This Memorandum discusses the applicability of the Commission's *ex parte* regulations that were then in place to the factual circumstances specific to that proceeding.

[21] 18 CFR 3c.3(b). This rule gives the Secretary of the Commission the exclusive responsibility for authorizing the initial public release of information concerning Commission proceedings.

compliance matters not the subject of an ongoing proceeding.'' [22]

Interior and Indicated Shippers object to the fact that the final rule does not cover communications concerning compliance with an order while a request for rehearing of the order is pending. Indicated Shippers allege that as it now stands, the parties who engage in such communications ''will have determined on their own, without notice or opportunity for challenge, that the compliance issue raised in the communication is unrelated to the rehearing issues.'' [23] In a similar vein, Interior complains that there may be ''legitimate disputes'' whether a compliance matter is the subject of an on-going proceeding, and that ''[t]he integrity of the Commission's processes'' should not be left to the judgment of licensee and Commission staff.[24]

The Commission denies rehearing on this issue.[25] In our view, it is both necessary and appropriate to rely on the judgment of decisional staff to properly resolve such questions. Indeed, the premise of the *ex parte* rule is that staff members will exercise their professional judgment in these matters. We believe that Rule 2201(c)(5)(iii) adequately balances our goal of permitting fully informed Commission decisions while ensuring the integrity of the decisional process.

B. Exempt Off-the-Record Communications

(1) Off-the-Record Communications Expressly Permitted by Rule or Order

The final rule exempts from its purview (and does not require disclosure of) off-the-record communications ''permitted by law and authorized by the Commission.'' [26] In Order No. 607, the Commission interpreted this exemption as being limited to a situation in which there is ''specific statutory authority permitting or directing interagency consultations to take place on an *ex parte* basis.'' [27] The Commission concluded that the Endangered Species Act (ESA) does not specify that the interagency consultations it requires take place on an *ex parte* basis, and that such consultations thus do not fall under the purview of this exemption.

Interior requests rehearing on this issue, claiming that the Commission neither cited authority nor provided an analysis for its limitation of Rule 2201(e)(1)(i)'s exemption to statutes specifically permitting *ex parte* communications. Interior asserts that as with interagency consultations under NEPA, off-the-record communications subject to disclosure would ''support the goals'' of the ESA, facilitate statutorily-required consultation between agencies, and accord sufficient weight to the ''unique roles'' of the consulting agencies and their relationship with the Commission.[28]

The Commission denies Interior's request for rehearing. As discussed in the NOPR as well as Order No. 607,[29] limiting the exemption for off-the-record communications expressly permitted by rule or order to situations where there is specific statutory authority for such *ex parte* contacts is fully consistent with the APA. There is nothing in the ESA that suggests that required consultations should occur *ex parte*, and, as a matter of practice, the Commission has found that conducting interagency consultations in noticed meetings has not interfered with ESA compliance.

As Order No. 607 discussed, we view the process under NEPA as providing its own procedural assurances of notice, opportunity for comment, and record development, thus justifying a separate exemption to permit the Commission to develop an environmental record consistent with NEPA procedures. The ESA does not require the same opportunities for notice and comment. We will continue to have ESA consultation subject to notice. We have found this practice workable, and we are committed to making it as effective as possible. Finally, we note that the rule includes an exemption permitting off-the-record consultations in certain circumstances with non-party agencies under the ESA and other statutes.[30]

(2) Off-the-Record Communications Related to Emergencies

Order No. 607 established an exemption for off-the-record communications ''made by a person outside of the agency related to an emergency,'' subject to the disclosure requirement of 385.2201(g).[31] In promulgating this exemption, we acknowledged the concern of some commenters that permitting off-the-record communications during economic emergencies could have an adverse effect on regulated markets in the context of a contested proceeding, and agreed that such emergencies could be dealt with by the Commission's investigative powers. Nonetheless, we concluded that ''especially with regard to emergencies affecting a regulated entity's ability to deliver energy, it is imperative that, in the face of an emergency, it may initiate communications'' with the Commission without fear of violating the prohibition on off-the-record communications.[32]

A. Indicated Shippers request rehearing of our decision to include off-the-record communications regarding economic emergencies (as opposed to such physical emergencies as natural disasters and equipment failures) within this exemption. Indicated Shippers assert that Order No. 607 fails to address ''the problems inherent in defining when an economic situation is harmful to a participant in a contested proceeding, and when it is an 'emergency.' '' [33] They also argue that modern communications capabilities render it ''difficult to envision an economic emergency'' that would preclude a party in a contested proceeding from filing an emergency communication and serving it on the parties.[34]

The Commission finds the Indicated Shippers' reasoning on this issue persuasive. We therefore hold that Rule 2201(e)(1)(ii) does not apply to emergencies that are solely economic in nature, but only to physical emergencies involving injury or threat of injury to persons, property or the environment. We further clarify that this exemption does not apply only to such disasters as earthquakes, floods and explosions, but to any physical emergency at a regulated facility or project or a facility that provides regulated services (such as electric generation and transmission facilities). Emergency actions may be necessary at a hydroelectric project, for example, to protect turbine blades from injury, to provide emergency flows to protect some species of fish in the case of a clogged minimum flow pipe, or to draw down a reservoir in case of extreme high flow events. Similarly, emergency actions might be necessary to protect the reliability of the electric transmission grid. Thus, we will amend the text of the final rule to limit this

[22] 18 CFR 385.2201(c)(5)(iii).

[23] Indicated Shippers Request for Rehearing at 7.

[24] Interior Request for Rehearing at 8.

[25] It is worth noting that the concerns raised by Interior are by and large limited to the hydroelectric project context. Compliance filings arising from gas and electric cases are routinely docketed, so that service on the parties is required.

[26] 18 CFR 385.2201(e)(1)(i).

[27] 64 FR at 51227.

[28] Interior Request for Rehearing at 5. We note that in spite of the way in which Interior frames its argument, communications under NEPA are not governed by exemption (e)(1)(i), but rather by exemption (e)(1)(vi).

[29] 64 FR at 51227 & n.48, citing 63 FR at 51312, 51316.

[30] 18 CFR 385.2201(e)(1)(v).

[31] 18 CFR 385.2201(e)(1)(ii).

[32] 64 FR at 51227.

[33] Indicated Shippers Request for Rehearing at 4.

[34] *Id.*

exemption to physical emergencies, and to clarify that it applies to any physical emergency at a regulated facility or a facility that provides a regulated service.

B. Upon reflection, the Commission believes that another aspect of Rule 2201(e)(1)(ii) requires revision. Under the emergency exemption as promulgated by Order No. 607, a member of Commission staff could be in violation of the final rule if, for example, he or she must telephone a hydroelectric licensee to resolve emergency flow conditions at a project while a licensing action is pending where such flow conditions are at issue. While emergency situations occurring during the license or certificate processes are not the norm, the Commission believes that it makes sense to ensure that the communications between the staff and the regulated parties are free and open in such situations, regardless of who happens to initiate the communication. Of course, any communication under this exemption, whether made from inside or outside of the agency, is subject to the disclosure requirement of Rule 2201(g)(1) and will be placed in the decisional record.

We therefore will amend 18 CFR 385.2201(e)(1)(ii) to delete the language ''made by a person outside the agency.''

(3) Off-the-Record Communications with Other Federal, State, Local and Tribal Agencies

Under Rule 2201(e)(1)(v), certain off-the-record communications between the Commission and other governmental agencies are permitted, subject to disclosure:

> An off-the-record communication to or from a Federal, state, local or Tribal agency that is not a party in the Commission proceeding, subject to disclosure under paragraph (g) of this section, if the communication involves:
>
> (A) an oral or written request for information made by the Commission or Commission staff; or
>
> (B) a matter over which the Federal, state, local, or Tribal agency and the Commission share jurisdiction, including authority to impose or recommend conditions in connection with a Commission license, certificate, or exemption.[35]

SCSI, EEI and Interior request rehearing on different aspects of this exemption. At the outset, however, the Commission believes a change in the language of subpart (A) is necessary to clarify our intent that, as to requests for information made by the Commission or Commission staff, the request itself is not covered by the rule because it is not relevant to the merits of a contested proceeding. However, any response to such a request is covered by the rule, subject to this exemption and the disclosure requirement. We will therefore change the language of subpart (A) to refer to ''an oral or written response to a request for information made by the Commission or Commission staff.''

A. Both SCSI and EEI take issue with the idea that the Commission ''shares jurisdiction'' with resource agencies under the FPA.

We grant rehearing of the contention of SCSI and EEI that the Commission does not ''share jurisdiction'' with resource agencies under the licensing provisions of the FPA. Rather, it is more accurate to refer to non-party agencies that have regulatory responsibilities with respect to particular matters before the Commission, and we will amend the regulatory provision accordingly.

B. Additionally, SCSI and EEI generally object to Rule 2201(e)(1)(v), arguing that off-the-record communications with non-party agencies should be prohibited in licensing proceedings. More specifically, SCSI argues that this exemption, even with disclosure, exceeds the Commission's statutory authority and violates the *ex parte* provisions of the APA ''by creating a blanket exemption allowing non-party, governmental agencies not otherwise authorized by law to make prohibited off-the-record communications.''[36] According to SCSI, the APA does not provide ''a generic exemption for interested officials'' of governmental agencies, who must be considered ''interested persons outside the agency'' to whom the APA's *ex parte* provisions thus apply.[37]

The Commission denies the requests for rehearing of SCSI and EEI that this exemption cannot stand. We believe that the fact that this exemption is subject to the disclosure requirement protects the due process rights of parties to a proceeding. We disagree that this procedure, with its disclosure requirement, runs afoul of the APA. While such officials of non-party agencies may be ''interested persons'' for purposes of the APA, the disclosure process established by the rule sufficiently protects the rights of the parties to a contested proceeding from jeopardy, while recognizing the need for cooperation between governmental agencies and the development of cohesive government policy. We believe this approach is consistent with the court's view in *PATCO*:

> Congress sought to establish common-sense guidelines to govern ex parte contacts in administrative hearings, rather than rigidly defined and woodenly applied rules. The disclosure of ex parte communications serves two distinct interests. Disclosure is important in its own right to prevent the appearance of impropriety from secret communications in a proceeding that is required to be decided on the record. Disclosure is also important as an instrument of fair decisionmaking; only if a party knows the arguments presented to a decisionmaker can the party respond effectively and ensure that its position is fairly considered.[38]

In our view, the final rule's exemption for non-party agencies, subject to a disclosure requirement, is such a common-sense approach to balancing the competing interests at issue here. In this context, it also bears emphasis that our experience with the rule in the year since it has been promulgated indicates that the Commission staff has been prompt in submitting notices of exempt or prohibited communications to the Secretary's office, thus ensuring timely disclosure to affected parties.

C. SCSI believes that the disclosure requirement is insufficient in that agencies can later become parties to a proceeding, and suggests that Rule 2201(e)(1)(v) gives them ''strategic advantages * * * to wait to subject themselves to the strictures of Rule 2201 by intervening formally at the last possible minute.''[39] EEI expresses similar concerns.

We do not believe such concerns are warranted. Under Rule 214(d) of the Commission's Rules of Practice and Procedure, the existing parties to a contested proceeding have an opportunity to oppose a motion for late intervention, and the decision whether to grant such a motion is a matter committed to the Commission's sound discretion, based on, *inter alia*, whether the movant can demonstrate good cause to be permitted to intervene late, and whether permitting late intervention might result in prejudice to the existing parties.[40] This procedural mechanism provides a sufficient safeguard against an agency attempting to unfairly manipulate the system.[41]

D. Finally, Interior challenges this provision of the *ex parte* rule from the opposite perspective, arguing that the Commission should expand the

[35] 18 CFR 385.2201(e)(v).

[36] SCSI Request for Rehearing at 12.

[37] *Id.* at 13. In this regard, SCSI relies on PATCO v. FLRA II, 685 F.2d 547, 562–63 (D.C. Cir. 1982) (*PATCO*) and *Portland Audubon Society* v. *Endangered Species Committee*, 984 F.2d 1534 (9th Cir. 1993).

[38] 685 F.2d at 563.

[39] SCSI Request for Rehearing at 8.

[40] 18 CFR 385.214(d)(i) and (d)(iv).

[41] Similarly, Commission policy prevents a cooperating agency under NEPA from subsequently intervening in a proceeding, to the prejudice of other parties. *See* n.50, *supra*.

exemption for off-the-record communications to include agencies that are parties to contested proceedings. Interior asserts that the Commission ''provided no basis for its assertion that the public interest does not favor the free flow of information when an agency is also a party.'' [42]

The Commission denies rehearing. We believe that such an approach conflicts with fundamental fairness contemplated by the restrictions on *ex parte* communications established by the APA. Moreover, we find that such an approach adds little to the free flow of information that can occur on the record, while threatening to prejudice, or to appear to prejudice, the due process rights of other parties to a contested proceeding.

(4) Off-the-Record Communications Relating to NEPA Documentation

The final rule includes a specific exemption (subject to disclosure) for certain communications relating to NEPA documents:

(vi) An off-the-record communication, subject to disclosure under paragraph (g) of this section, that relates to:

(A) The preparation of an environmental impact statement if communications occur prior to the issuance of the final environmental impact statement; or

(B) The preparation of an environmental assessment where the Commission has determined to solicit public comment on the environmental assessment, if such communications occur prior to the issuance of the final environmental document.[43]

SCSI and INGAA seek rehearing of certain aspects of this exemption.

A. SCSI attacks the exemption's application to preparation of an EA in cases where the Commission solicits public comment on the ground that ''[p]ublic participation does not justify or support exempting communications related to the preparation of an EA (whatever that might encompass).'' [44] SCSI also objects to the exemption permitting off-the-record communications in assessing whether an applicant has complied with all relevant environmental statutes during the term of its license.

We deny SCSI's request for rehearing on this issue. In our view, the exemption strikes an appropriate balance: The rights of the parties to a licensing proceeding are adequately protected by the combination of public participation in the EA and EIS process and the disclosure requirement for the off-the-record communications, while at the same time the exemption promotes communications which ''may assist in the development of sound environmental analysis.'' [45]

B. SCSI further contends that allowing the off-the-record communications to be exchanged until the issuance of the final EA or EIS is unfair to the parties in a contested licensing proceeding because ''more often than not'' those documents are issued simultaneously with the Commission's final order.[46] In SCSI's view, this limits a party to seeking rehearing or reconsideration of substantive issues, procedures ''wholly unsuited for submitting substantive evidence and argument that the applicant was in compliance with any or all relevant statutes.'' [47] INGAA likewise expresses concern that pursuant to this provision, ''information that may affect either the EIS or the EA will not be disclosed to all parties in a timely manner.'' [48]

The Commission is cognizant of the concerns raised by SCSI and INGAA that parties must have adequate time to respond once off-the-record communications are disclosed. However, we see no need to grant rehearing with respect to Rule 2201(e)(1)(vi)'s exemption for NEPA-related documents on this basis. Rather, the Commission does not anticipate that such timing problems will arise in licensing proceedings, because we will not issue an order without first giving the applicant ample opportunity to respond to an off-the-record communication relied upon in the order. In most cases, this opportunity will be provided by the Commission's issuing a final NEPA document with its description and responses to comments prior to the issuance of a final order. Where the final NEPA document and the final order are issued simultaneously, the staff will ensure that disclosure of off-the-record communications is completed in advance. Finally, a request for rehearing is always available to a party as a due process safeguard in the event that a problem arises with respect to timely disclosure that the Commission has not foreseen in promulgating this rule.

C. Rule 2201(g), governing disclosure of exempt off-the-record communications, establishes an exception to the disclosure requirement where the ''communication was with a cooperating agency as described in 40 CFR 1501.6, made under paragraph (e)(1)(v) of this section [relating to off-the-record communications to or from non-party agencies]'' [49]

EEI, INGAA and SCSI seek rehearing concerning this provision, contending that while the Commission stated in Order No. 607 that the exemption is limited to cooperating agencies under NEPA, the rule as promulgated contains no such limitation.

The provision at 40 CFR 1501.6 is a Council on Environmental Quality Regulation dealing expressly with NEPA and the role of cooperating agencies in the NEPA process. The Commission clarifies that the term cooperating agency as used in Rule 2201(g) is limited, by definition, to the context of NEPA.[50]

C. Handling and Notice of Off-the-Record Communications

The final rule established a requirement that the Secretary of the Commission issue a public notice, at least as often as once every 14 days, concerning the receipt of any off-the-record communications, whether prohibited or exempt.[51] For prohibited communications, the notice will disclose the particulars of the communication (identity of the maker, date of receipt by the Commission, docket number of the proceeding to which it relates), and state that the communication will not be considered by the Commission.[52] For exempt off-the-record communications which fall under Rule 2201(g), the Secretary is only required to list the communications or summaries of the communications.

EEI, Indicated Shippers and SCSI contest certain aspects of these provisions on rehearing.

A. EEI asserts that while the preamble to the rule in Order No. 607 indicated that notice of exempt off-the-record communications would include ''prompt electronic notice through an

[42] Interior Request for Rehearing at 6.

[43] 18 CFR 385.2201(e)(1)(vi)(A) and (B).

[44] SCSI Request for Rehearing at 10.

[45] 64 FR at 51229.

[46] SCSI Request for Rehearing at 11.

[47] *Id.* at 12.

[48] INGAA Request for Rehearing at 3.

[49] 18 CFR 385.2201(g).

[50] Both EEI and SCSI question whether the exclusion in subpart (g) should properly refer to communications made under paragraph (e)(1)(vi), the NEPA exemption, rather than paragraph (e)(1)(v), the exemption for non-party agencies. The rule correctly refers to paragraph (e)(1)(v), as it is meant to apply only where the cooperating agency is not a party. Commission policy prevents an agency that has served as a cooperating agency from subsequently intervening in a proceeding. *See* Rainsong Company, 79 FERC ¶ 61,338 at p. 62,457 n. 18 (1997); Order No. 596, Regulations for the Licensing of Hydroelectric Projects, III FERC Stats. and Regs. Preambles, ¶ 31,057 at 30,644 (1997). Thus, the intervention opportunity provided for in the Commission's environmental regulations, accepting as timely those motions to intervene that are filed within the comment period for a draft EIS, could not be used to circumvent this policy. *See* 18 CFR 380.10(a).

[51] 18 CFR 385.2201(h).

[52] 18 CFR 385.2201(h)(1).

electronic service list,'' the text of Rules 2201(f) and (g) does not reflect that copies of off-the-record communications, or even notice of such communications, will be individually served on the parties to the proceeding.[53] EEI requests the Commission to clarify that under the rule such communications ''will be promptly and directly served on the parties, or at least that the documents will be promptly posted on the Commission's website and the parties will be promptly notified on an individual basis.'' [54]

The Commission rejects EEI's request. The text of the final rule limits public notice to that made by the Secretary's office and does not require individual service to parties in a proceeding. Rather, notice of off-the-record communications will be placed on the public record in the **Federal Register**. To the extent the language in the preamble on which EEI relies appears to indicate a contrary view, we hereby disavow that language.

B. EEI asserts that mere posting by the Secretary every 14 days ''may not be rapid enough'' notice in ''time sensitive proceedings.'' [55] SCSI makes a related argument, contending that the 14-day notice provision provides insufficient time to allow a hydroelectric license applicant to respond to exempt communications to or from a non-party agency under Rule 2201(e)(1)(v)(A).[56]

The Commission rejects the arguments of EEI and SCSI that the notice provisions of the rule are insufficient. The Commission continues to believe, as discussed in the preamble to the final rule, that the posting of prohibited or exempt communications at least every 14 days will provide sufficient notice. All prohibited and exempt communications covered by the rule will be available in the Commission's electronic records system in the affected docket as soon as they are processed by the Secretary's office. Parties to proceedings may routinely check the dockets in the proceedings if they are concerned that a 14-day notice will not provide sufficient time.

In any event, the Commission observes that the rule establishes the minimum required notice, and that it will resolve individual situations on a case-by-case basis. Thus, if the Commission believes that the 14-day notice period is insufficient in a particular case, it retains the discretion to have the Secretary post the information on a more timely basis, or even to provide personal notice to the parties in the rare circumstances where, in its judgment, this is necessary to prevent prejudice to the participants in a proceeding governed by the *ex parte* communications rule.

C. Indicated Shippers assert that the notice disclosing an *ex parte* communication should identify the recipient of a communication, which it believes could be significant information for parties considering whether to seek to have the recipient recused. We reject as unnecessary Indicated Shippers' request that the rule be amended to require disclosure of the identity of the recipient of an off-the-record communication as unnecessary. As a general matter, written *ex parte* communications will ordinarily include the names of the sender and the addressee, as would a memorandum or written summary memorializing an oral off-the-record communication. More importantly, we do not agree that such information is of crucial significance to the parties. Under the rule, such off-the-record communications will be placed in the administrative record of a proceeding for all to see. In any event, in the case of a prohibited communication, the remedy protecting the interests of the affected parties is for the Commission not to rely on the communication in reaching its decision.

D. Other Issues

Upon reflection, the Commission believes that it would be helpful to clarify that the reference to ''person'' in the definition of the ''General rule prohibiting off-the-record communications'' employed the definition of ''person'' found in the general definitions applicable to the Commission's Rules of Practice and Procedure, which excludes the Commission and its employees.[57] As the rule now stands, it states that

> Except as permitted in paragraph (e) of this section, in any contested on-the-record proceeding, no person shall make or knowingly cause to be made to any decisional employee, and no decisional employee shall make or knowingly cause to be made to any person, any off-the-record communication.[58]

We are changing the references to ''person'' to ''person outside the Commission,'' to make clear that the rule applies only to communications between those outside the agency and the Commission's decisional employees. Communications within the Commission are generally governed by the separation of functions rule.[59]

The Commission recognizes that both the *ex parte* rule as well as the separation of functions rule have an impact on the manner in which it will conduct its market monitoring and oversight responsibilities. As our market monitoring and oversight program evolves, with the transition of energy industries to competitive markets, the Commission may in the future determine that changes in either or both of these rules are necessary in order for it to adequately conduct these responsibilities.

We further observe that while the rule uses the term ''off-the-record'' interchangeably with ''*ex parte*,'' there are situations where ''off-the-record'' communications are clearly not of an *ex parte* nature and not prohibited by the rule. For example, technical and settlement conferences under Subpart F of the Commission's regulations are off the record in that no transcript is kept, but all parties receive notice and can attend. Because discussions at these conferences are open to all participants, they are not barred by the rule. The rule does apply, however, to any private or ''sidebar'' conversations between participants and Commission staff that are relevant to the merits of pending contested matters, occurring during the course of the conference.

Additionally, we have made a few minor editorial changes in the regulatory text for the sake of clarity.

III. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.fed.us*) and on FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) as 888 First Street, N.E., Room 2A, Washington, DC 20426.

[53] EEI Request for Rehearing at 5–6, quoting 64 FR at 51233.

[54] *Id.* at 6.

[55] *Id.*

[56] SCSI also claims that the notice provision may negatively affect protocols entered into by the parties under the Alternative Licensing Process (ALP), if participants are unwilling to agree to time or disclosure requirements that vary from Rule 2201(g). However, the rule prohibiting off-the-record communications do not apply to the ALP, because the alternative procedures occur before a license application is filed, prior to any ''proceeding'' at the Commission. Moreover, SCSI may negotiate terms for communication it determines to be appropriate within the context of each ALP.

[57] 18 CFR 385.102(d).

[58] 18 CFR 385.2201(b).

[59] 18 CFR 385.2202. For example, the separation of functions rule addresses certain internal communications between decisional staff and staff involved in litigated proceedings or certain investigatory proceedings.

From FERC's Home Page in the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and RIMS.

—CIPS provides access to texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed using the CIPS link or the Energy Information Online icon. The full text of this document is available on CIPS in ASCII and WordPerfect 8 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the FERC Website during normal business hours from our Help line at (202) 208–2222 (E-mail to *WebMaster@ferc.fed.us*) or the Public Reference at (202) 208–1371 (E-Mail to *public.referenceroom@ferc.fed.us*).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

For the reasons discussed in the body of this order, we deny in part and grant in part Indicated Shippers' request for rehearing of Order No. 608.

IV. Effective Date

Changes to Order No. 607 made in this order on rehearing will become effective on January 2, 2001.

List of Subjects in 18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, and Reporting and record keeping requirements.

By the Commission.

David P. Boergers,

Secretary.

In consideration of the foregoing, the Commission amends Part 385, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

PART 385—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for Part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

2. Section 385.2201 is revised to read as follows:

§ 385.2201 Rules governing off-the-record communications (Rule 2201).

(a) *Purpose and scope.* This section governs off-the-record communications with the Commission in a manner that permits fully informed decision making by the Commission while ensuring the integrity and fairness of the Commission's decisional process. This rule will apply to all contested on-the-record proceedings, except that the Commission may, by rule or order, modify any provision of this subpart, as it applies to all or part of a proceeding, to the extent permitted by law.

(b) *General rule prohibiting off-the-record communications.* Except as permitted in paragraph (e) of this section, in any contested on-the-record proceeding, no person outside the Commission shall make or knowingly cause to be made to any decisional employee, and no decisional employee shall make or knowingly cause to be made to any person outside the Commission, any off-the-record communication.

(c) *Definitions.* For purposes of this section:

(1) *Contested on-the-record proceeding* means

(i) Except as provided in paragraph (c)(1)(ii), any proceeding before the Commission to which there is a right to intervene and in which an intervenor disputes any material issue, any proceeding initiated pursuant to rule 206 by the filing of a complaint with the Commission, or any proceeding initiated by the Commission on its own motion or in response to a filing.

(ii) The term does not include notice-and-comment rulemakings under 5 U.S.C. 553, investigations under part 1b of this chapter, proceedings not having a party or parties, or any proceeding in which no party disputes any material issue.

(2) *Contractor* means a direct Commission contractor and its subcontractors, or a third-party contractor and its subcontractors, working subject to Commission supervision and control.

(3) *Decisional employee* means a Commissioner or member of his or her personal staff, an administrative law judge, or any other employee of the Commission, or contractor, who is or may reasonably be expected to be involved in the decisional process of a proceeding, but does not include an employee designated as part of the Commission's trial staff in a proceeding, a settlement judge appointed under Rule 603, a neutral (other than an arbitrator) under Rule 604 in an alternative dispute resolution proceeding, or an employee designated as being non-decisional in a proceeding.

(4) *Off-the-record communication* means any communication relevant to the merits of a contested on-the-record proceeding that, if written, is not filed with the Secretary and not served on the parties to the proceeding in accordance with Rule 2010, or if oral, is made without reasonable prior notice to the parties to the proceeding and without the opportunity for such parties to be present when the communication is made.

(5) *Relevant to the merits* means capable of affecting the outcome of a proceeding, or of influencing a decision, or providing an opportunity to influence a decision, on any issue in the proceeding, but does not include:

(i) Procedural inquiries, such as a request for information relating solely to the status of a proceeding, unless the inquiry states or implies a preference for a particular party or position, or is otherwise intended, directly or indirectly, to address the merits or influence the outcome of a proceeding;

(ii) A general background or broad policy discussion involving an industry or a substantial segment of an industry, where the discussion occurs outside the context of any particular proceeding involving a party or parties and does not address the specific merits of the proceeding; or,

(iii) Communications relating to compliance matters not the subject of an ongoing proceeding.

(d) *Applicability of prohibitions.*

(1) The prohibitions in paragraph (b) of this section apply to:

(i) Proceedings initiated by the Commission from the time an order initiating the proceeding is issued;

(ii) Proceedings returned to the Commission on judicial remand from the date the court issues its mandate;

(iii) Complaints initiated pursuant to rule 206 from the date of the filing of the complaint with the Commission, or from the date the Commission initiates an investigation (other than an investigation under part 1b of this chapter) on its own motion; and

(iv) All other proceedings from the time of the filing of an intervention

disputing any material issue that is the subject of a proceeding.

(2) The prohibitions remain in force until:

(i) A final Commission decision or other final order disposing of the merits of the proceeding is issued; or, when applicable, after the time for seeking rehearing of a final Commission decision, or other final order disposing of the merits, expires;

(ii) The Commission otherwise terminates the proceeding; or

(iii) The proceeding is no longer contested.

(e) *Exempt off-the-record communications.*

(1) Except as provided by paragraph (e)(2), the general prohibitions in paragraph (b) of this section do not apply to:

(i) An off-the-record communication permitted by law and authorized by the Commission;

(ii) An off-the-record communication related to any emergency concerning a facility regulated by the Commission or a facility that provides Commission-regulated services, involving injury or threat of injury to persons, property, or the environment, subject to disclosure under paragraph (g) of this section;

(iii) An off-the-record communication provided for in a written agreement among all parties to a proceeding that has been approved by the Commission;

(iv) An off-the-record written communication from a non-party elected official, subject to disclosure under paragraph (g) of this section;

(v) An off-the-record communication to or from a Federal, state, local or Tribal agency that is not a party in the Commission proceeding, subject to disclosure under paragraph (g) of this section, if the communication involves:

(A) an oral or written response to a request for information made by the Commission or Commission staff; or

(B) a matter before the Commission in which a Federal, state, local, or Tribal agency has regulatory responsibilities, including authority to impose or recommend conditions in connection with a Commission license, certificate, or exemption;

(vi) An off-the-record communication, subject to disclosure under paragraph (g) of this section, that relates to:

(A) The preparation of an environmental impact statement if communications occur prior to the issuance of the final environmental impact statement; or

(B) The preparation of an environmental assessment where the Commission has determined to solicit public comment on the environmental assessment, if such communications occur prior to the issuance of the final environmental document.

(vii) An off-the-record communication involving individual landowners who are not parties to the proceeding and whose property would be used or abuts property that would be used by the project that is the subject of the proceeding, subject to disclosure under paragraph (g) of this section.

(2) Except as may be provided by Commission order in a proceeding to which this subpart applies, the exceptions listed under paragraph (e)(1) will not apply to any off-the-record communications made to or by a presiding officer in any proceeding set for hearing under subpart E of this part.

(f) *Treatment of prohibited off-the-record communications.*

(1) *Commission consideration.* Prohibited off-the-record communications will not be considered part of the record for decision in the applicable Commission proceeding, except to the extent that the Commission by order determines otherwise.

(2) *Disclosure requirement.* Any decisional employee who makes or receives a prohibited off-the-record communication will promptly submit to the Secretary that communication, if written, or a summary of the substance of that communication, if oral. The Secretary will place the communication or the summary in the public file associated with, but not part of, the decisional record of the proceeding.

(3) *Responses to prohibited off-the-record communications.* Any party may file a response to a prohibited off-the-record communication placed in the public file under paragraph (f)(2) of this section. A party may also file a written request to have the prohibited off-the-record communication and the response included in the decisional record of the proceeding. The communication and the response will be made a part of the decisional record if the request is granted by the Commission.

(4) *Service of prohibited off-the-record communications.* The Secretary will instruct any person making a prohibited written off-the-record communication to serve the document, pursuant to Rule 2010, on all parties listed on the Commission's official service list for the applicable proceeding.

(g) *Disclosure of exempt off-the-record communications.*

(1) Any document, or a summary of the substance of any oral communication, obtained through an exempt off-the-record communication under paragraphs (e)(1)(ii), (iv), (v), (vi) or (vii) of this section, promptly will be submitted to the Secretary and placed in the decisional record of the relevant Commission proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under paragraph (e)(1)(v) of this section.

(2) Any person may respond to an exempted off-the-record communication.

(h) *Public notice requirement of prohibited and exempt off-the-record communications.*

(1) The Secretary will, not less than every 14 days, issue a public notice listing any prohibited off-the-record communications or summaries of the communication received by his or her office. For each prohibited off-the-record communication the Secretary places in the non-decisional public file under paragraph (f)(1) of this section, the notice will identify the maker of the off-the-record communication, the date the off-the-record communication was received, and the docket number to which it relates.

(2) The Secretary will not less than every 14 days, issue a public notice listing any exempt off-the-record communications or summaries of the communication received by the Secretary for inclusion in the decisional record and required to be disclosed under paragraph (g)(1) of this section.

(3) The public notice required under this paragraph (h) will be posted in accordance with § 388.106 of this chapter, as well as published in the **Federal Register**, and disseminated through any other means as the Commission deems appropriate.

(i) *Sanctions.*

(1) If a party or its agent or representative knowingly makes or causes to be made a prohibited off-the-record communication, the Commission may require the party, agent, or representative to show cause why the party's claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the prohibited off-the-record communication.

(2) If a person knowingly makes or causes to be made a prohibited off-the-record communication, the Commission may disqualify and deny the person, temporarily or permanently, the privilege of practicing or appearing before it, in accordance with Rule 2102 (Suspension).

(3) Commission employees who are found to have knowingly violated this rule may be subject to the disciplinary actions prescribed by the agency's administrative directives.

(j) *Section not exclusive.*

(1) The Commission may, by rule or order, modify any provision of this section as it applies to all or part of a proceeding, to the extent permitted by law.

(2) The provisions of this section are not intended to limit the authority of a decisional employee to decline to engage in permitted off-the-record communications, or where not required by any law, statute or regulation, to make a public disclosure of any exempted off-the-record communication.

3. The title to Section 385.2202 is revised to read as follows:

§ 385.2202 Separation of functions (Rule 2202).

[FR Doc. 00–30241 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 8908]

RIN 1545–AV84

Disclosure of Return Information to the Bureau of the Census

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to additions to, and deletions from, the list of items of information disclosed to the Bureau of the Census for use in certain statistical programs. These regulations reflect agreement between the IRS and the Bureau of the Census as to items of business tax information needed to more effectively meet the Bureau of the Census' program objectives with respect to existing economic programs.

DATES: *Effective Date:* These regulations are effective on November 30, 2000.

Applicability Date: For the date of applicability, see § 301.6103(j)(1)–1(e).

FOR FURTHER INFORMATION CONTACT: Stuart Murray, (202) 622–4570 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1999, a temporary regulation (TD 8811) relating to disclosure of return information to the Bureau of the Census was published in the **Federal Register** (64 FR 3631). A notice of proposed rulemaking (REG–121806–97) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (64 FR 3669). No public hearing was requested or held. No written or electronic comments responding to the notice of proposed rulemaking were received. Accordingly, the proposed regulations are adopted as revised by this Treasury decision, and the corresponding temporary regulations are removed.

The regulations proposed by REG–121806–97 are adopted by this Treasury decision without revision and are discussed below.

Explanation of Provisions

Under section 6103(j)(1) of the Internal Revenue Code, upon written request from the Secretary of Commerce, the Secretary is to furnish to the Bureau of the Census (Bureau) tax return information that is prescribed by Treasury regulations for the purpose of but only to the extent necessary in structuring censuses and national economic accounts and conducting related statistical activities authorized by law. Section 301.6103(j)(1)–1 of the regulations provides an itemized description of the return information authorized to be disclosed for this purpose. Periodically, the disclosure regulations are amended to reflect the changing needs of the Bureau for data for its statutorily authorized statistical activities.

The amendments adopted by this Treasury decision authorize IRS personnel to disclose additional items of return information that have been requested by the Secretary of Commerce, and to delete certain items of return information that are enumerated in the regulations but that the Secretary of Commerce has indicated are no longer needed.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Jamie Bernstein of the Office of Associate Chief Counsel, Procedure & Administration (Disclosure & Privacy Law Division). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 is amended in part by removing the entry for Section 301.6103(j)(1)–1T and adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 301.6103(j)(1)–1 also issued under 26 U.S.C. 6103(j)(1); * * *

Par. 2. Section 301.6103(j)(1)–1 is amended by:

1. Revising paragraphs (b)(3) and (b)(6)(i)(A).

2. Adding paragraphs (b)(6)(iii) and (e).

The revisions and addition read as follows:

§ 301.6103(j)(1)–1 Disclosures of return information to officers and employees of the Department of Commerce for certain statistical purposes and related activities.

* * * * *

(b) * * *

(3) Officers or employees of the Internal Revenue Service will disclose the following business related return information reflected on the return of a taxpayer to officers and employees of the Bureau of the Census for purposes of, but only to the extent necessary in, conducting and preparing, as authorized by chapter 5 of title 13, United States Code, demographic and economic statistics programs, censuses, and surveys. The ''return of a taxpayer'' includes, but is not limited to, Form 941; Form 990 series; Form 1040 series and Schedules C and SE; Form 1065 and all attending schedules and Form 8825; Form 1120 series and all attending schedules and Form 8825; Form 851; Form 1096; and other business returns, schedules and forms that the Internal Revenue Service may issue—

(i) Taxpayer identity information (as defined in section 6103(b)(6)) including parent corporation, shareholder, partner, and employer identity information;

(ii) Gross income, profits, or receipts;

(iii) Returns and allowances;

(iv) Cost of labor, salaries, and wages;

(v) Total expenses or deductions;

(vi) Total assets;

(vii) Beginning- and end-of-year inventory;

(viii) Royalty income;

(ix) Interest income, including portfolio interest;

(x) Rental income, including gross rents;

(xi) Tax-exempt interest income;

(xii) Net gain from sales of business property;

(xiii) Other income;

(xiv) Total income;

(xv) Percentage of stock owned by each shareholder;

(xvi) Percentage of capital ownership of each partner;

(xvii) End-of-year code;

(xviii) Months actively operated;

(xix) Principal industrial activity code, including the business description;

(xx) Total number of documents and the total amount reported on the Form 1096 transmitting Forms 1099–MISC;

(xxi) Form 941 indicator and business address on Schedule C; and

(xxii) Consolidated return indicator.

* * * * *

(6)(i) * * *

(A) From the business master files of the Internal Revenue Service—

(1) Taxpayer identity information (as defined in section 6103(b)(6)), including parent corporation identity information;

(2) Document code;

(3) District office code;

(4) Consolidated return and final return indicators;

(5) Principal industrial activity code;

(6) Partial year indicator;

(7) Annual accounting period;

(8) Gross receipts less returns and allowances; and

(9) Total assets.

* * * * *

(iii) Information from an employment tax return disclosed pursuant to paragraphs (b)(2)(iii) (A), (B), (D), (I) and (J) of this section may be used by officers and employees of the Bureau of the Census for the purpose described in and subject to the limitations of this paragraph (b)(6).

* * * * *

(e) *Effective date.* This section is applicable to the Bureau of the Census on November 30, 2000.

§ 301.6103(j)(1)–1T [Removed]

Par. 3. Section 301.6103(j)(1)–1T is removed.

Robert E. Wenzel,

Deputy Commissioner of the Internal Revenue.

Approved: November 21, 2000.

Jonathan Talisman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 00–30227 Filed 11–29–00; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6907–7]

National Oil and Hazardous Substances Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Deletion of the release from the route 940 drum dump site (the Site) from the national priorities list (NPL).

SUMMARY: The EPA Region III announces the deletion of the release from the Route 940 Drum Dump Site in Pocono Summit, Pennsylvania from the NPL. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and PADEP have determined that remedial activities conducted at the Site to date have been protective of public health, welfare and the environment.

EFFECTIVE DATE: November 30, 2000.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations: U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3199; Tobyhanna Township Municipal Building, State Ave, Pocono Pines, PA 15065.

FOR FURTHER INFORMATION CONTACT: Donna Santiago (3HS22), Remedial Project Manager, U.S. Environmental Protection Agency Region III, 1650 Arch Street, Philadelphia, PA 19103, 215–814–3222.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Route 940 Drum Dump Site located in Pocono Summit, Monroe County, Pennsylvania.

EPA published a Notice of Intent to Delete (NOID) the Route 940 Drum Dump Superfund Site from the NPL on August 14, 2000 in the **Federal Register** (65 FR 45013). The closing date for comments on the NOID was September 14, 2000. EPA did not receive any comments on the proposed deletion. Therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion.

The EPA identifies releases which appear to present a significant risk to public health, welfare or the environment, and it maintains the NPL as the list of those sites. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(e) of the NCP, any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede agency efforts to recover cost associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: November 13, 2000.

Bradley M. Campbell,

Regional Administrator, USEPA Region III.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321 (c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the site ''Route 940 Drum Dump, Pocono Summit, Pennsylvania.''

[FR Doc. 00–30181 Filed 11–29–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–D–7505]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Connecticut:					
Middlesex	Town of Cromwell.	October 3, 2000, October 10, 2000, *The Hartford Courant.*	Mr. Stanley Terry, First Selectman for the Town of Cromwell, 41 West Street, Cromwell, Connecticut 06416.	January 8, 2001	090123
Florida:					
Brevard	Unincorporated Areas.	November 10, 2000, November 17, 2000, *Florida Today*	Mr. Tom N. Jenkins, Brevard County Manager, Government Center, Building C, 2725 Judge Fran Jamieson Highway, Viera, Florida 32940.	February 16, 2001	125092 E

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Brevard	City of Rockledge	November 10, 2000, November 17, 2000, *Florida Today*	The Honorable Larry L. Schultz, Mayor of the City of Rockledge, P.O. Box 560488, Rockledge, Florida 32956–0488.	February 16, 2001	120027 E
Illinois:					
Will	City of Joliet	November 10, 2000, November 17, 2000, *The Herald-News*	The Honorable Arthur Schultz, Mayor of the City of Joliet, Municipal Building, 150 West Jefferson Street, Joliet, Illinois.	November 3, 2000	170702 E
Will	City of Joliet	November 14, 2000, November 21, 2000, *The Herald-News*	The Honorable Arthur Schultz, Mayor of the City of Joliet, Municipal Building, 150 West Jefferson Street, Joliet, Illinois.	November 6, 2000	170702 E
Will	Village of Plainfield.	October 25, 2000, November 1, 2000, *The Enterprise*	Mr. Richard Rock, Village of Plainfield President, 530 West Lockport Street, Suite 206, Plainfield, Illinois 60544.	October 17, 2000	170771 E
Will	Unincorporated Areas.	November 10, 2000, November 17, 2000, *The Herald-News*	Mr. Charles R. Adelman, Will County Executive, 302 North Chicago Street, Joliet, Illinois 60432.	November 3, 2000	170695 E
Kentucky:					
Pike	City of Pikeville	November 15, 2000, November 22, 2000, *The Appalachian News-Express*	The Honorable Frank Morris, Mayor of the City of Pikeville, 118 College Street, Pikeville, Kentucky 41501.	February 21, 2001	210193 F
Michigan:					
Macomb	Township of Chesterfield.	September 6, 2000, September 13, 2000, *Bay Voice*	Mr. Elbert J. Tharp, Chesterfield Township Supervisor, 47275 Sugar Bush Road, Chesterfield, Michigan 48047.	August 25, 2000	260120 B
Macomb	Township of Macomb.	September 8, 2000, September 15, 2000, *The Macomb Daily*	Mr. John D. Brennan, Macomb Township Supervisor, 19925 Twenty-Three Mile Road, Macomb, Michigan 48042.	August 30, 2000	260445
Macomb	City of Sterling Heights.	September 14, 2000, September 21, 2000, *The Macomb Daily*	The Honorable Richard J. Notte, Mayor of the City of Sterling Heights, 40555 Utica Road, P.O. Box 8009, Sterling Heights, Michigan 48311–8009.	September 6, 2000	260128 E
North Carolina:					
Avery	Town of Banner Elk.	September 28, 2000, October 5, 2000, *The Mountain Citizen*	The Honorable Deka Tate, Mayor of the Town of Banner Elk, Town Hall, P.O. Box 156, Banner Elk, North Carolina 28604.	December 30, 1999	370011 B
Guilford	City of Greensboro.	November 16, 2000, November 23, 2000, *News & Record*	The Honorable Keith Holliday, Mayor of the City of Greensboro, P.O. Box 3136, Greensboro, North Carolina 27402–3136.	February 22, 2001	375351 C
Ohio:					
Auglaize	Village of New Knoxville.	October 4, 2000, October 11, 2000, *The Evening Leader*	Mr. Michael Gieb, Village Administrator, P.O. Box 246, New Knoxville, Ohio 45871.	January 10, 2001	390848 C
Lorain	City of Avon	November 14, 2000, November 21, 2000, *The Morning Journal*	The Honorable James A. Smith, Mayor of the City of Avon, City Hall, 36080 Chester Road, Avon, Ohio 44011.	November 8, 2000	390348 C
Pennsylvania:					
Allegheny	Municipality of Monroeville.	August 29, 2000, *Tribune-Review*	Mr. Marshall W. Bond, Municipality of Monroeville Manager, 2700 Monroeville Boulevard, Monroeville, Pennsylvania 15146–2388.	September 22, 2000	420054 E
Allegheny	Municipality of Penn Hills.	August 29, 2000, *Tribune-Review*	Mr. John C. Brennan, Municipality of Penn Hills Manager, 12245 Frankstown Road, Pittsburgh, Pennsylvania 15235.	September 22, 2000	421092 E
Puerto Rico:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Commonwealth.	.....	October 5, 2000, October 12, 2000, *El Nuevo Dıa*.	Mr. Jose R. Cabellero Mercado, President, de la Junta de, Planificacıon de Puerto Rico, El Piso 13, Oficina 1304, Edificio Norte, Centro Gubernamental Minillas, Santurce, Puerto Rico 00940.	January 12, 2001	720000
Commonwealth.	.....	October 10, 2000, October 17, 2000, *El Nuevo Dıa*.	Mr. Jose R. Cabellero Mercado, President, de la Junta de, Planificacıon de Puerto Rico, El Piso 13, Oficina 1304, Edificio Norte, Centro Gubernamental Minillas, Santurce, Puerto Rico 00940.	October 2, 2000	720000
South Carolina:					
Richland	Town of Arcadia Lakes.	April 24, 2000, May 1, 2000, *The State*.	The Honorable Joan B. Brady, Mayor of the Town of Arcadia Lakes, 6626A Arcadia Woods Road, Columbia, South Carolina 29206.	July 30, 2000	450171 G
Virginia:					
Arlington	Unincorporated Areas.	November 10, 2000, November 17, 2000, *The Journal Newspaper*.	Mr. William Donahue, Arlington County Manager, 2100 Clarendon Boulevard, Room 302, Arlington, Virginia 22201.	May 3, 1982	515520
Independent City.	City of Falls Church.	November 10, 2000, November 17, 2000, *The Journal Newspaper*.	The Honorable Daniel Gardner, Mayor of the City of Falls Church, 300 Park Avenue, Falls Church, Virginia 22046.	February 3, 1982	510054
Independent City.	City of Winchester.	August 30, 2000, September 5, 2000, *Winchester Star*	Mr. Edwin C. Daley, City of Winchester Manager, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601.	November 20, 2000 ..	510173 B
Wisconsin:					
Washington ...	Village of Jackson.	July 18, 2000, July 25, 2000, *The Daily News*.	Mr. Delmore Beaver, Village of Jackson Administrator, P.O. Box 147, Jackson Wisconsin 53037.	July 13, 2000	550530 B
La Crosse	City of La Crosse	November 14, 2000, November 21, 2000, *The La Crosse Tribune*.	The Honorable John Medinger, Mayor of the city of La Crosse, City Hall, 400 La Crosse Street, La Crosse, Wisconsin 54601.	February 20, 2001	555562 B
La Crosse	Unincorporated Areas.	November 14, 2000, November 21, 2000, *The La Crosse Tribune*.	Mr. James Ehrsam, Chairman, La Crosse County Board, 400 North Fourth Street, Room 101, La Crosse, Wisconsin 54601–3200.	February 20, 2001	550217 A

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: November 17, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–30560 Filed 11–29–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–B–7406]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director for Mitigation reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base

flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director for Mitigation certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Arizona:					
Cochise	Unincorporated Areas.	September 20, 2000, September 27, 2000, *Arizona Range News*.	The Honorable Mike Palmer, Chairman, Cochise County, Board of Supervisors, 1415 West Melody Lane, Bisbee, Arizona 85603.	December 26, 2000	040012
Cochise	City of Sierra Vista.	September 20, 2000, September 27, 2000, *Sierra Vista Herald*.	The Honorable Tom Hessler, Mayor, City of Sierra Vista, 1011 North Coronado Drive, Sierra Vista, Arizona 85635.	December 26, 2000	040017
California:					
Sonoma	City of Petaluma	September 27, 2000, October 4, 2000, *Petaluma Argus-Courier*	The Honorable Clark Thompson, Mayor, City of Petaluma, P.O. Box 61 Petalauma, California 94953–0061.	September 7, 2000	060379
Sonoma	Unincorporated Areas.	September 27, 2000, October 4, 2000, *The Press Democrat*.	The Honorable Mike Reiley, Chairman, Sonoma County, Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California 95403.	September 7, 2000	060375
Hawaii:					
Hawaii	Unincorporated Areas.	October 5, 2000, October 12, 2000, *Hawaii Tribune Herald*	The Honorable Stephen K. Yamashiro, Mayor, Hawaii County, 25 Aupuni Street, Hilo, Hawaii 96720.	September 19, 2000	155166
Oregon:					
Polk	City of Dallas	October 18, 2000, October 25, 2000, *Polk County Itemizer Observer*	The Honorable Gwen Van Den Bosch, Mayor, City of Dallas, P.O. Box 67, Dallas, Oregon 97338.	January 23, 2001	410187
Polk	Unincorporated Areas.	October 18, 2000, October 25, 2000, *Polk County Itemizer Observer*	The Honorable Thomas Ritchey, Chairman, Polk County, Board of Commissioners, 850 Main Street, Dallas, Oregon 97338.	January 23, 2001	410186

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Washington	City of Beaverton	October 4, 2000, October 11, 2000, *The Oregonian*	The Honorable Rob Drake, Mayor, City of Beaverton, P.O. Box 4755, Beaverton, Oregon 97076.	May 25, 2000	410240
Washington	Unincorporated Areas.	October 4, 2000, October 11, 2000, *The Oregonian*	The Honorable Tom Brian, Chairman, Washington County, Board of Commissioners, 155 North First Avenue, Suite 300, M.S. 22, Hillsboro, Oregon 97124–3072.	May 25, 2000	410238
Texas:					
Dallas	City of Dallas	September 29, 2000, October 6, 2000, *Dallas Morning News*.	The Honorable Ron Kirk, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, Texas 75201.	January 4, 2001	480171
Harris	City of Houston	September 15, 2000, September 22, 2000, *Houston Chronicle*.	The Honorable Lee Brown, Mayor, City of Houston, P.O. Box 1562, Houston, Texas 77251–1562.	August 24, 2000	480296
Harris	Unincorporated Areas.	September 15, 2000, September 22, 2000, *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston Street, Suite 911, Houston, Texas 77002.	August 24, 2000	480287
Hays	City of Kyle	June 22, 2000, June 29, 2000, *The Free Press*.	The Honorable James Adkins, Mayor, City of Kyle, P.O. Box 40, Kyle, Texas 78640.	September 27, 2000	481108
Tarrant	City of Keller	October 17, 2000, October 24, 2000, *The Keller Citizen*	The Honorable Dave Philips, Mayor, City of Keller, P.O. Box 770, Keller, Texas 76244.	October 3, 2000	480602
Travis	City of Austin	September 29, 2000, October 4, 2000, *Austin American Statesman*.	The Honorable Kirk Wilson, Mayor, City of Austin, 124 West 8th Street, Austin, Texas 78701.	January 4, 2001	480624
Williamson	City of Leander	September 27, 2000, October 4, 2000, *Hill Country News*.	The Honorable Larry Barnett, Mayor, City of Leander, P.O. Box 319, Leander, Texas 78646.	January 2, 2001	481536
Virginia:					
Albermarle	Unincorporated Areas.	July 27, 2000, August 3, 2000, *Daily Progress*.	The Honorable Robert W. Tucker, Jr., Albermarle County Executive, Albermarle County Office Building, 401 McIntire Road, Charlottesville, Virginia 22902.	July 5, 2000	510006

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: November 21, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–30559 Filed 11–29–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. *No regulatory flexibility analysis has been prepared.*

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
FLORIDA	
Kissimmee (City), Osceola County (FEMA Docket No. 7279)	
East City Canal:	
At confluence with Lake Tohopekaliga	*57
Approximately 700 feet upstream of West Vine Street	*68
West City Canal:	
Confluence with Lake Tohopekaliga	*57
At confluence with East City Canal	*68
Shingle Creek:	
Approximately 1.14 miles upstream of CSX Transportation	*66
Approximately 0.74 mile upstream of State Road 530	*73
Maps available for inspection at the Kissimmee City Hall, Engineering Department, 2nd Floor, 101 North Church Street, Kissimmee, Florida.	
Osceola County (Unincorporated Areas) (FEMA Docket No. 7279)	
Peg Horn Slough:	
Approximately 150 feet upstream of confluence with St. Cloud Canal (Canal 31)	**61
Approximately 950 feet upstream of Missouri Avenue	**72
C–33 Canal:	
Confluence with Lake Gentry	**66
Confluence of Alligator Lake	**66
Canoe Creek (C–34 Canal):	
Downstream side of Canoe Creek Road (SR 523)	**56
At confluence with Lake Gentry	**66
WPA Canal:	
At confluence with Lake Tohopekaliga	**57
Approximately 0.9 mile upstream of West New Nolte Road	**73
West City Canal:	
Confluence with Lake Tohopekaliga	**57
Downstream side of U.S. Route 17/92	**58
Shingle Creek:	
Confluence with Lake Tohopekaliga	**57
Approximately 200 feet upstream of Osceola Parkway	**76
West Branch Shingle Creek:	
Just downstream of Poinciana Boulevard	**67
Approximately 0.8 mile upstream of Scott Boulevard	**71
West Branch Shingle: Creek Tributary:	
At confluence with West Branch Shingle Creek	**65
Approximately 400 feet upstream of Poinciana Boulevard	**67
St. Johns River:	
Approximately 0.7 mile downstream of downstream county boundary	**17
Approximately 20.5 miles upstream of downstream county boundary	**19
Lake Hatchineha:	
Entire shoreline within county	**56
Alligator Lake:	
Entire shoreline within county	**66
Lake Gentry:	
Entire shoreline within county	**66
Brick Lake:	
Entire shoreline within county	**66
Pearl Lake:	
Entire shoreline within county	**66
Lake Lizzy:	
Entire shoreline within county	**66
Sardine Lake:	
Entire shoreline within county	**66
Live Oak Lake:	
Entire shoreline within county	**66
Trout Lake:	
Entire shoreline within county	**66
Lake Joel:	
Entire shoreline within county	**63
Lake Preston:	
Entire shoreline within county	**63
Lake Myrtle:	
Entire shoreline within county	**63
Lake Bullock:	
Entire shoreline within county	**66
Lake Center:	
Entire shoreline within county	**66
Coon Lake:	
Entire shoreline within county	**66
Reedy Creek Tributary No. 1:	
Approximately 7,000 feet downstream of Marigold Avenue	**65
Approximately 0.45 mile upstream of San Miguel Road	**68
Reedy Creek Tributary No. 2:	
Approximately 4,430 feet downstream of Marigold Avenue	**66
Approximately 870 feet upstream of Marigold Avenue	**67
Reedy Creek Tributary No. 3:	
Approximately 0.75 mile downstream of Doverplum Avenue	**63
Downstream side of San Remo Road	**68
Lake Davenport:	
Entire shoreline within county	**112
Davenport Creek:	
Approximately 1 mile downstream of State Route 545	**80
Downstream side of Oak Island Road	**108
Davenport Creek Tributary No. 1:	
At confluence with Davenport Creek	**107
At the upstream side of North Goodman Road	**112
Davenport Creek Tributary No. 2:	
At confluence with Davenport Creek	**106
Approximately 0.91 mile upstream of confluence with Davenport Creek	**107

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
**North American Vertical Datum of 1988.	
Maps available for inspection at the County Administrative Building, Engineering Department, Room 249, 17 South Vernon Avenue, Kissimmee, Florida.	
St. Cloud (City), Osceola County (FEMA Docket No. 7279)	
Peg Horn Slough:	
Approximately 1,975 feet downstream of Kissimmee Park Road	*62
Approximately 150 feet downstream of Missouri Avenue	*70
WPA Canal:	
Upstream side of Old Canoe Creek Road	*68
At St. Cloud Airfield	*73
Maps available for inspection at the Municipal Services Complex, Public Works Department, 2901 17th Street, St. Cloud, Florida.	
GEORGIA	
Atlanta (City), DeKalb County (FEMA Docket No. D–7502)	
Lullwater Creek:	
Approximately 150 feet upstream of downstream Lullwater Parkway crossing	*894
Approximately 1,100 feet upstream of upstream Lullwater Parkway crossing	*911
South Fork Peachtree Creek:	
Approximately 2,200 feet downstream of Johnson Road	*830
Approximately 1,755 feet upstream of Johnson Road	*836
Maps available for inspection at the City of Atlanta Site Development Office, 55 Trinity Avenue, S.W., Atlanta, Georgia.	
Bloomingdale (City), Chatham County (FEMA Docket No. D–7502)	
Tributary 2:	
At confluence with Pipemakers Canal	*19
At a point just upstream of Southern Railway	*23
Maps available for inspection at the Bloomingdale City Hall, 8 West Highway 80, Bloomingdale, Georgia.	
Chamblee (City), Decatur County (FEMA Docket No. D–7502)	
North Fork Peachtree Creek Tributary B:	
Approximately 575 feet upstream of Buford Highway	*913
Approximately 950 feet upstream of Buford Highway	*915
Maps available for inspection at the Chamblee City Hall, 5468 Peachtree Road, Chamblee, Georgia.	
Clarkston (City), DeKalb County (FEMA Docket No. D–7502)	
South Fork Peachtree Creek:	
Approximately 225 feet upstream of Interstate Route 285	*941
Approximately 50 feet upstream of the upstream corporate limits	*962
Maps available for inspection at the Clarkston City Hall, 3921 Church Street, Clarkston, Georgia.	
Decatur (City), DeKalb County (FEMA Docket No. D–7502)	
Peavine Creek:	
Approximately 70 feet downstream of Peavine Creek Tributary	*933
Approximately 30 feet downstream of Peavine Creek Tributary	*934
Maps available for inspection at the City of Decatur Engineering Department, 2635 Talley Street, Decatur, Georgia.	
DeKalb County (Unincorporated Areas) FEMA Docket No. D–7502)	
North Fork Peachtree Creek Tributary D–2:	
Approximately 150 feet downstream of Briarcliff Road	*875
Approximately 500 feet upstream of Aspen Drive	*966
North Fork Peachtree Creek Tributary B:	
At confluence with North Fork Peachtree Creek	*861
Approximately 575 feet upstream of Buford Highway	*913
North Fork Peachtree Creek Tributary C:	
At confluence with North Fork Peachtree Creek	*914
Approximately 2,480 feet upstream of Lynnray Drive	*982
South Fork Peachtree Creek Tributary C:	
At confluence with South Fork Peachtree Creek	*905
Approximately 300 feet upstream of North Arcadia Avenue	*966
South Form Peachtree Creek Tributary B:	
At confluence with South Fork Peachtree Creek	*988
Approximately 800 feet upstream of Pine Valley Road	*1,071
North Fork Peachtree Creek Tributary D–1:	
Approximately 80 feet upstream of the confluence with North Fork Peachtree Creek	*864
Approximately 900 feet upstream of Greenoaks Circle	*988
North Fork Peachtree Creek Tributary A:	
At confluence with North Fork Peachtree Creek	*849
Upstream side of Eighth Street	*926
North Fork Peachtree Creek:	
At downstream county boundary	*820
Approximately 0.7 mile upstream of Pleasantdale Road	*924
South Fork Peachtree Creek:	
At county boundary	*828
Approximately 3,300 feet upstream of Elmdale Drive	*1,063
North Fork Peachtree Creek Tributary D–3:	
At confluence with North Fork Peachtree Creek Tributary D–1	*918
Approximately 0.4 mile upstream of Greenbrook Way	*968
Peavine Creek:	
At confluence with South Fork Peachtree Creek	*840
At Scott Boulevard	*952
Peachtree Branch:	
At confluence with North Fork Peachtree Creek	*887
Approximately 1.5 mile upstream of Interstate Route 285	*966
South Fork Peachtree Creek Tributary A:	
At confluence with South Fork Peachtree Creek	*978
Approximately 2,250 feet upstream of Woburn Drive	*1,040
Perimeter Creek:	
At confluence with Nancy Creek	*870
Approximately 90 feet downstream of Arlington Drive	*1,058
Nancy Creek:	
Approximately 800 feet downstream of Evergreen Drive	*853
Approximately 25 feet downstream of Laurelwood Road	*983
Lullwater Creek:	
At confluence with Peavine Creek	*869
Approximately 150 feet upstream of downstream Lullwater Parkway	*894
Henderson Mill Creek:	
At confluence with Peachtree Creek	*890
Approximately 0.77 mile upstream of Interstate Route 285	*1,006
North Fork Nancy Creek:	
At confluence with Nancy Creek	*876
Approximately 525 feet upstream of confluence with Nancy Creek	*876
Panthers Branch:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
A point approximately 815 feet upstream of Rock Springs Road	*786
A point approximately 1,200 feet upstream of Thompson Mill Road	*808
Fowler Branch:	
At confluence with Cobbs Creek	*804
Approximately 0.4 mile upstream of confluence with Cobbs Creek	*804
Nancy Creek Tributary A:	
At confluence with Nancy Creek	*931
Downstream side of Peachford Road	*932
Nancy Creek Tributary B:	
At confluence with Nancy Creek	*929
Approximately 1,225 feet upstream of confluence with Nancy Creek	*929
Honey Creek:	
Approximately 1,175 feet downstream of Honey Creek Tributary A	*767
Approximately 200 feet downstream of Honey Creek Tributary A	*770
North Fork Peachtree Creek Tributary No. 2:	
Approximately 1,600 feet downstream of English Oak Drive	*943
Approximately 375 feet downstream of English Oak Drive	*953
South Fork Peachtree Creek Tributary:	
Approximately 225 feet downstream of North Decatur Road	*902
Approximately 50 feet upstream of Landover Drive	*908
Maps available for inspection at the DeKalb County Roads and Drainage Department, 4305 Memorial Drive, Decatur, Georgia.	
Doraville (City), DeKalb County (FEMA Docket No. D–7502)	
Nancy Creek:	
At Tilly Mill Road	*953
Approximately 1,450 feet upstream of Tilly Mill Road	*958
Maps available for inspection at the Doraville City Hall, 3725 Park Avenue, Doraville, Georgia.	
MAINE	
Benton (Town), Kennebec County (FEMA Docket No. D–7502)	
Sebasticook River:	
At downstream corporate limits	*61
Approximately 1,450 feet downstream from corporate limits	*108
Maps available for inspection at the Benton Town Office, 1279 Clinton Avenue, Benton, Maine.	
Waterville (City), Kennebec County (FEMA Docket No. D–7502)	
Kennebec River:	
At downstream corporate limits	*56
Approximately 1,990 feet upstream of confluence of Holland Brook	*92
Messalonskee Stream:	
At confluence with Kennebec River	*58
At Automatic Project Dam	*79
Maps available for inspection at the Waterville City Hall, 1 Common Street, Waterville, Maine.	
Winslow (Town), Kennebec County (FEMA Docket No. D–7502)	
Kennebec River:	
At downstream corporate limits	*56
Approximately 200 feet above upstream corporate limits	*92
Sebasticook River:	
At confluence with Kennebec River	*61
At upstream corporate limits	*61
Maps available for inspection at the Town of Winslow Assessor's Office, 16 Benton Avenue, Winslow, Maine.	
NEW YORK	
Litchfield (Town), Herkimer County (FEMA Docket No. D–7502)	
Steele Creek:	
Approximately 440 feet downstream of the most downstream crossing of State Route 51	*703
Approximately 150 feet upstream of Jordanville Road	*1,213
Maps available for inspection at the Litchfield Town Clerk's Office, 1250 Albany Road, Claysville, New York.	
NORTH CAROLINA	
Burke County (Unincorporated Areas) (FEMA Docket No. D–7502)	
Drowning Creek:	
A point approximately 500 feet downstream of Cape Hickory Road	*969
A point approximately 0.86 mile upstream of the confluence of Drowning Creek Tributary 2	*1,002
Drowning Creek Tributary 1:	
At the confluence with Drowning Creek	*980
A point approximately 700 feet upstream of Wilson Road	*1,026
Drowning Creek Tributary 2:	
At the confluence with Drowning Creek	*989
A point approximately 1.11 miles upstream of the confluence of Drowning Creek Tributary 3	*1,045
Drowning Creek Tributary 3:	
At the confluence with Drowning Creek Tributary 2	*1,006
A point approximately 1,450 feet upstream of Tex's Fish Camp Road	*1,024
Henry Fork:	
A point approximately 1.27 miles downstream of Henry River Road	*927
A point approximately 1.02 miles downstream of Henry River Road	*928
Maps available for inspection at the Burke County Community Development Department, Avery Avenue Government Building, 200 Avery Avenue, Morganton, North Carolina.	
PENNSYLVANIA	
Allen (Township), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 1.03 miles upstream of State Route 329	*304
Approximately 1.02 miles downstream of State Route 145	*321
Catasauqua Creek:	
A point approximately 0.52 mile downstream of dam	*303
Approximately 150 feet upstream of Private Road	*326
Hokendauqua Creek:	
Approximately 0.4 mile downstream of State Route 329	*321
Approximately 1,320 feet upstream of State Route 329	*329
Maps available for inspection at the Allen Township Hall, 4714 Indian Trail Road, Northampton, Pennsylvania.	
Bethlehem (City), Northampton County (FEMA Docket 7307)	
Lehigh River:	
Just downstream of Freemansburg Highway bridge	*223
Approximately 0.18 mile upstream of CONRAIL Railroad	*236
Saucon Creek:	
At the confluence of Lehigh River	*224
At the centerline of Friedensville Road	*277

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Bethlehem City Hall, Planning Office, 10 East Church Street, Bethlehem, Pennsylvania.	
Bethlehem (Township), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 1.97 miles upstream of Chain Dam	*210
Approximately 0.8 mile downstream of Freemansburg Highway bridge	*221
Maps available for inspection at the Bethlehem Township Municipal Building, 4225 Easton Avenue, Bethlehem, Pennsylvania.	
East Allen (Township), Northampton County (FEMA Docket No. 7307)	
Monocacy Creek:	
Downstream of Mill Street	*406
Approximately 1,000 feet downstream of Mill Street	*406
Maps available for inspection at the East Allen Township Offices, 5344 Nor-Bath Boulevard, Northampton, Pennsylvania.	
Easton (City), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 528 feet downstream of Easton Dam	*195
Approximately 1.55 miles upstream of Chain Dam	*208
Delaware River:	
Approximately 1 mile upstream of Interstate 78	*191
Approximately 1.23 miles upstream of confluence with Bushkill Creek	*199
Maps available for inspection at the Easton City Hall, 1 South Third Street, Easton, Pennsylvania.	
Forks (Township), Northampton County (FEMA Docket No. 7307)	
Delaware River:	
Approximately 1.16 miles upstream of confluence with Bushkill Creek	*199
Approximately 0.54 mile downstream of confluence with Mud Run	*206
Maps available for inspection at the Forks Township Hall, 1606 Sullivan Trail, Easton, Pennsylvania.	
Freemansburg (Borough), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 420 feet upstream of confluence with Nancy Creek	*222
Approximately 1.26 miles downstream of confluence with Monocacy Creek	*226
Maps available for inspection at the Freemansburg Borough Hall, 600 Monroe Street, Freemansburg, Pennsylvania.	
Glendon (Borough), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 0.31 mile downstream of Glendon Parkway	*195
Approximately 0.27 mile upstream of Chain Dam	*203
Maps available for inspection at the Glendon Borough Hall, 24 Franklin Street, Easton, Pennsylvania.	
Hellertown (Borough), Northampton County (FEMA Docket No. 7307	
Saucon Creek:	
Approximately 1,435 feet downstream of confluence of Black River	*260
Approximately 540 feet downstream of Meadows Road	*296
Maps available for inspection at the Hellertown Borough Municipal Building, 685 Main Street, Hellertown, Pennsylvania.	
Lehigh (Township), Northampton County (FEMA Docket No. 7307	
Lehigh River:	
Approximately 1.02 miles downstream of State Route 145	*321
At the county boundary	*388
Maps available for inspection at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, Pennsylvania.	
Lower Mount Bethel (Township), Northampton County (FEMA Docket No. 7307	
Delaware River:	
Approximately 0.44 mile downstream of confluence with Mud Run	*207
Just downstream of the Riverton-Belvidere Highway bridge	*255
Maps available for inspection at the Lower Mount Bethel Township Hall, 6984 South Delaware Drive, Martins Creek, Pennsylvania.	
Lower Saucon (Township), Northampton County (FEMA Docket No. 7307	
Lehigh River:	
Approximately 1.61 miles upstream of Chain Dam	*209
Just upstream of Freemansburg Highway bridge	*223
Saucon Creek:	
Approximately 50 feet upstream of Friedensville Road	*278
At the county boundary	*337
Maps available for inspection at the Lower Saucon Township Hall, 3700 Old Philadelphia Pike, Bethlehem, Pennsylvania.	
North Catasauqua (Borough), Northampton County (FEMA Docket No. 7307	
Lehigh River:	
At the county boundary	*281
Approximately 1,900 feet downstream of confluence with Dry Run	*287
Maps available for inspection at the North Catasauqua Borough Hall, 1066 Fourth Street, North Catasauqua, Pennsylvania.	
Northampton (Borough), Northampton County (FEMA Docket No. 7307	
Lehigh River:	
Approximately 1,900 feet downstream of confluence with Dry Run	*287
Approximately 1.16 miles upstream of Route 329	*305
Maps available for inspection at the Northampton Borough Office, 1401 Laubach Avenue, Northampton, Pennsylvania.	
Palmer (Township), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 0.63 mile downstream of Chain Dam	*195
Approximately 1.71 miles upstream of Chain Dam	*209
Maps available for inspection at the Palmer Township Hall, 3 Weller Place, Palmer, Pennsylvania.	
Plainfield (Township), Northampton County (FEMA Docket No. 7307)	
West Branch Little Bushkill Creek:	
Approximately 460 feet downstream of State Route 512	*682
Approximately 300 feet downstream of Male Street	*689

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Plainfield Township Hall, 6292 Sullivan Trail, Nazareth, Pennsylvania.	
Portland (Borough), Northampton County (FEMA Docket No. 7307)	
Delaware River:	
Approximately 0.36 mile downstream of confluence with Jacoby Creek	*294
Approximately 0.60 mile upstream of confluence with Jacoby Creek	*299
Maps available for inspection at the Portland Borough Building, 1 Division Street, Portland, Pennsylvania.	
Upper Mt. Bethel (Township), Northampton County (FEMA Docket No. 7307)	
Delaware River:	
Just downstream of Riverton-Belvidere Highway bridge	*255
Approximately 110 feet downstream of the county boundary	*313
Maps available for inspection at the Mt. Bethel Township Hall, 387 Ye Olde Highway, Mt. Bethel, Pennsylvania.	
Walnutport (Borough), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 1.05 miles downstream of Route 946 (Main Street)	*358
Approximately 0.4 mile upstream of Route 946 (Main Street)	*367
Maps available for inspection at the Walnutport Borough Offices, 417 Lincoln Avenue, Walnutport, Pennsylvania.	
West Easton (Borough), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 0.88 mile downstream of Glendon Parkway	*195
Approximately 50 feet downstream side of 25th Street	*195
Maps available for inspection at the West Easton Borough Hall, 237 7th Street, West Easton, Pennsylvania.	
Williams (Township), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 0.27 mile upstream of Chain Dam	*203
Approximately 1.61 miles upstream of Chain Dam	*209
Delaware River:	
At the county boundary	165
Approximately 1 mile upstream of Interstate 78	*191
Maps available for inspection at the Williams Township Municipal Building, 655 Cider Press Road, Easton, Pennsylvania.	
Wilson (Borough), Northampton County (FEMA Docket No. 7307)	
Lehigh River:	
Approximately 500 feet downstream of 25th Street	*195
Approximately 950 feet upstream of 25th Street	*195
Maps available for inspection at the Wilson Borough Hall, 2040 Hay Terrace, Easton, Pennsylvania.	
TENNESSEE	
Belle Meade (City), Davidson County (FEMA Docket No. 7263)	
Richland Creek:	
Approximately 100 feet upstream of the confluence of Sugartree Creek	*461
Approximately 550 feet upstream of Belle Meade Boulevard	*537
Belle Meade Branch:	
At confluence with Richland Creek	*529
Approximately 60 feet upstream of Warner Place	*557
Sugartree Creek:	
At the confluence with Richland Creek	*461
At Valley Forge Drive	*477
Vaughn's Gap Branch:	
Approximately 50 feet upstream of Harding Place	*507
Approximately 580 feet upstream of Harding Place	*509
Jocelyn Hollow Branch:	
At confluence with Richland Creek	*494
Just upstream of U.S. Route 705	*494
Maps available for inspection at the Belle Meade City Hall, 4705 Harding Road, Nashville, Tennessee.	
Berry Hill (City), Davidson County (FEMA Docket No. 7263)	
East Fork Browns Creek:	
At the confluence with Browns Creek	*473
Approximately 0.6 mile upstream of Berry Road	*496
Browns Creek:	
Approximately 950 feet upstream of Craighead Street	*469
Approximately 265 feet upstream of CSX Transportation	*478
Maps available for inspection at the Berry Hill City Hall, 698 Thompson Lane, Berry Hill, Tennessee.	
Goodlettsville (City), Davidson and Sumner Counties (FEMA Docket No. 7263)	
Dry Creek:	
Approximately 100 feet downstream of CSX Transportation	*443
Approximately 2,110 feet upstream of Dickerson Pike	*516
Mansker Creek:	
Approximately 2.07 miles upstream of confluence with Cumberland River	*432
Approximately 2.84 miles upstream of confluence with Cumberland River	*432
Maps available for inspection at the Goodlettsville City Hall, 105 South Main Street, Goodlettsville, Tennessee.	
Lakewood (City), Davidson County (FEMA Docket No. 7263)	
Cumberland River:	
Approximately 1,000 feet south of Gail Drive and Rifle Range Road intersection	*428
Approximately 1,500 feet west of Meadow Street and Ray Avenue intersection	*428
Maps available for inspection at the Lakewood City Hall, 3401 Hadley Avenue, Old Hickory, Tennessee.	
Nashville and Davidson County Metropolitan Government (FEMA Docket No. 7263)	
Richland Creek:	
At confluence with Cumberland River	*409
Approximately 0.5 mile upstream of Harding Place	*515
McCrory Creek:	
At confluence with Stones River	*425
Approximately 0.3 mile upstream of Couchville Pike	*508
North Fork Ewing Creek:	
Approximately 130 feet upstream of the confluence with Ewing Creek	*469
Approximately 50 feet downstream of Dickerson Pike	*542
North Fork Ewing Creek Tributary:	
At confluence with North Fork Ewing Creek	*530
Approximately 0.4 mile upstream of confluence with North Fork Ewing Creek	*549
Vhoins Branch:	
Approximately 0.08 mile upstream of the confluence with Ewing Creek	*454
Approximately 0.8 mile upstream of Knights Drive	*506
Eaton Creek:	
At confluence with Whites Creek	*412

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.87 mile upstream of Sulphur Creek Road	*494
Pages Branch Tributary A:	
Approximately 15 feet upstream of confluence with Pages Branch	*468
Approximately 530 feet upstream of Jones Avenue	*574
Earthman Fork:	
At confluence with Whites Creek	*462
Approximately 2.0 miles upstream of Old Hickory Boulevard	*521
Elm Hill Tributary:	
At confluence with McCrory Creek	*448
Approximately 1,800 feet upstream of Timber Valley Drive	*506
Jocelyn Hollow Branch:	
Upstream side of U.S. Route 705	*494
Approximately 370 feet upstream of Robin Hill Road	*570
Sugartree Creek:	
At confluence with Richland Creek	*461
Approximately 0.14 mile upstream of Hillsboro Pike	*573
Vaughn's Gap Branch:	
At confluence with Richland Creek	*499
Approximately 0.2 mile upstream of Park Lane	*581
Whites Creek:	
At confluence with Cumberland River	*412
Approximately 0.8 mile upstream of Ingram Road	*531
Whites Creek Tributary:	
At the confluence with Whites Creek	*430
Approximately 1,267 feet upstream of Rowan Drive	*471
Drake Branch:	
At confluence with Whites Creek	*415
Approximately 0.58 mile upstream of Kings Lane	*472
Dry Fork Creek:	
At confluence with Whites Creek	*449
Approximately 1.21 miles upstream of Dry Fork Road	*501
West Fork Browns Creek:	
At confluence with Browns Creek	*510
Approximately 50 feet upstream of Sewanee Drive	*604
Middle Fork Browns Creek:	
At confluence with Browns Creek	*510
Just upstream of Woodmont Boulevard	*510
East Fork Browns Creek:	
At downstream corporate limits	*495
Approximately 475 feet upstream of Armory Drive	*524
Browns Creek:	
At confluence with Cumberland River	*418
At confluence of Middle and West Forks Browns Creek	*510
East Fork Hamilton Creek:	
At confluence with Percy Priest Reservoir	*506
Approximately 685 feet upstream of Bell Road	*570
Little Creek:	
At confluence with Whites Creek	*477
Approximately 0.43 mile upstream of Old Hickory Boulevard	*583
Pages Branch:	
At confluence with Cumberland River	*415
Approximately 0.1 mile upstream of Oakwood Avenue	*538
Pulley Tributary:	
At confluence with McCrory Creek	*487
Approximately 0.3 mile upstream of Reynolds Road	*541
Tributary No. 1 to East Fork Hamilton Creek:	
At confluence with East Fork Hamilton Creek	*518
Approximately 0.22 mile upstream of Hamilton Church Road	*568
Tributary No. 2 to East Fork Hamilton Creek:	
At confluence with East Fork Hamilton Creek	*506
Approximately 100 feet upstream of Anderson Road	*564
Tributary to Richland Creek:	
At confluence with Richland Creek	*454
Approximately 0.2 mile upstream of Bowling Avenue	*510
Dry Creek:	
At confluence with Cumberland River	*431
Downstream side of Dickerson Pike	*497
Cumberland River:	
Approximately 6.6 miles downstream of confluence of Overall Creek	*405
At downstream side of Old Hickory Dam	*432
Mill Creek:	
At the confluence with Cumberland River	*419
Approximately 1,214 feet upstream of Concord Road	*557
J. Percy Priest Reservoir:	
Entire shoreline within community	*506
Pages Branch Tributary B:	
Approximately 0.44 mile upstream of confluence with Pages Branch	*479
Approximately 80 feet downstream of Brick Church Pike	*507
Stones River:	
At confluence with Cumberland River	*425
Approximately 1,584 feet upstream of Interstate Highway 40 (at J. Percy Priest Dam)	*425
Windemere Branch:	
At confluence with Cumberland River	*419
Approximately 0.25 mile upstream of Broley Parkway	*419
Gibson Creek:	
At the confluence with Cumberland River	*422
Approximately 0.27 mile downstream of Gallatin Pike	*422
Gibson Creek Tributary:	
At the confluence with Gibson Creek	*422
Approximately 50 feet downstream of Madison Boulevard	*422
Mansker Creek:	
At confluence with Cumberland River	*432
Approximately 0.39 mile downstream of Long Hollow Pike	*432
Collins Creek:	
At confluence with Mill Creek	*517
Approximately 0.1 mile downstream of Bell Road	*517
Ewing Creek:	
At confluence with Whites Creek	*432
Approximately 0.32 mile downstream of Whites Creek Pike	*433
Sevenmile Creek:	
At confluence with Mill Creek	*468
Approximately 260 feet upstream of Antioch Pike	*468
Sorghum Branch:	
At confluence with Mill Creek	*475
Approximately 100 feet downstream of Antioch Pike	*475
Maps available for inspection at the Metropolitan Government of Nashville and Davidson County, 720 South Fifth Street, Nashville, Tennessee.	
Oak Hill (City), Davidson County (FEMA Docket No. 7263)	
West Fork Browns Creek:	
Approximately 1,100 feet downstream of Gateway Lane	*604
Approximately 370 feet upstream of Tyne Boulevard	*650
Middle Fork Browns Creek:	
Approximately 50 feet upstream of Woodmont Boulevard	*511
Approximately 211 feet upstream of Oak Valley Lane	*627
Maps available for inspection at the Oak Hill City Hall, 5548 Franklin Road, Nashville, Tennessee.	
VERMONT	
Plymouth (Town), Windsor County (FEMA Docket No. D–7502)	
Black River:	
Approximately 650 feet downstream of Tyson-Reading Road	*1,067
At Black Pond Dam	*1,337
Maps available for inspection at the Town of Plymouth Clerk's Vault, Plymouth Union, Plymouth, Vermont.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: November 17, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–30561 Filed 11–29–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2609, MM Docket No. 99–288; RM–9708 & 9801]

Radio Broadcasting Services; Sister Bay, WI and Escanaba, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 286A at Sister Bay, Wisconsin, in response to a petition filed by Michael J. Mesic. *See* 64 FR 52488, September 29, 1999. The coordinates for Channel 286A at Sister Bay are 45–14–19 and 87–05–17. In response to a counterproposal filed by KMB Broadcasting, Inc., we shall substitute Channel 284C for Channel 284C1 at Escanaba, Michigan, and modify the license for Station WYKX to specify operation on Channel 284C.[1] The coordinates for Channel 284C are 46–05–31 and 87–09–50. Canadian concurrence has been received for the allotment of Channels 286A at Sister Bay and Channel 284C at Escanaba.

DATES: Effective January 2, 2001

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–288, adopted November 8, 2000, and released November 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

[1] Station WYKX, Channel 284, Escanaba, Michigan, was downgraded from Class C to Class C1 by cancellation of BPH–870302NI as modified by BMPH–911120IE on October 21, 1998. See 52 FR 10757, April 3, 1987. However, as the FM Table of Allotments has not been amended to reflect the change in class from a C to C1, there is no need to amend the Table.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Sister Bay, Channel 286A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–30502 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2605; MM Docket No. 00–113; RM–9904; 9952]

Radio Broadcasting Services; Randolph and Little Valley, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of New Testament Christian Ministries and Little Valley Wireless, allots Channel 290A to Little Valley, NY, as the community's first local aural service. The Commission also dismisses the request of New Testament Christian Ministries to allot Channel 290A to Randolph, NY, as its first local aural service. *See* 65 FR 47370, August 2, 2000. Channel 290A can be allotted to Little Valley in compliance with the Commission's minimum distance separation requirements, with respect to all domestic allotments, without the imposition of a site restriction, at coordinates 42–15–08 NL; 78–48–20. A filing window for Channel 290A at Little Valley will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Effective January 2, 2001.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–113, adopted November 8, 2000, and released November 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Channel 290A can be allotted to Little Valley in compliance with the Commission's minimum distance separation requirements, with respect to all domestic allotments, without the imposition of a site restriction, at coordinates 42–15–08 NL; 78–48–20. The allotment, however, is short-spaced to Station CHRE–FM, Channel 289B, St. Catherines, Ontario, Canada. Canadian concurrence, as a specially-negotiated short-spaced allotment was requested in September, 2000, but has not yet been received. Little Valley is located within 320 kilometers (200 miles) of the U.S.-Canadian border. However, rather than delay any further the opportunity to file applications for this channel, we will allot Channel 290A to Little Valley at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian Government, the construction permit will include the following condition: ''Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian FM Broadcast Agreement.''

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by adding Little Valley, Channel 290A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–30504 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2590; MM Docket No. 00–128; RM–9912]

Radio Broadcasting Services; Pilot Rock, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Aaron Bruton, allots Channel 221C3 to Pilot Rock, OR, as the community's first local aural service. *See* 65 FR 45722, July 25, 2000. Channel 221C3 can be allotted to Pilot Rock in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.5 kilometers (9 miles) west, at coordinates 45–30–00 NL; 119–00–56 WL, to avoid a short-spacing to Station KWVR, Channel 221A, Enterprise, OR. A filing window for Channel 221C3 at Pilot Rock will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective January 2, 2001.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–128, adopted November 8, 2000, and released November 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICE

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by adding Pilot Rock, Channel 221C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–30505 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[I.D. 112000A]

Notification of U.S. Fish Quotas and an Effort Allocation in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area

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

ACTION: Notification of U.S. fish quotas and an effort allocation.

SUMMARY: NMFS announces that fish quotas and an effort allocation are available for harvest by U.S. fishermen in the NAFO Regulatory Area. This action is necessary to make available to U.S. fishermen a fishing privilege on an equitable basis.

DATES: All fish quotas and the effort allocation are effective January 1, 2001, through December 31, 2001. Expressions of interest regarding U.S. fish quota allocations will be accepted throughout 2001. Expressions of interest regarding the U.S. effort allocation will be accepted through January 2, 2001.

ADDRESSES: Expressions of interest regarding U.S. fish quota allocations should be made in writing to the NMFS Northeast Regional Administrator at One Blackburn Drive, Gloucester, Massachusetts 01930 (phone: 978-281-9226, fax: 978-281-9135).

Expressions of interest regarding the U.S. effort allocation should be made in writing to Patrick E. Moran in the NMFS Office of Sustainable Fisheries, at 1315 East-West Highway, Silver Spring, Maryland 20910 (phone: 301-713-2276, fax: 301-713-2313).

Information relating to NAFO fish quotas, NAFO Conservation and Enforcement Measures, and the High Seas Fishing Compliance Act (HSFCA) Permit is available from Jennifer Anderson at the NMFS Northeast Regional Office at One Blackburn Drive, Gloucester, Massachusetts 01930 (phone: 978-281-9226, fax: 978-281-9135) and from NAFO on the World Wide Web at <http://www.nafo.ca>.

FOR FURTHER INFORMATION CONTACT: Patrick E. Moran, 301-713-2276.

SUPPLEMENTARY INFORMATION:

Background

NAFO has established and maintains conservation measures in its Regulatory Area that include one effort limitation fishery as well as fisheries with total allowable catches (TACs) and member nation quota allocations. The principal species managed are cod, flounder, redfish, American plaice, halibut, capelin, shrimp, and squid. At the 2000 NAFO Annual Meeting, the United States received fish quota allocations for three NAFO stocks and an effort allocation for one NAFO stock to be fished during 2001. The species, location, and allocation (in metric tons or effort) of these U.S. fishing opportunities are as follows:

NAFO ALLOCATIONS

(1) Redfish	NAFO Division 3M	69 mt.
(2) Squid	NAFO Subareas 3 & 4	453 mt.
(3) Shrimp	NAFO Division 3L	67 mt.
(4) Shrimp	NAFO Division 3M	1 vessel/100 days.

U.S. Fish Quota Allocations

All U.S. fish quota allocations in NAFO are available to be taken by U.S. vessels in possession of a valid HSFCA permit, which is available from the NMFS Northeast Regional Office (see **ADDRESSES**). Expressions of interest by U.S. vessels in harvesting U.S. fish quota allocations in the NAFO Regulatory Area should be directed in writing to the NMFS Northeast Regional Administrator (see **DATES** and **ADDRESSES**). Letters of interest from U.S. vessel owners should include the name, registration and home port of the applicant vessel as required by NAFO in advance of fishing operations. In addition, any available information on intended target species and time of fishing operations should be included. If necessary to ensure equitable access by U.S. vessel owners, NMFS may need to promulgate regulations designed to choose one or more U.S. applicants from among expressions of interest.

Note that vessels issued valid HSFCA permits under 50 CFR part 300 are exempt from multispecies permit, mesh size, effort-control, and possession limit restrictions, specified in §§ 648.4, 648.80, 648.82 and 648.86, respectively, while transiting the U.S. exclusive economic zone (EEZ) with multispecies on board the vessel or landing multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area, provided:

(1) The vessel operator has a letter of authorization on board the vessel issued by the Regional Administrator;

(2) For the duration of the trip, the vessel fishes exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in or from, the U.S. EEZ;

(3) When transiting the U.S. EEZ, all gear is properly stowed in accordance with one of the applicable methods specified in § 648.81(e); and

(4) The vessel operator complies with the HSFCA permit and all NAFO conservation and enforcement measures while fishing in the NAFO Regulatory Area.

Please note that NAFO vessel reporting requirements must be made through the U.S. Government. More information on these requirements can be found here.

U.S. Effort Allocation

Expression of interest in harvesting the U.S. portion of the 2001 NAFO 3M shrimp effort allocation will be accepted from owners of U.S. vessels in possession of a valid HSFCA permit and U.S. fishing interests intending to make use of vessels of other NAFO Parties under chartering arrangements. U.S. vessels will be given first consideration. All expressions of interest should be directed in writing to Patrick E. Moran in the NMFS Office of Sustainable Fisheries (see **DATES** and **ADDRESSES**).

Letters of interest from U.S. vessel owners should include the name, registration and home port of the applicant vessel as required by NAFO in advance of fishing operations. In the event that multiple expressions of interest are made by U.S. vessel owners, NMFS may need to promulgate regulations designed to choose one U.S. applicant from among expressions of interest.

In the event that no adequate expressions of interest are made on behalf of U.S. vessels, expressions of interest will be considered from U.S. fishing interests intending to make use of vessels of other NAFO Parties under chartering arrangements to fish the 2001 U.S. effort allocation for 3M shrimp. Under NAFO rules in effect for 2001, a vessel registered to another NAFO Contracting Party may be chartered to fish the U.S. allocation provided that written consent for the charter is obtained from the vessel's flag state and the U.S. effort allocation is transferred to that flag state. Such a transfer must be adopted by NAFO Parties through a mail voting process.

Expressions of interest from U.S. fishing interests intending to make use of vessels from another NAFO Party under chartering arrangements should include information required by NAFO regarding the proposed chartering operation, including: the name, registration and flag of the intended vessel; a copy of the charter; the fishing opportunities granted; a letter of consent from the vessel's flag State; the date from which the vessel is authorized to commence fishing on these opportunities; and the duration of the charter. More details on NAFO requirements for chartering operations are available from NMFS (see **ADDRESSES**). In addition, expressions of interest for chartering operations should be accompanied by a detailed description of anticipated benefits to the United States. Such benefits might include (but are not limited to): the use of U.S. processing facilities/personnel; the use of U.S. fishing personnel; other specific positive effects on U.S. employment; evidence that fishing by the chartered vessel would actually take place; and documentation of the physical characteristics and economics of the fishery for future use by the U.S. fishing industry.

In the event that multiple expressions of interest are made by U.S. fishing interests proposing the use of chartering operations, the information submitted regarding benefits to the United States will be used in making a selection. In the event that applications by U.S. fishing interests proposing the use of chartering operations for 3M shrimp are considered, all applicants will be made aware of the allocation decision as soon as possible. Once the allocation has been awarded for use in a chartering operation, NMFS will immediately take appropriate steps to transfer the U.S. 3M shrimp effort allocation to the vessel's flag State (pending approval by NAFO).

All individuals/companies submitting expressions of interest to NMFS will be contacted after the end of the application period and apprised of the status of their proposal. Additionally, all applicants will be contacted once the allocation has been awarded. Please note that, once the U.S. portion of the 2001 NAFO 3M shrimp allocation is awarded to a U.S. vessel or a specified chartering operation, it may not be transferred without the express, written consent of NMFS.

NAFO Conservation and Management Measures

Relevant NAFO Conservation and Enforcement Measures include, but are not limited to, maintenance of a fishing logbook with NAFO-designated entries; adherence to NAFO hail system requirements; presence of an on-board observer; deployment of a functioning, autonomous vessel monitoring system; and adherence to all relevant minimum size, gear, bycatch, and other requirements. Further details regarding these requirements are available from the NMFS Northeast Regional Office, and can also be found in the current NAFO Conservation and Enforcement Measures on the internet (see **ADDRESSES**).

Dated: November 24, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–30514 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 65, No. 231
Thursday, November 30, 2000

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Chapter I

Grain Inspection, Packers and Stockyards Administration

7 CFR Chapter VIII

[Docket Number FGIS–2000–001a]

RIN 0580–AA73

Request for Public Comments on How USDA Can Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Evolving Marketplace

AGENCY: Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The United States Department of Agriculture (USDA) invites comments from producers, handlers, processors, food manufacturers, exporters, consumers, scientists, industry representatives, and other interested persons on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in a market that includes both crops derived from biotechnology and other crops. USDA is seeking comment on current and anticipated market practices, and on the feasibility of and need for USDA's involvement in quality assurance or other programs to facilitate the marketing of these products.

This action is part of the Administration's biotechnology initiative announced last May. Its purpose is to lend order to the development of voluntary identity preservation and product segregation procedures to the extent they emerge from the private sector. (In the context of this notice, biotechnology refers to the use of recombinant DNA technology to alter or move genetic material for a plant to exhibit a desired trait.)

Modern biotechnology may present new marketing opportunities as well as challenges. As biotechnology offers the possibility of accelerating the development of value-added crops, such as high oleic soybeans and beta-carotene-rich rice, producers as well as others in the marketing system may have an interest in maintaining the identity of the value-added crops. Based on consumer preferences and our trading partners' requirements, some food companies are already buying raw materials that are not derived from biotechnology, or requiring their suppliers to avoid use of biotechnology-derived varieties or identify them as such. This has resulted in some segments of the market differentiating biotechnology derived crops from other crops from farm to supermarket. In this evolving marketplace, USDA is exploring how it can continue to foster the marketing of U.S. grains, oilseeds, fruits, vegetables, and nuts.

DATES: Comments must be received on or before February 28, 2001.

ADDRESSES: Interested persons are invited to submit written comments on this notice to Richard Hardy, GIPSA, USDA, 1400 Independence Avenue, SW, Room 0757–S, Washington, DC 20250–3650. Comments may also be sent by fax to (202) 720–2459 or filed via the Internet through the GIPSA homepage at www.usda.gov/gipsa.

It is our intention to have all comments on this advance notice of proposed rulemaking (ANPRM), whether mailed, faxed, or submitted via the Internet, available for viewing on the GIPSA homepage at www.usda.gov/gipsa in a timely manner.

Comments submitted in response to this ANPRM will also be available for viewing in room 0757–S from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m. Monday through Friday (except official Federal holidays) (7 CFR 1.27). Persons wanting to visit the USDA South Building to view comments received in response to this proposal are requested to make an appointment in advance by calling (202) 720–4848.

FOR FURTHER INFORMATION CONTACT: Marianne Plaus, Assistant to the Deputy Administrator, Federal Grain Inspection Service, GIPSA, 202–690–3460.

SUPPLEMENTARY INFORMATION: This action has been determined to be significant for purposes of Executive Order 12866, and therefore, has been reviewed by the Office of Management and Budget.

Accurate, reliable information on the quality, quantity, and condition of products being traded fosters the efficient marketing of agricultural commodities. Such information helps buyers know that they have received what they paid for and that suppliers receive due compensation. USDA facilitates the marketing of many products by making such information available through a variety of programs.

USDA's grade standards for grains, oilseeds, fruits, vegetables, and nuts provide a common language for trade by defining products and ranges for quality factors. The market uses the standards to measure the value or establish the price of agricultural commodities. USDA's grading and inspection services determine the quality and condition of commodities. These determinations are performed in accordance with applicable standards or product specifications using approved methodologies, and can be applied at any point in the marketing chain. The current testing technology for quality attributes, such as oil content for high oil corn, is rapid (usually taking less than 2 minutes) and reliable, yielding consistent results. In addition, USDA issues certificates describing the quality and condition of the graded products that are accepted as prima facie evidence in all Federal courts. U.S. grade standards, and the various grading and testing services offered by USDA, verify that the seller's product meets specified requirements, and that customers get the quality products they expect.

In addition, USDA administers a variety of audit-based certification programs in lieu of end-item testing. Under these programs, USDA audits a supplier's ability to meet system performance requirements or criteria that are based on nationally and internationally accepted standards and guidelines that have been validated by USDA.

USDA also carries out programs that combine testing, certification, and quality assurance processes. For example, USDA's seed program includes procedures and standards used by seed certifying agencies during the production and processing of the seed they certify for varietal purity.

The introduction of commodities derived from biotechnology may result in new opportunities and challenges, both for USDA, the Federal government as a whole, and American agriculture. Some consumers have expressed, for a variety of reasons, a preference for foods that are not bioengineered or do not contain bioengineered foods as ingredients. Further, some countries have established or are considering establishing labeling requirements for bioengineered foods. These market developments are prompting some food companies to differentiate crops derived from biotechnology from other crops in the food production system. Furthermore, as biotechnology offers the possibility of accelerating the development of value-added crops, such as high oleic soybeans and beta-carotene-rich rice, producers as well as others in the marketing system may have an interest in maintaining the identity of value-added crops.

The cost and complexity of differentiating crops derived from biotechnology from other crops varies by crop and the infrastructure supporting the marketing of each crop. Differentiation of crops derived from biotechnology from other crops requires analytical testing and information systems that can effectively and efficiently track and manage the complex logistics involved with preserving the identity of specific crops through the marketing process. The market's ability to supply a specific crop may hinge on a number of considerations: The potential market size and value, the cost of differentiating the specific crop from other crops, and the market's ability to preserve the crop identity at sufficient purity levels.

In the grain and oilseed markets, some companies are using traditional segregation practices to market value-added commodities. Others are using more costly and complicated identity preservation (IP) processes. Food companies are developing quality assurance processes involving various levels of testing and product tracking, which differ by company, customer needs, and crop, to source and deliver specified crops from the farm to the supermarket. In some instances, independent organizations are marketing services to review and verify the performance of these quality assurance processes.

USDA is issuing this advance notice of proposed rulemaking to invite comments from all interested persons on how USDA can best facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace. USDA is seeking comment on current market needs and practices, and the feasibility and desirability of USDA programs and services to facilitate the marketing of these products. All interested persons are encouraged to comment on the following issues related to this notice:

- In light of changes in the marketplace brought about by biotechnology, what specific programs or processes are being used to market grains, oilseeds, fruits, vegetables, and nuts in the domestic, export, and import markets? Please be specific, and include information on obstacles encountered in marketing these products.
- What additional costs and benefits are generally associated with the practices being used to market grains, oilseeds, fruits, vegetables, or nuts? Please provide details and quantifiable cost and benefit estimates.
- Would a set of U.S. standards upon which to base IP or other marketing systems facilitate market development? If so, are there any specific national or international standards or guidelines that should serve as the basis for the U.S. standards? What role should USDA have in establishing these standards?
- As more certifying companies and organizations evolve to review and verify the performance of food company IP systems, should USDA have a role in the accreditation of these certifying companies and organizations? Would a USDA accreditation of these certifying companies and organizations serve to facilitate marketing?
- USDA is in the process of developing a program for accrediting qualified commercial and public laboratories for the analytical detection of grains and oilseeds derived from biotechnology. Should USDA expand this program for other commercialized crops? Should USDA include laboratories outside the United States in the accreditation program? If so, how would this help facilitate the marketing of U.S. crops?
- Should USDA provide, for a fee, direct product certification for crops derived from biotechnology based on an audit-based quality assurance process? Should the same be done for other crops?
- Should USDA provide direct analytical detection services and certification for crops derived from biotechnology? Should the same be done for other crops?
- If USDA involvement (e.g., standards, certifying agent verification, direct certification, testing, etc.) is necessary, at what point of the marketing system should such involvement begin and end?
- How should a fee structure be determined for such services?
- Should such involvement be limited to U.S.-produced crops or expanded to imported crops?
- Should USDA establish definitions of crops derived from biotechnology or for crops not derived from biotechnology as part of the current U.S. quality grades and standards? If so, what technical capabilities, resources, data, etc., would USDA require?

USDA welcomes your comments on these and other relevant issues related to the marketing of grains, oilseeds, fruits, vegetables, and nuts in today's evolving marketplace.

Authority: 7 U.S.C. 71 *et seq.* and 7 U.S.C. 1621 *et seq.*

Dated: November 20, 2000.

James R. Baker,

Administrator, Grain Inspection, Packers and Stockyards Administration.

Michael D. Fernandez,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 00–30140 Filed 11–29–00; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 3 and 240

[INS No. 2083–00; AG Order No. 2337–2000]

RIN 1115–AF87

Delegation of Authority to the Immigration and Naturalization Service To Terminate Deportation Proceedings and Initiate Removal Proceedings

AGENCY: Immigration and Naturalization Service, Justice, and Executive Office for Immigration Review, Justice.

ACTION: Proposed rule.

SUMMARY: Section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 permits the Attorney General to terminate certain deportation proceedings and initiate removal proceedings. This rule delegates this authority to the Immigration and Naturalization Service (Service).

DATES: Written comments must be submitted on or before January 29, 2001.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS number 2083–00 on your

correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Kyle D. Latimer, Associate General Counsel, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street, NW., Room 6100, Washington, DC 20536, telephone (202) 616–2604.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1996, the President signed into law the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104–132, 110 Stat. 1214 (AEDPA). Prior to that date, under section 212(c) of the Immigration and Nationality Act (Act), 8 U.S.C. 1182(c) (1994), certain lawful permanent resident (LPR) aliens who were returning from a voluntary, temporary stay abroad to a lawful unrelinquished domicile of seven consecutive years in the United States could, in the Attorney General's discretion, be admitted to the United States despite inadmissibility under section 212(a) of the Act, 8 U.S.C. 1182(a). Section 440(d) of AEDPA amended section 212(c) of the Act to bar from applying for a section 212(c) discretionary waiver of inadmissibility all aliens deportable ''by reason of having committed any criminal offense covered in section 241(a)(2)(A)(iii) [aggravated felonies], (B) [controlled substances], (C) [certain firearm offenses], or (D) [miscellaneous crimes], or any offense covered by section 241(a)(2)(A)(ii)[multiple criminal convictions] for which both predicate offenses are covered by section 241(a)(2)(A)(i).'' 110 Stat. 1277. The Attorney General subsequently determined in *Matter of Soriano*, 21 I&N Dec. 516 (BIA 1996, A.G. 1997), that the section 212(c) bars in AEDPA applied to all aliens in deportation proceedings with applications pending on April 24, 1996. Hence, many lawful permanent resident aliens in deportation proceedings who were eligible for section 212(c) relief were rendered ineligible by AEDPA.

On September 30, 1996, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104–208, 110 Stat. 3009 (IIRIRA). Effective April 1, 1997, IIRIRA eliminated section 212(c) of the Act, replacing it with a similar form of relief called cancellation of removal. *See* 110 Stat. 3009–597 (eliminating section 212(c); 110 Stat. 3009–594–3009–595 (adding section 240A(b) of the Act, 8 U.S.C. 1229(b)). A conviction for an aggravated felony remained as a bar to cancellation of removal. However, convictions covered under the remaining sections were no longer bars to relief as they had been under AEDPA. The result was that many of those LPR aliens rendered ineligible by AEDPA for section 212(c) relief after April 24, 1996, would have been eligible for cancellation of removal had their removal proceedings commenced on or after April 1, 1997.

IIRIRA also eliminated the discretionary relief of suspension of deportation under former section 244 of the Act, 8 U.S.C. 1254(a), and replaced it with a similar, separate form of cancellation of removal under the new section 240A(b) of the Act. *See* 110 Stat. 3009–615 (eliminating former section 244); 110 Stat. 3009–594–3009–595 (adding section 240A(b) of the Act, 8 U.S.C. 1229(b)). Congress, moreover, limited the availability of both types of relief by, among other things, amending the rules relating to the time counted toward physical presence in the United States. Section 240A(d)(1) of the Act, 8 U.S.C. 1229(b)(d)(1), as added by IIRIRA, *see* 110 Stat. 3009–595, provides that (for purposes of that section) any period of continuous residence or physical presence ends when an alien is served with a Notice to Appear or when the alien commits a crime rendering him inadmissible under section 212 or removable under section 237 of the Act (the ''stop-time'' rule). Section 309(c)(5)(A) of IIRIRA, 110 Stat. 3009–627, as amended by section 203(a)(1) of the Nicaraguan Adjustment and Central American Relief Act, Pub. L. No. 105–100, Title II, 111 Stat. 2193, 2196 (NACARA), applies the stop-time rule in section 240A(d)(1) to Orders to Show Cause as well. Under the stop-time rule, many non-LPR aliens in deportation proceedings who were eligible for suspension of deportation were rendered ineligible by IIRIRA and NACARA because they had not accrued seven years of continuous physical presence prior to service of the Order to Show Cause. Some of these same aliens, however, may be eligible for relief in removal proceedings under section 240A(b).

What Is ''Repapering''?

Section 309(c)(3) of IIRIRA grants the Attorney General the discretion ''to terminate [deportation] proceedings in which there has not been a final administrative decision and to reinitiate [removal] proceedings under [IIRIRA].'' 110 Stat. 3009–626 This procedure is commonly referred to as repapering.

The Attorney General has decided to exercise the discretion granted to her in section 309(c)(3) of IIRIRA in individual cases on behalf of certain lawful permanent residents who are caught in the window of disadvantage between the enactments of AEDPA and IIRIRA and certain non-LPR aliens negatively affected by the stop-time rule in section 240A(d)(1) of the Act. This rule will permit an alien rendered ineligible for relief in deportation proceedings by the statutory changes described above, but who would be eligible for relief in removal proceedings, to seek termination of his or her deportation proceeding and initiation of removal proceedings in order to apply for relief under the current legal standards.

Who Is Eligible for Repapering?

In order to qualify for repapering under either category, a repapering applicant must be in deportation proceedings at the time of the application. By the express terms of the statute, repapering cannot occur when a final administrative decision has been made. Therefore, only aliens in deportation proceedings currently pending before the Immigration Court or the Board of Immigration Appeals (Board) are eligible for repapering. Furthermore, a deportation proceeding shall not be reopened for the purpose of repapering. However, if a deportation proceeding is reopened for an independent reason, an eligible alien may apply for repapering.

An LPR alien who seeks repapering must meet the eligibility requirements of former section 212(c) of the Act at the time of application for repapering but for the AEDPA bars to eligibility. Likewise, a non-LPR repapering applicant must meet the eligibility requirements for suspension of deportation under former section 244 of the Act at the time of application for repapering but for the application of the stop-time rule in section 240A(d)(1) of the Act. Repapering is intended to benefit those aliens rendered ineligible for relief by AEDPA or the stop-time rule. If an alien was statutorily ineligible for section 212(c) relief or suspension of deportation on some other basis or was denied relief as a matter of discretion, he or she will not be given a second opportunity for relief through repapering.

Repapering applicants must also be statutorily eligible for cancellation of removal under section 240A(a) or (b) of the Act at the time of application. If the alien is not eligible for cancellation of removal under current law in removal proceedings, there is no purpose for the alien to seek repapering. Although the requirements for cancellation of removal under section 240A(b) of the Act are

more restrictive than the requirements for suspension of deportation under prior law, through repapering these non-LPR aliens will at least have an opportunity to apply for relief under current law.

The alien must still be able to demonstrate the requisite existence of hardship in order to obtain relief—''extreme'' hardship under former section 244(a)(1) of the Act or ''exceptional and extremely unusual'' hardship under former section 244(a)(2) of the Act and current section 240A(b) of the Act. This will be a matter to be determined by the immigration judge. Therefore, this rule does not require a non-LPR alien to demonstrate hardship at the time of applying for repapering. However, in order to be eligible for repapering, such an alien must have a spouse, parent, or child who is a United States citizen or lawful permanent resident. After repapering has been granted and removal proceedings have begun, the alien will have the burden of demonstrating the requisite hardship to that family member at that time.

What Is the Relationship Between This Rule and the Recently-Published Rule on Section 212(c) Relief for Aliens in Deportation Proceedings Before April 24, 1996?

As discussed above, the enactment of AEDPA on April 24, 1996, substantially limited the availability of discretionary relief from deportation under former section 212(c) of the Act for lawful permanent resident aliens. However, in light of judicial decisions interpreting the language of AEDPA, certain lawful permanent resident aliens may be able to seek section 212(c) relief if they are eligible, notwithstanding the enactment of AEDPA. *See* Section 212(c) Relief for Certain Aliens in Deportation Proceedings Before April 24, 1996, 65 FR 44476 (July 18, 2000) (proposed Department of Justice rule concerning section 212(c) relief for lawful permanent residents who were already in deportation proceedings prior to the enactment of AEDPA).

Aliens who are eligible for relief under the more favorable standards of former section 212(c) of the Act in effect prior to the enactment of AEDPA are not eligible for repapering under this rule. Repapering only applies to aliens in deportation proceedings who *are* subject to the restrictions imposed by AEDPA and IIRIRA, as it is the repapering procedure that will allow them to apply for cancellation of removal under current law in removal proceedings.

How Does the Stop-Time Rule Apply to Repapered Cases?

Section 309(c)(5)(B) of IIRIRA states that, in a repapered proceeding, section 240A(d)(1) of the Act ''shall not apply to an order to show cause issued before April 1, 1997.'' 111 Stat. 2196. At first glance, this phrase may appear to be somewhat redundant, since all Orders to Show Cause were issued before April 1, 1997. However, this provision does not mean the stop-time rule is inapplicable in repapered proceedings.

Rather, the Department interprets section 309(c)(5)(B) of IIRIRA to mean that, once a proceeding is repapered, the fact that an Order to Show Cause had been issued in the terminated deportation proceeding is not relevant in determining whether the alien satisfies the time requirements for cancellation of removal in the new removal proceeding. However, the stop-time rule does apply with reference to the service of a Notice to Appear for the initiation of removal proceedings. A lawful permanent resident must still demonstrate 7 years of continuous residence—and a non-LPR alien must demonstrate 10 years of continuous physical presence—prior to service of the Notice to Appear or commission of the crime.

How Does One Apply for Repapering?

The Service has sole discretion in determining whether or not to repaper in a particular case. An alien shall apply for repapering by making a written request with the district counsel's office responsible for the proceeding. Neither the immigration judge nor the Board may terminate a deportation proceeding for the purpose of repapering absent a written motion from Service counsel.

Upon motion by Service counsel to terminate a deportation proceeding pending before the Immigration Court or the Board, for the purpose of repapering, the immigration judge or the Board shall terminate the proceeding. However, this rule provides that the immigration judge or the Board will not grant a Service motion to terminate deportation proceedings for repapering with respect to an alien who is granted relief from deportation.

In any case where a deportation proceeding is terminated for the purpose of repapering, the Service shall then expeditiously commence removal proceedings by preparing and serving a Notice to Appear on the alien and filing the Notice to Appear with the Immigration Court.

The application period to apply for repapering shall expire one year from the date that the Service publishes this rule as a final rule in the **Federal Register**. This deadline is necessary to ensure that deportation proceedings are not delayed for the purpose of accruing time in status, residence, or presence for eligibility for relief.

What Is the Procedure for Those Cases Previously Administratively Closed for Repapering?

Pursuant to instructions from the Service and the Executive Office for Immigration Review, many deportation proceedings involving aliens determined to be eligible to apply for repapering have already been administratively closed. To apply for repapering, once this rule is published as final, an alien shall make a request in writing with the district counsel's office responsible for his or her proceeding. If upon review the Service determines that the alien is eligible for repapering, the Service shall prepare and serve a Notice to Appear on the alien and file the Notice to Appear with the Immigration Court. The previous deportation proceeding before the Immigration Court or the Board shall be terminated as a matter of law on the date the Service files the Notice to Appear with the Immigration Court. If upon review the Service determines the alien is not eligible for repapering, then the deportation proceeding should be recalendared and continue.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant impact on a substantial number of small entities because of the following reason: This rule allows the Service to terminate deportation proceedings involving certain aliens and reinitiate removal proceedings, in order to allow these aliens to apply for cancellation of removal under current law. It will have no effect on small entities, as that term is defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice to be a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

Executive Order 13132

The rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibility among the various levels of government. Therefore, in accordance with section six of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

List of Subjects

8 CFR Part 3

Administrative practice and procedure, Immigration, Organization and functions (Government agencies).

8 CFR Part 240

Administrative practice and procedure, Immigration.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

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

Authority: 5 U.S.C. 301; 8 U.S.C. 1101 note, 1103, 1252 note, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Section 3.2(c)(1) is amended by adding a sentence at the end of the paragraph, to read as follows:

§ 3.2 Reopening or reconsideration before the Board of Immigration Appeals.

* * * * *

(c) * * *

(1) * * * A motion to reopen for the purpose of repapering under subpart I of part 240 of this chapter shall not be granted.

* * * * *

3. Section 3.23(b)(3) is amended by adding a sentence at the end of the paragraph, to read as follows:

§ 3.23 Reopening or reconsideration before the Immigration Court.

* * * * *

(b) * * *

(3) * * * A motion to reopen for the purpose of repapering under subpart I of part 240 of this chapter shall not be granted.

* * * * *

PART 240—PROCEEDINGS TO DETERMINE REMOVABILITY OF ALIENS IN THE UNITED STATES

4. The authority citation for part 240 continues to read as follows:

Authority: 8 U.S.C. 1103; 1182, 1186a, 1224, 1225, 1226, 1227, 1251, 1252 note, 1252a, 1252b, 1362; secs. 202 and 203, Pub. L. 105–100 (111 Stat. 2160, 2193); sec. 902, Pub. L. 105–277 (112 Stat. 2681); 8 CFR part 2.

5. In part 240, subpart I is added to read as follows:

Subpart I—Termination of Deportation Proceedings and Initiation of Removal Proceedings (Repapering) Under Section 309(c)(3) of Public Law 104–208

Sec.
240.80 Authority.
240.81 Eligibility to request repapering.
240.82 Application for repapering.

§ 240.80 Authority.

The sole authority and discretion to terminate pending deportation proceedings and initiate removal proceedings against an alien (known as repapering), as granted to the Attorney General under section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Div. C, Public Law 104–208, is delegated to the Service. Neither an immigration judge nor the Board of Immigration Appeals shall terminate a deportation proceeding for the purpose of repapering absent a written motion from the Service counsel. No appeal shall lie from the Service's denial of an application for repapering.

§ 240.81 Eligibility to request repapering.

(a) An alien may request repapering under this subpart if an alien is barred from obtaining relief from deportation in his or her pending deportation proceedings, but would be eligible to seek relief from removal if the alien were in removal proceedings. To be eligible to request repapering under section 309(c)(3) of IIRIRA, an alien must meet the following standards:

(1) If the alien is a lawful permanent resident, the alien must be:

(i) In deportation proceedings at the time of application for repapering without a final administrative order of deportation;

(ii) Statutorily eligible for relief under former section 212(c) of the Act at the time of application for repapering but for the eligibility bars imposed by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), Public Law 104–132; and

(iii) Statutorily eligible for cancellation of removal under section 240A(a) of the Act at the time of application for repapering.

(2) If the alien is not a lawful permanent resident, the alien must be:

(i) In deportation proceedings at the time of application for repapering without a final administrative order of deportation;

(ii) Statutorily eligible for suspension of deportation under former section 244 of the Act at the time of application for repapering but for the application of the stop-time rule in section 240A(d)(1) of the Act; and

(iii) Statutorily eligible for cancellation of removal under section 240A(b) of the Act at the time of application for repapering.

(b) An applicant for repapering who is a lawful permanent resident is not required to have filed an application for relief under former section 212(c) of the Act. An applicant for repapering who is not a lawful permanent resident is not required to have filed an application for suspension of deportation, or to demonstrate the requisite hardship at the time he or she applies for repapering.

(c) The burden of proof is on the applicant to establish by a preponderance of the evidence that he or she is eligible for repapering.

§ 240.82 Application for repapering.

(a) To apply for repapering, an alien shall make a request in writing with the district counsel's office responsible for his or her proceeding. The request must include sufficient proof of eligibility for repapering. A request for repapering must be received by the district counsel's office no later than 1 year after

the Service publishes this rule in final form in the **Federal Register**.

(b) Should the district counsel's office determine that an alien requesting repapering is statutorily eligible and that his or her request warrants a favorable exercise of discretion, the Service will file a motion to terminate the deportation proceeding with the Immigration Court, or with the Board if the proceeding is pending with the Board. Upon the filing of such a motion, the immigration judge or the Board shall terminate the deportation proceeding, except as provided in paragraph (c) of this section.

(c) The immigration judge (or the Board, if the proceeding is pending before the Board) shall deny a motion to terminate the deportation proceeding for repapering if the alien is granted relief from deportation.

(d) In any deportation proceeding that was administratively closed because the alien was determined to be eligible to apply for repapering, the alien shall apply for repapering in accordance with paragraph (a) of this section. If upon review the Service determines that the alien is eligible for repapering, the Service shall prepare and serve a Notice to Appear on the alien and file the Notice to Appear with the Immigration Court. The previous deportation proceeding before the Immigration Court or the Board shall be terminated as a matter of law on the date the Service files the Notice to Appear with the Immigration Court.

(e) Once a deportation proceeding is terminated, the Service shall expeditiously initiate removal proceedings against the alien. No determination or action in the terminated deportation proceeding shall be binding in the removal proceeding.

Dated: November 15, 2000.

Janet Reno,

Attorney General.

[FR Doc. 00–30051 Filed 11–29–00; 8:45 am]

BILLING CODE 4410–10–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–107279–00]

RIN 1545–AY18

Rules Relating to General Definition of Dependent

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations that amend the definition of ''authorized placement agency'' for purposes of determining whether a child placed for legal adoption in a taxpayer's home is a dependent of the taxpayer. A taxpayer who has a child placed for legal adoption in his or her home by an authorized placement agency will be affected by these regulations.

DATES: Written or electronically generated comments and requests for a public hearing must be received by February 28, 2001.

ADDRESSES: Send submissions to: CC:M&SP:RU (REG–107279–00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:M&SP:RU (REG–107279–00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue., NW., Washington, DC. Taxpayers may also submit comments electronically via the internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS internet site at http://www.irs.ustreas.gov/tax_regs/regslist.html. The IRS will publish the time and date of any public hearing in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Elizabeth Kaye, (202) 622–4910; concerning submissions of comments and requests for a public hearing, Guy Traynor, (202) 622–7180 (not toll-free calls).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

This document contains proposed amendments to § 1.152–2(c)(2) of the Income Tax Regulations (26 CFR part 1) relating to the general definition of a dependent.

On October 12, 1999, the IRS published final regulations under section 6109 regarding IRS adoption taxpayer identification numbers (TD 8839, 64 FR 51241). Those regulations provided, in part, that in order for an adoption taxpayer identification number (ATIN) to be assigned, a child must be placed for adoption by an ''authorized placement agency'', as defined in § 1.152–2(c)(2). Commentators expressed concern that because of this requirement, ATINs are not available in the case of independent adoptions as defined by state law. In general, independent adoptions take two forms. In one type, the biological parent(s) uses an attorney or other intermediary to place the child with the adoptive parents. In other independent adoptions, no intermediary is necessary because the adoptive parents and the biological parent(s) know one another.

The proposed regulations amend the definition of authorized placement agency to provide that an ''authorized placement agency'' is not limited to governmental and private organizations authorized by state law to place children for legal adoption, but also includes biological parents and other persons authorized by state law to place children for legal adoption.

These regulations are proposed to apply for taxable years beginning after December 31, 2000. Taxpayers may rely on these proposed regulations for guidance pending the issuance of the final regulations. If, and to the extent, future guidance is more restrictive than the guidance in the proposed regulations, the future guidance will be applied without retroactive effect.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose on small entities a collection of information requirement, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written and electronic comments that are submitted timely to the IRS. The IRS and Treasury specifically request comments on the clarity of the proposed regulations and how it can be made easier to understand. All comments will be available for public inspection and copying. A public hearing will be scheduled if requested by any person who timely submits comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Elizabeth Kaye, Office of Assistant Chief Counsel (Income Tax and Accounting). However, other personnel from the IRS and the Treasury Department participated in the development of the regulations.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.152–2 is amended by revising paragraph (c)(2) to read as follows:

§ 1.152–2 Rules relating to general definition of dependent.

* * * * *

(c) * * *

(2) For any taxable year beginning after December 31, 2000, a child who is a member of an individual's household will be treated as a child of that individual by blood if the child was placed with the individual by an authorized placement agency for legal adoption pursuant to a formal application filed by the individual with the agency. For purposes of this paragraph (c)(2), an authorized placement agency is any agency that is authorized by a State, the District of Columbia, a possession of the United States, a foreign country, or a political subdivision of any of the foregoing to place children for adoption. An authorized placement agency also includes biological parents and other persons authorized by state law to place children for legal adoption.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 00–30228 Filed 11–29–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ42–1–214, FRL–6910–1]

Approval and Promulgation of Implementation Plans; New Jersey; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey. This SIP revision responds to the EPA's regulation entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the '' NO_X SIP Call.'' The SIP revision includes a narrative and a regulation that establish a statewide nitrogen oxides (NO_X) budget and a NO_X allowance trading program that begins in 2003 for large electricity generating and industrial sources. The intended effect of this SIP revision is to reduce emissions of NO_X in order to help attain the national ambient air quality standard for ozone. EPA is proposing this action pursuant to section 110 of the Clean Air Act.

DATES: EPA must receive written comments on or before January 2, 2001.

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the State submittal and other information are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866.

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Pollution Control, 401 East State Street, CN027, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Ted Gardella at (212) 637–3892 for general questions, Rick Ruvo at (212) 637–4014 for specific questions on the Trading Program, or Demian Ellis at (212) 637–3713 for specific questions on the Budget Demonstration; Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866.

SUPPLEMENTARY INFORMATION:

Overview

The Environmental Protection Agency (EPA) is proposing to approve the New Jersey State Department of Environmental Protection's (New Jersey's) NO_X SIP Call State Implementation Plan (SIP) revision. The following table of contents describes the format for this **SUPPLEMENTARY INFORMATION** section:

I. EPA's Action
- A. What action is EPA proposing today?
- B. Why is EPA proposing this action?
- C. What are the NO_X SIP Call general requirements?
- D. What is the NO_X Budget and Allowance Trading Program?
- E. What guidance did EPA use to evaluate New Jersey's program?
- F. What is the result of EPA's evaluation of New Jersey's program?

II. New Jersey's NO_X Budget Program
- A. What is New Jersey's NO_X Budget Demonstration?
- B. What is New Jersey's NO_X Budget Trading Program?
- C. What is the Compliance Supplement Pool?
- D. How does New Jersey's program protect the environment?
- E. How will New Jersey and EPA enforce the program?
- F. When did New Jersey propose and adopt the program?
- G. When did New Jersey submit the SIP revision to EPA and what did it include?
- H. What other significant items relate to New Jersey's program?
- I. Impact of D.C. Circuit Court remand on New Jersey's NO_X SIP Call submittal.
- J. What is the relationship of today's proposal to EPA's findings under the section 126 rule?

III. Proposed Action

IV. Administrative Requirements

I. EPA's Action

A. What Action Is EPA Proposing Today?

EPA proposes approval of revisions to New Jersey's ground level ozone SIP which New Jersey submitted on December 10, 1999 and July 31, 2000. These SIP revisions include an amended regulation, N.J.A.C. 7:27–31 (subchapter 31), ''NO_X Budget Program,'' dated July 31, 2000, and a narrative entitled, ''State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone and Carbon Monoxide National Ambient Air Quality Standards-Meeting the Requirements of the Regional NO_X Cap Program and Transportation Conformity Budgets Related to the Attainment of the Ozone and Carbon

Monoxide National Ambient Air Quality Standards,'' dated December 10, 1999 and supplemented on July 31, 2000. New Jersey submitted the regulation and narrative, including NO_X reducing measures, in order to strengthen its one-hour ozone SIP and to comply with the NO_X SIP Call during each ozone season, *i.e.,* May 1 through September 30, beginning in 2003. EPA proposes that New Jersey's submittal is fully approvable as a SIP strengthening measure for New Jersey's one-hour ground level ozone SIP and EPA has determined it meets the air quality objectives of EPA's NO_X SIP Call requirements. On May 31, 2000, EPA found the mobile source emissions budgets to be adequate for transportation conformity purposes. (See 65 FR 36689, June 9, 2000).

B. Why Is EPA Proposing This Action?

EPA is proposing this action in order to:

- Approve a control program which reduces NO_X emissions, a precursor of ozone, and which therefore helps to achieve the national ambient air quality standard for ozone,
- Fulfill New Jersey's and EPA's requirements under the Clean Air Act (the Act),
- Make New Jersey's NO_X allowance trading regulation federally enforceable and available for credit in the SIP,

sbull Make New Jersey's SIP narrative, including the ozone season NO_X budget, federally enforceable as part of the New Jersey SIP, and

- Give the public an opportunity to submit written comments on EPA's proposed action, as discussed in the **DATES** and **ADDRESSES** sections.

C. What Are the NO_X SIP Call General Requirements?

On October 27, 1998, EPA published a final rule entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the '' NO_X SIP Call.'' (63 FR 57356) At that time, the NO_X SIP Call required 22 states and the District of Columbia [1] to meet statewide NO_X emission budgets during the five month period from May 1 through September 30 in order to reduce the amount of ground level ozone that is transported across the eastern United States. The NO_X SIP Call set out a schedule that required the affected states to adopt regulations by September 30, 1999, and to implement control strategies by May 1, 2003.[2]

The NO_X SIP Call allowed states the flexibility to decide which source categories to regulate in order to meet the statewide budgets. However, the SIP Call notice suggested that imposing statewide NO_X emissions caps on large fossil-fuel fired industrial boilers and electricity generators would provide a highly cost effective means for states to meet their NO_X budgets. In fact, the state-specific budgets were derived using an emission rate of 0.15 pound NO_X per million British thermal units (lb. NO_X/mmBtu) at electricity generating units (EGUs) with a nameplate capacity greater than 25 megaWatts, multiplied by the projected heat input (mmBTU) from burning the quantity of fuel needed to meet the 2007 forecast for electricity demand. (63 FR 57407) The calculation of the 2007 EGU emissions was based on an emissions trading program used to achieve part of an EGU control program. The NO_X SIP Call state budgets also assumed on average a 30% NO_X reduction from cement kilns, a 60% reduction from industrial boilers and combustion turbines, and a 90% reduction from internal combustion engines. The non-EGU control assumptions were applied to units where the heat input capacities were greater than 250 mmBtu per hour, or in cases where heat input data were not available or appropriate, to units with actual emissions greater than one ton per day.

To assist the states in their efforts to meet the SIP Call, the NO_X SIP Call final rulemaking notice included a model NO_X allowance trading regulation, called ''NO_X Budget Trading Program for State Implementation Plans,'' (40 CFR part 96), that could be used by states to develop their regulations. The NO_X SIP Call notice explained that if states developed an allowance trading regulation consistent with the EPA model rule, they could participate in a regional allowance trading program that would be administered by the EPA. (63 FR 57458–57459)

D. What Is the NO_X Budget and Allowance Trading Program?

EPA's model NO_X budget and allowance trading rule for SIPs, 40 CFR part 96, sets forth a NO_X emissions trading program for large EGUs and non-EGUs. A state can voluntarily choose to adopt EPA's model rule in order to allow its sources to participate in regional allowance trading. The October 27, 1998 **Federal Register** document contains a full description of the EPA's model NO_X budget trading program. (63 FR 57514–57538 and 40 CFR part 96)

In general, air emissions trading uses market forces to reduce the overall cost of compliance for pollution sources, such as power plants, while achieving emission reductions and environmental benefits. One type of market-based program is an emissions budget and allowance trading program, commonly referred to as a ''cap and trade'' program.

In an emissions budget and allowance trading program, the state or EPA sets a regulatory limit, or emissions budget, in mass emissions from a specific group of sources. The budget limits the total number of allocated allowances during a particular control period. When the budget is set at a level lower than the current emissions, the effect is to reduce the total amount of emissions during the control period. After setting the budget, the state or EPA then assigns, or allocates, allowances to the participating entities up to the level of the budget. Each allowance permits the emission of a quantity of pollutant, *e.g.*, one ton of airborne NO_X.

At the end of the control period, each source must demonstrate that its actual emissions during the control period were less than or equal to the number of available allowances it holds. Sources that reduce their emissions below their allocated allowance level may sell their extra allowances. Sources that emit more than the amount of their allocated allowance level may buy allowances from the sources with extra reductions. In this way, the budget is met in the most cost-effective manner. An example of a budget and allowance trading program is EPA's Acid Rain Program for reducing sulfur dioxide emissions.

[1] Alabama, Connecticut, District of Columbia, Delaware, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and West Virginia.

[2] On May 25, 1999, the D.C. Circuit issued a partial stay of the submission of the SIP revisions required under the NO_X SIP Call. The NO_X SIP Call had required submission of the SIP revisions by September 30, 1999. State Petitioners challenging the NO_X SIP Call moved to stay the submission schedule until April 27, 2000. The D.C. Circuit issued a stay of the SIP submission deadline pending further order of the court, Michigan v. EPA, No. 98–1497 (D.C. Cir. May 25, 1999) (order granting stay in part).

On December 10, 1999 and July 31, 2000, New Jersey voluntarily submitted this revision to EPA for approval notwithstanding the court's stay of the SIP submission deadline. On March 3, 2000, the D.C. Circuit rule don Michigan v. EPA, affirming many aspects of the SIP Call and remanding certain other portions to the Agency. On June 22, 2000, the D.C. Circuit upheld EPA's NO_X SIP Call. This allows EPA to move forward on a fixed schedule to reduce NO_X emissions. The court's previous rulings did not affect this action because it was submitted and is being proposed as a SIP-strengthening measure regardless of the status of the case.

E. What Guidance Did EPA Use To Evaluate New Jersey's Program?

EPA evaluated New Jersey's NO_X SIP Call submittal using EPA's ''NO_X SIP Call Checklist,'' (the checklist), issued on April 9, 1999. The checklist summarizes the requirements of the NO_X SIP Call set forth in 40 CFR 51.121 and 51.122. The checklist, developed from the basic requirements of the formal SIP Call **Federal Register** action (63 FR 57356), outlines the criteria that the EPA Regional Office used to determine the completeness and approvability of New Jersey's submittal.

As noted in the checklist, the key elements of an approvable submittal under the NO_X SIP Call are: a budget demonstration; enforceable control measures; legal authority to implement and enforce the control measures; adopted control measure compliance dates and schedules; monitoring, recordkeeping, and emissions reporting; as well as elements that apply to states that choose to adopt an emissions trading rule in response to the NO_X SIP Call. The checklist is available to the public on EPA's website at: http://www.epa.gov/ttn/otag/sip/related.html.

As described above, the final NO_X SIP Call rule included a model NO_X budget trading regulation. See 40 CFR part 96. EPA used the model rule to evaluate New Jersey's Subchapter 31. Additionally, EPA used the October 1998 final NO_X SIP Call rulemaking, as well as the subsequent technical amendments to the NO_X SIP Call, published in May 1999 (64 FR 26298) and March 2000 (65 FR 11222), in evaluating the approvability of New Jersey's submittal. EPA also used section 110 of the Act, ''Implementation Plans,'' to evaluate the approvability of New Jersey's submittal as a revision to the SIP.

F. What Is the Result of EPA's Evaluation of New Jersey's Program?

EPA has evaluated New Jersey's NO_X SIP Call submittal and proposes to find it approvable. The December 10, 1999 and July 31, 2000 submittals will strengthen New Jersey's SIP for reducing ground level ozone by providing NO_X reductions beginning in 2003. EPA proposes to find that the NO_X control measure, Subchapter 31, as well as the SIP narrative that includes New Jersey's 2007 NO_X baseline and controlled budgets approvable. EPA finds that the submittal contained the information necessary to demonstrate that New Jersey has the legal authority to implement and enforce the control measures, as well as a description of how the state intends to use the compliance supplement pool. Furthermore, EPA proposes to find that the submittal demonstrates that the compliance dates and schedules, and the monitoring, recordkeeping and emission reporting requirements will be met.

Although provisions in New Jersey's control regulation, Subchapter 31, differ slightly from EPA's NO_X Budget Trading Model Rule, EPA finds that subchapter 31 is consistent with EPA's guidance and meets the requirements of the NO_X SIP Call, including those found in 40 CFR part 51, §§ 51.121 and 51.122 and 40 CFR part 96, as well as the general SIP submittal requirements of the Act, section 110, 42 U.S.C. 7401 *et seq.* The most significant differences between the EPA's model rule and New Jersey's control regulation are related to the applicability of subchapter 31 to smaller electricity generating sources than the model rule, and the use of a different method for allocating NO_X allowances. However, subchapter 31 conforms with the timing requirements for submitting the allocations to EPA.

While subchapter 31 contains provisions which differ slightly from the model rule, these deviations are limited to the acceptable deviations under § 51.121(p)(2). Therefore New Jersey's subchapter 31 is automatically approvable as satisfying the same portion of New Jersey's NO_X emission reduction obligations as the State projects the regulation will satisfy. (63 FR 57495–57496)

Regarding New Jersey's SIP narrative, EPA finds that the submittal contains the required elements, including: The baseline inventory of NO_X mass emissions from EGUs, non-EGUs, area, highway and non-road mobile sources in the year 2007; the 2007 projected inventory (budget demonstration) reflecting NO_X reductions achieved by the state control measures contained in the submittal; and the commitment to meet the annual, triennial and 2007 state reporting requirements. EPA further finds that New Jersey's 2007 projected inventory, reflecting the control strategies, is approvable, reflecting the air quality objectives of the NO_X SIP Call.

For additional information regarding EPA's evaluation of New Jersey's SIP Call submittal, the reader should refer to the document entitled, ''Technical Support Document for New Jersey's NO_X SIP Call Submittal'' dated August 17, 2000. Copies of the technical support document can be obtained at either of the addresses listed in the **ADDRESSES** section of this document.

II. New Jersey's NO_X Budget Program

A. What is New Jersey's NO_X Budget Demonstration?

New Jersey's December 10, 1999 SIP submittal, as supplemented on July 31, 2000, includes New Jersey's SIP narrative entitled, ''State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone and Carbon Monoxide National Ambient Air Quality Standards-Meeting the Requirements of the Regional NO_X Cap Program and Transportation Conformity Budgets Related to the Attainment of the Ozone and Carbon Monoxide National Ambient Air Quality Standards,'' that contains a statewide NO_X emissions budget for the 2007 ozone season. Combined with New Jersey's amended regulation, subchapter 31, ''NO_X Budget Program,'' the narrative demonstrates that the statewide NO_X budget will be met in 2007.

The NO_X SIP Call contained EPA calculations of baseline NO_X emissions for the year 2007 for stationary point sources that are EGUs, stationary point sources that are non-EGUs, area sources, and mobile sources (both nonroad and highway). New Jersey's SIP submittal incorporated EPA's 2007 baseline inventory.

To achieve the statewide budget, New Jersey is relying on the expected NO_X reductions from subchapter 31. Subchapter 31 applies to all EGUs with nameplate electricity generating capacities greater than 15 megaWatts that sell any amount of electricity as well as any non-EGU units that have a heat input capacity greater than 250 mmBtu per hour.

Regarding other non-EGUs, New Jersey has no cement kilns or internal combustion engines with emissions large enough to exceed the applicability threshold for assumed control requirements. Therefore, the SIP submittal does not include any reductions from those source categories.

Below is a table of the 2007 baseline, 2007 budget, and projected 2007 emission levels that New Jersey has submitted with its NO_X SIP Call submittals. The 2007 baseline and budget emissions in the following table are identical to the emission levels published by EPA in the March 2000 technical amendment. EPA has reviewed and agrees with New Jersey's procedures for determining the 2007 projected emissions and reductions and therefore EPA expects that New Jersey's 2007 statewide budget will be achieved.

Source category	EPA's 2007 baseline emissions for NJ (tons/season)	EPA's 2007 NO_X budget emissions for NJ (tons/season)	NJ's 2007 projected emissions (tons/season)	NJ's 2007 projected reductions (tons/season)
EGUs	18,352	10,250	25,113	9,214
Non-EGU Point	15,975	15,464	.....	.....
Total	34,327	25,714	.....	.....
Area sources	12,431	12,431	12,431	0
Non-road mobile	23,565	23,565	23,565	0
Highway mobile	35,166	35,166	36,166	0
NJ Total	105,489	96,876	96,275	9,214

*8,200 cap from trading.

B. What Is New Jersey's NO_X Budget Trading Program?

In response to the NO_X SIP Call, New Jersey amended subchapter 31, ''NO_X Budget Program.'' With subchapter 31, New Jersey established a NO_X cap and allowance trading program for the ozone seasons of 2003 and beyond. New Jersey developed the regulation in order to reduce NO_X emissions and allow its sources to participate in the kind of interstate NO_X allowance trading program described in § 51.121(b)(2).

Under subchapter 31, New Jersey allocates NO_X allowances to its EGUs and large industrial units. Each NO_X allowance permits a source to emit one ton of NO_X during the seasonal control period. NO_X allowances may be bought or sold. Unused allowances may also be banked for future use, with certain limitations. For each ton of NO_X emitted in a control period, EPA will remove one allowance from the source's NO_X Allowance Tracking System (NATS) account. Once the allowance has been retired in this way, no one can ever use the allowance again.

Source owners will monitor their NO_X emissions by using systems that meet the requirements of 40 CFR part 75, subpart H, and report resulting data to EPA electronically. Each budgeted source complies with the program by demonstrating at the end of each control period that actual emissions do not exceed the amount of allowances held for that period. However, regardless of the number of allowances a source holds, it cannot emit at levels that would violate other federal or state limits, for example, reasonably available control technology (RACT), new source performance standards, or Title IV (the Federal Acid Rain program).

As described above, Subchapter 31 differs from EPA's NO_X model budget trading rule in two significant ways. Specifically, subchapter 31 includes smaller electricity generating sources than the model rule. Also, subchapter 31 uses a different method for allocating NO_X allowances. However, subchapter 31 results in fewer tons being allocated to sources than would be allowed by the model rule. Refer to section I.F. of this document for more details.

C. What Is the Compliance Supplement Pool?

To provide additional flexibility for complying with emission control requirements associated with the NO_X SIP Call, the final NO_X SIP Call provided each affected state with a ''compliance supplement pool.'' The compliance supplement pool is a quantity of NO_X allowances that may be used to cover excess emissions from sources that are unable to meet control requirements during the 2003 and 2004 ozone season. Allowances from the compliance supplement pool will not be valid for compliance past the 2004 ozone season. The NO_X SIP Call included these voluntary provisions in order to address commenters' concerns about the possible adverse effect that the control requirements might have on the reliability of the electricity supply or on other industries required to install controls as the result of a state's response to the SIP Call.

A state may issue some or all of the compliance supplement pool via two mechanisms. First, a state may issue some or all of the pool to sources with credits from implementing NO_X reductions beyond all applicable requirements after September 30, 1999 but before May 1, 2003 (i.e., early reductions). In this way, sources that cannot install controls prior to May 1, 2003, can purchase other sources' early reduction credits in order to comply. Second, a state may issue some or all of the pool to sources that demonstrate a need for an extension of the May 1, 2003 compliance deadline due to undue risk to the electricity supply or other industrial sectors, and where early reductions are not available. See 40 CFR 51.121(e)(3).

Subchapter 31 provides for the distribution of supplementary allowances by the early reduction credit and direct distribution methodologies. The distribution of early reduction credits are available to sources that implement NO_X reductions beyond applicable requirements after September 30, 1999 but before May 1, 2003. Under subchapter 31, New Jersey will only provide early reduction credits to those sources holding banked allowances that were allocated in 2000, 2001, and 2002, under New Jersey's Ozone Transport Commission's (OTC's) Memorandum of Understanding (MOU). Subchapter 31 also contains New Jersey's SIP approved OTC's regional NO_X cap and allowance trading program. (65 FR 53599, September 5, 2000).

If any NO_X allowances remain after the early reduction allowances are allocated, subchapter 31 allows for direct distribution of NO_X allowances to sources that demonstrate a need for the compliance supplement, provided the sources demonstrate to New Jersey and the public that achieving compliance by May 1, 2003 would create undue risk either to its own operation or its associated industry. Subchapter 31 specifies New Jersey's compliance supplement pool is 1,550 allowances pursuant to EPA's March 2000 technical amendment. Should EPA subsequently revise New Jersey's compliance supplement pool amount through rulemaking, New Jersey's compliance supplement pool amount will be the revised amount published by EPA.

D. How Does New Jersey's Program Protect the Environment?

New Jersey's revised NO_X SIP Call submittal is expected to result in about 8.7% reduction in NO_X from New Jersey's total 2007 baseline ozone season inventory and about 27% reduction in NO_X from the EGUs and non-EGUs affected by subchapter 31. After reviewing air quality modeling assessments performed for the NO_X SIP

Call, EPA has determined that the NO_X reductions in New Jersey and other states subject to the SIP Call will reduce the transport of ozone starting in 2003.

Besides ozone air quality benefits, decreases of NO_X emissions will also help improve the environment in several other important ways. Decreases in NO_X emissions will decrease acid deposition, nitrates in drinking water, excessive nitrogen loadings to aquatic and terrestrial ecosystems, and ambient concentrations of nitrogen dioxide, particulate matter and toxics. On a global scale, decreases in NO_X emissions reduce greenhouse gases and stratospheric ozone depletion.

E. How Will New Jersey and EPA Enforce the Program?

Once approved into New Jersey's SIP, both New Jersey and EPA will be able to enforce the requirements of the NO_X budget and allowance trading program in subchapter 31. All of the sources subject to the NO_X allowance trading program will have federally-enforceable operating permits that contain source specific requirements, such as emission allowances, emissions monitoring or pollution control equipment requirements. New Jersey and EPA will be able to enforce the source specific requirements of those permits.

In order to determine compliance with the emission requirements of the program, at the end of each ozone season, New Jersey and EPA will compare sources' allowance and actual emissions. The allowances are tracked using the NO_X Allowance Tracking System (NATS). To be in compliance, sources must hold a number of available allowances that meets or exceeds the number of tons of NO_X actually emitted by that source and recorded in the NO_X Emissions Tracking System (NETS) for a particular ozone season. For sources with excess emissions, penalties include EPA deducting three times the unit's excess emissions from the unit's allocation for the next control period.

F. When Did New Jersey Propose and Adopt the Program?

New Jersey published a public notice on August 2, 1999 and August 28, 1999 to announce the availability of the proposed subchapter 31 and the SIP narrative, that included the statewide 2007 NO_X emission budget, respectively. The public notices opened 30-day public comment periods. New Jersey held public hearings on the proposed regulation on September 1, 1999 and on the SIP narrative on September 28, 1999. After modifying the proposal in response to public comment, on July 31, 2000, New Jersey adopted the final subchapter 31. The regulation becomes operative on September 29, 2000.

G. When Did New Jersey Submit the SIP Revision to EPA and What Did it Include?

New Jersey submitted the SIP narrative and subchapter 31 to EPA, on December 10, 1999 and July 31, 2000 respectively, with a request to revise the New Jersey SIP. On April 19, 2000 and August 10, 2000 EPA sent letters to New Jersey finding the SIP submittals technically and administratively complete.

New Jersey's SIP submittals include the following:

- Adopted control measures which require emission reductions beginning in 2003, i.e., subchapter 31, ''NO_X Budget Program;''
- A baseline inventory of NO_X mass emissions from EGUs, non-EGUs, area, highway and non-road mobile sources in the year 2007, as part of New Jersey's SIP narrative;
- A 2007 projected inventory (budget demonstration) reflecting NO_X reductions achieved by the state control measures contained in the submittal, as part of New Jersey's SIP narrative;
- A description of how the State intends to use the compliance supplement pool, as part of New Jersey's SIP narrative and in subchapter 31;
- A commitment to meet the annual, triennial, and 2007 reporting requirements, as part of the SIP narrative.

H. What Other Significant Items Relate to New Jersey's Program?

In addition to submitting the December 10, 1999 and July 31, 2000 SIP package in order to fulfill its NO_X SIP Call obligation, New Jersey adopted subchapter 31 as part of its one-hour ozone attainment plans for the ozone nonattainment areas of the State. The attainment plans rely on the NO_X reductions associated with subchapter 31 in 2003 and beyond. EPA proposed approval of New Jersey's attainment plans for ozone nonattainment areas on December 16, 1999. (64 FR 70380) Approval and implementation of subchapter 31 is relied on in order for New Jersey to attain the one-hour ozone standard.

Subchapter 31 is also related to the Ozone Transport Commission's (OTC's) ozone season NO_X budget program. On September 27, 1994, OTC adopted a Memorandum of Understanding (MOU) that committed the signatory states, including New Jersey, to the development and proposal of a region-wide reduction in NO_X emissions. The OTC agreement committed the states to one phase of reductions by 1999 and another phase of reductions by 2003.

As a signatory state of the MOU, New Jersey adopted its NO_X budget and allowance trading regulation, subchapter 31, on July 20, 1998. Subchapter 31 contained a NO_X emissions budget and allowance trading system for the ozone seasons of 1999 through 2002, as well as 2003 and beyond, the periods known as ''OTC Phase II'' and ''OTC Phase III.'' EPA approved New Jersey's Phase II and III OTC NO_X budget regulation. Therefore, although the OTC MOU obligations are not Federal requirements, subchapter 31 can be viewed as satisfying the OTC Phase III program requirements as well.

I. Impact of D.C. Circuit Court Remand on New Jersey's NO_X SIP Call Submittal

On March 3, 2000, the D.C. Circuit ruled on *Michigan* v. *EPA,* affirming many aspects of the NO_X SIP call and remanding certain other portions to the Agency (e.g., the definition of an EGU and the control assumptions for internal combustion engines). Because of the litigation, the States' deadline for submitting their SIP revisions was extended, and as a result, by order dated August 30, 2000, the court also extended the deadline for implementation of the required SIP revisions from May 1, 2003 to May 31, 2004. Due to the court's remanding of the EGU definition and IC engine control assumptions, EPA must now recalculate the final 2007 baseline, 2007 budget, and compliance supplement allocation for each state subject to the NO_X SIP Call, including New Jersey. The Agency expects to publish those recalculated budgets within the next few months. However, this means that although EPA is proposing to approve New Jersey's SIP submittal as meeting the air quality objectives of the NO_X SIP Call published to date, New Jersey may be required to make minor adjustments to its NO_X SIP Call program due to potential forthcoming changes to the NO_X SIP Call requirements. At such time as EPA publishes new emission budget requirements, EPA will inform New Jersey and other states subject to the NO_X SIP Call as to what if any changes are needed.

J. What Is the Relationship of Today's Proposal to EPA's Findings Under the Section 126 Rule?

In the January 18, 2000 section 126 rule (65 FR 2674), EPA granted, in part, petitions submitted by Connecticut, Massachusetts, New York, and Pennsylvania under the 1-hour ozone standard. The EPA made findings that

large EGUs and large non-EGUs located in the District of Columbia and 12 states, including New Jersey, are significantly contributing to nonattainment problems in one or more of the petitioning states. The January 18, 2000 rule established Federal emissions limits for the affected sources in the form of tradable NO_X allowances and required these sources to reduce NO_X emissions by May 1, 2003.

The section 126 rule provides that if a state submits, and EPA fully approves, a SIP revision meeting the requirements of the NO_X SIP call, the section 126 findings and associated control requirements would automatically be revoked for sources in that state (40 CFR 52.34(i)). As discussed in the preamble to the section 126 rule (65 FR 2682–2684), the premise for the automatic withdrawal provision was that once a SIP (or Federal Implementation Plan (FIP)) controls the full amount of significant contribution from a state, the section 126 sources in that state could no longer be significantly contributing to downwind nonattainment, and hence the basis for the section 126 findings would no longer be present. Moreover, the provision would ensure that the downwind states receive the emission reduction benefits they are entitled to under section 126 by May 1, 2003, either under the section 126 rule or under a federally enforceable SIP or FIP. (65 FR 2684) Thus, EPA's rationale for adopting the automatic withdrawal provision depended upon a May 1, 2003 compliance date for sources under the SIP that would substitute for the control remedy under section 126. Accordingly, EPA interpreted section 52.34(i) to apply only where EPA approves a SIP revision (or promulgates a FIP) meeting the full requirements of the NO_X SIP call and including a May 1, 2003 compliance date for sources.[3] (65 FR 2683)

As discussed in section II.I. of this proposal, the EPA is currently revising certain portions of the NO_X SIP call in response to a March 3, 2000 decision by the U.S. Court of Appeals for the D.C. Circuit. *See Michigan* v. *EPA,* 213 F.3d 663 (D.C. Cir. 2000). In this decision, the court upheld the NO_X SIP call on all major issues, but remanded four narrow issues to EPA for further rulemaking. EPA expects to issue soon a proposal to address the remanded issues, which will slightly modify the NO_X SIP budgets based on the court's decision. In light of the changes necessary to respond to the court decision, EPA anticipates that the final NO_X SIP budgets would be no more stringent than the original SIP budgets as modified by the March 2, 2000 technical amendment which modified the NO_X emission budgets for each affected state. (65 FR 11222) Therefore, a SIP meeting the March 2, 2000 budgets and providing for reductions by May 1, 2003, should fully address the significant NO_X transport from that state, and therefore section 52.34(i) would apply to automatically withdraw the section 126 requirements for sources in that state.

In today's action, EPA is proposing to approve the New Jersey NO_X SIP revision as meeting the full NO_X SIP Call, and including a May 1, 2003 compliance date. Therefore, if the SIP revision is fully approved as proposed, the section 126 requirements will automatically be withdrawn for sources in the State pursuant to 40 CFR 52.34(i).

III. Proposed Action

EPA has reviewed New Jersey's December 10, 1999 and July 31, 2000 SIP submittals, including New Jersey's July 31, 2000 supplement, using the NO_X SIP Call rulemaking notices and checklist. EPA has reviewed New Jersey's control measures and projected reductions and finds them approvable. Therefore, EPA proposes approval of subchapter 31 and the SIP narrative into the New Jersey SIP at this time.

EPA is soliciting public comments on the issues discussed in this proposal or on other relevant matters. EPA will consider these comments before it takes final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

IV. Administrative Requirements

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

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

[3] On August 30, 2000, in response to a motion from industry, the Court extended the NO_X SIP call compliance deadline for sources until May 31, 2004. The court's decision does not affect any state that chooses to submit a SIP revision which includes an earlier compliance deadline.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: November 20, 2000

Jeanne M. Fox,

Regional Administrator, Region 2.

[FR Doc. 00–30543 Filed 11–29–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–D–7504]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Florida	Osceola County (Unincorporated Areas).	Lake Wilson	Entire shoreline within the community	**104	**107
		Buck Lake	Entire shoreline within the community	**104	**107
Maps available for inspection at the Osceola County Administrative Building, Engineering Department, Room 249, 17 South Vernon Avenue, Kissimmee, Florida.					
Send comments to Mr. Robert Fernandez, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, Florida 34741.					
Maine	Kingsfield (Town) Franklin County.	Stanley Stream upstream	Approximately 50 feet of the confluence with Carrabassett River.	None	*557
			Approximately 720 feet upstream of Roxbury Street.	None	*572

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Unnamed Brook	At confluence with Stanley Stream	None	*572
			Approximately 0.4 mile upstream of the confluence with Stanley Stream.	None	*589
		Tufts Pond	Entire shoreline within the community	None	*1,250
Maps available for inspection at the Kingfield Town Hall, 38 School Street, Kingfield, Maine.					
Send comments to Mr. William F. Brown, Chairman of the Town of Kingfield Board of Selectmen, R.R. #1, Box 1585, Kingfield, Maine 04947.					
	Wells (Town), York County.	Atlantic Ocean	Approximately 300 feet east of the intersection of Bourne Avenue and Ocean Avenue.	*13	*20
			Approximately 100 feet west of the intersection of Mile Road and Webhannet Drive.	None	*10
			Approximately 50 feet northwest of the intersection of Seaview Drive and Webhannet Drive.	#2	#1
			Approximately 100 feet southeast of the intersection of Drakes Island Road and Drakes Island Beach Road.	None	#2
			At intersection of Furbush Road and Ocean Avenue.	*9	#1
			Approximately 200 feet southeast of the intersection of Webhannet Drive and Folsom Street.	None	#2
		Depot Brook	Approximately 0.38 mile downstream of U.S. Route 1.	*9	*10
			Approximately 0.25 mile downstream of U.S. Route 1.	*9	*10
		Little River	Approximately 0.62 mile upstream of mouth.	*9	*10
			At confluence of Merriland River	*9	*10
		Merriland	At confluence with the River Little River	*9	*10
			Approximately 125 feet downstream of Lords Road.	*9	*10
		Ogunquit River	Approximately 1.42 miles above mouth	*9	*10
			Approximately 260 feet downstream of U.S. Route 1.	*9	*10
		Stevens Brook	Approximately 2.00 miles above confluence with Ogunquit River.	*9	*10
			Approximately 0.31 mile downstream of U.S. Route 1.	*9	*10
		Webhannet River	Approximately 0.72 mile downstream of U.S. Route 1.	*9	*10
			Approximately 215 feet downstream of U.S. Route 1.	*9	*10
Maps available for inspection at the Wells Town Hall, Planning & Code Enforcement Office, 208 Sanford Road, Wells, Maine.					
Send comments to Ms. Barbara Gagnon, Town of Wells Code Enforcement Officer, P.O. Box 398, Wells, Maine 04090.					
New Jersey	Berkeley Heights (Township), Union County.	Passaic River	At a point approximately 500 feet upstream of downstream corporate limit.	*213	*212
			At upstream corporate limits	*215	*213
		Snyder Avenue Brook	At the confluence with the Passaic River	*213	*212
			At a point approximately 1,000 feet upstream of confluence with Passaic River.	*213	*212
		Forest Avenue Brook	At the confluence with the Passaic River	*214	*213
			At a point approximately 60 feet upstream of confluence with Passaic River.	*214	*213
		Robbins Avenue Brook	At the confluence with the Passaic River	*213	*212
			At a point approximately 450 feet downstream of Springfield Avenue.	*213	*212
		Chaucer Drive Brook	At the confluence with the Passaic River	*215	*213
			At a point approximately 190 feet upstream of confluence with Passaic River.	*215	*214

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Berkeley Heights Township Hall, Engineer's Office, 29 Park Avenue, Berkeley Heights, New Jersey.					
Send comments to The Honorable David Cohen, Mayor of the Township of Berkeley Heights, 29 Park Avenue, Berkeley Heights, New Jersey 07922.					
New Jersey	Bernards (Township), Somerset County.	Passaic River	Approximately 1.6 miles downstream of Passaic Valley Road.	*216	*214
			Approximately 100 feet downstream of the upstream corporate limits.	*302	*303
		Dead River	At the downstream corporate limits	*216	*214
			Approximately 0.78 mile upstream of the downstream corporate limits.	*217	*216
Maps available for inspection at the Bernards Township Hall, Engineer's Office, 277 South Maple Avenue, Bernards, New Jersey.					
Send comments to The Honorable Galeanne Barth, Mayor of the Township of Bernards, 1 Collyer Lane, Bernards, New Jersey 07920.					
New Jersey	Frenchtown (Borough) Hunterdon County	Delaware River	At downstream corporate limit	*125	*124
			At upstream corporate limit	*129	*127
		Nishisakawick Creek	At confluence with Delaware River	*127	*125
			A point approximately 450 feet upstream of Kingswood Avenue (State Route 12).	*127	*126
		Little Nishisakawick Creek	At confluence with Delaware River	*127	*125
			Approximately 760 feet upstream of State Route 29 (Trenton Avenue).	*127	*126
Maps available for inspection at the Frenchtown Borough Hall, 29 Second Street, Frenchtown, New Jersey.					
Send comments to The Honorable Ronald Sworen, Mayor of the Borough of Frenchtown, 29 Second Street, Frenchtown, New Jersey 08825.					
New Jersey	Harding (Township), Morris County.	Passaic River	At downstream corporate limits	None	*230
			Approximately 1.15 miles upstream of Mount Kemble Avenue (U.S. Route 202).	*304	*303
Maps available for inspection at the Township of Harding Municipal Building, Township Clerk's Office, Blue Mill Road, New Vernon, New Jersey.					
Send comments to The Honorable Donald Dinsmore, Mayor of the Township of Harding, P.O. Box 666, New Vernon, New Jersey 07976.					
New Jersey	Hopewell (Township), Mercer County.	Delaware River	Approximately 2,560 feet downstream of Washington Crossing Pennington Road.	*51	*50
			At upstream corporate limits	*64	*65
Maps available for inspection at the Hopewell Township Hall, 201 Washington Crossing, Pennington Road, Titusville, New Jersey.					
Send comments to The Honorable Mary Lou Ferrara, Mayor of the Township of Hopewell, 201 Washington Crossing, Pennington Road, Titusville, New Jersey 08560.					
New Jersey	Millburn (Township), Essex County.	Passaic River	Approximately 2,550 feet upstream of downstream corporate limits.	*176	*177
			Approximately 100 feet downstream of Main Street.	*180	*179
Maps available for inspection at the Millburn Township Hall, 375 Millburn Avenue, Millburn, New Jersey.					
Send comments to The Honorable Elaine Becker, Mayor of the Township of Millburn, 375 Millburn Avenue, Millburn, New Jersey 07041.					
New Jersey	New Providence (Borough), Union County.	Passaic River	At the downstream corporate limit	*208	*207
			At the upstream corporate limit	*211	*212
Maps available for inspection at the New Providence Borough Hall, Engineer's Office, 360 Elkwood Avenue, New Providence, New Jersey.					
Send comments to The Honorable Allen Morgan, Mayor of the Borough of New Providence, Municipal Building, 360 Elkwood Avenue, New Providence, New Jersey 07974.					
New Jersey	Phillipsburg (Town), Warren County.	Delaware River	At downstream corporate limits	*180	*183
			Approximately 50 feet upstream of U.S. Route 22/Memorial Parkway.	*195	*196
		Lopatcong Creek	At confluence with Delaware River	*184	*188

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,600 feet upstream of CONRAIL.	*187	*188
Maps available for inspection at the Phillipsburg Town Hall, 675 Corliss Avenue, Phillipsburg, New Jersey.					
Send comments to The Honorable Harry Wyant, Jr., Mayor of the Town of Phillipsburg, 675 Corliss Avenue, Phillipsburg, New Jersey 08865.					
New Jersey	Roseland (Borough), Essex County.	Passaic River	At the downstream corporate limits	*173	*174
			Approximately 0.65 mile upstream of Eagle Rock Avenue.	*174	*175
		Foulertons Brook	At the confluence with Passaic River	*173	*174
			Approximately 0.44 mile upstream of the confluence with Passaic River.	*173	*174
		North Branch	At the confluence with Foulertons Brook	*173	*174
		Foulertons Brooks	Approximately 780 feet upstream of the confluence with Foulertons Brook.	*173	*174
Maps available for inspection at the Roseland Municipal Building, Office of the Borough Clerk, 19 Harrison Avenue, Roseland, New Jersey.					
Send comments to The Honorable Louis DeBell, Mayor of the Borough of Roseland, Municipal Building, 19 Harrison Avenue, Roseland, New Jersey 07068–1397.					
New Jersey	West Caldwell (Borough), Somerset County.	Passaic River	Upstream side of U.S. Route 46	*173	*174
			Approximately 2.6 miles upstream of U.S. route 46.	*173	*174
		Pine Brook	Approximately 2,280 feet upstream of Orton Road.	*245	*246
			Approximately 2,680 feet upstream of Orton Road.	*245	*253
Maps available for inspection at the West Caldwell Borough Hall, 30 Clinton Road, West Caldwell, New Jersey.					
Send comments to The Honorable Joseph Tempesta, Mayor of the Borough of West Caldwell, Municipal Building, 30 Clinton Road, West Caldwell, New Jersey 07006.					
New York	Carmel (Town), Putnam County.	Peekskill Hollow Creek	A point approximately 240 feet downstream of downstream corporate limits.	None	*346
			A point approximately 200 feet upstream of Private Drive.	None	*457
Maps available for inspection at the Carmel Town Hall, 60 McAlpin Avenue, Mahopac, New York.					
Send comments to Mr. Frank Del Campo, Carmel Town Supervisor, 60 McAlpin Avenue, Mahopac, New York 10541.					
New York	Hamilton (Town), Madison County.	Sangerfield River	From downstream corporate limits	None	*1,075
			Upstream corporate limits	None	*1,186
					.....
Maps available for inspection at the Hamilton Town Hall, 16 Broad Street, Hamilton, New York.					
Send comments to Mr. Walt Jaquay, Hamilton Town Supervisor, 16 Broad Street, Hamilton, New York 13346.					
New York	Lumberland (Town), Sullivan County.	Delaware River	At downstream corporate limits	None	*487
			At upstream corporate limits	None	*578
		Tributary to Delaware River.	At the confluence with the Delaware River.	None	*548
			Approximately 1,785 feet upstream of State Route 97.	None	*614
		Mill Brook	At the confluence with the Delaware River.	None	*531
			Approximately 0.9 mile upstream of Bernard Church Road.	None	*667
		East Branch Mill Brook	At confluence with Mill Brook	None	*662
			Approximately 0.5 mile upstream of East Branch Mill Brook Dam.	None	*1,169
Maps available for inspection at the Lumberland Town Hall, 1054 Proctor Road, Glen Spey, New York.					
Send comments to Mr. Paul Brennan, Lumberland Town Supervisor, P.O. Box 5, Glen Spey, New York 12737.					
New York	Oswego (Town), Oswego County.	Lake Ontario	Entire shoreline within community	*249	*250

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Oswego Town Hall, 2320 County Route 7, Oswego, New York. Send comments to Mr. Jack Tyrie, Jr., Oswego Town Supervisor, 2320 County Route 7, Oswego, New York 13216.					
New York	Putnam Valley (Town), Putnam.	Peekskill Hollow Creek	At approximately 0.5 mile downstream of Peekskill Hollow Road.	None	*248
			At approximately 2.2 miles upstream of Taconic State Parkway.	None	*457
		Barger Brook	At approximately 1.0 mile downstream of Finnerty Road.	None	*492
			At approximately 0.6 mile upstream of Finnerty Road.	None	*649
		Oscawana Brook	At confluence with Peekskill Hollow Creek.	None	*113
			At approximately 1,400 feet upstream of Oscawana Lake Road.	None	*511
		Oscawana Brook (West Branch).	At approximately 720 feet downstream of Oscawana Lake Road.	None	*449
			At approximately 840 feet upstream of Oscawana Lake Road.	None	*511
		Shallow Flooding Area	West side of Canopus Creek approximately 1,400 feet southwest of Sunken Mine and Clear Lake Roads intersection.	None	#3
		Canopus Creek	At approximately 60 feet upstream of dam.	None	*320
			At approximately 1.66 mile (8,750 feet) upstream of Bell Hollow Road.	None	*508
Maps available for inspection at the Putnam Valley Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York. Send comments to Mr. Carmelo Santos, Putnam Valley Town Supervisor, Putnam Valley Town Hall, 265 Oscawana Lake Road, Putnam Valley, New York 10579.					
New York	Schuyler (Town), Herkimer County.	Mohawk River	At the downstream corporate limits	None	*395
			Approximately 1.34 miles upstream of Newport Road.	None	*407
Maps available for inspection at the Schuyler Town Clerk's Office, 2090 State Route 5, Utica, New York. Send comments to Mr. Kenneth M. Dodge, Schuyler Town Supervisor, 2090 State Route 5, Utica, New York 13502.					
North Carolina	Warren County (Unincorporated Areas).	Lake Gaston	Along the entire shoreline of Lake Gaston downstream of State Route 1344.	None	*204
Maps available for inspection at the Warren County Planning and Zoning Office, 720 West Ridgeway Street, Warrenton, North Carolina. Send comments to Mr. Harry Williams, Chairman of the Warren County Commission, P.O. Box 619, Warrenton, North Carolina 27589–0619.					
Ohio	Glouster (Village), Athens County.	Mud Fork	Confluence with West Branch Sunday Creek.	None	*687
			Approximately 2,300 feet upstream of Oak Street.	None	*694
		Sunday Creek	Approximately 2,960 feet downstream of Oak Street.	None	*684
			Downstream side of State Route 78	None	*691
		West Branch	Confluence with Sunday Creek	None	*687
		Sunday Creek	Approximately 2,200 feet upstream of Embrey Street.	None	*687
Maps available for inspection at the Glouster Village Hall, 16 ½ Front Street, Glouster, Ohio. Send comments to The Honorable David Angle, Mayor of the Village of Glouster, 16 ½ Front Street, Glouster, Ohio 45732.					
Pennsylvania	Downingtown (Borough), Chester County.	East Branch Brandywine Creek.	Approximately 3,000 feet upstream of U.S. Route 322.	*229	*232
			Approximately 700 feet upstream of U.S. Route 30.	*252	*253
Maps available for inspection at the Downingtown Borough Hall, 4 West Lancaster Avenue, Downingtown, Pennsylvania. Send comments to Mr. Anthony Gambale, Downingtown Borough Manager, 4 West Lancaster Avenue, Downingtown, Pennsylvania 19335.					
Vermont	Montgomery (Town), Franklin County.	Trout River	Approximately 0.57 mile downstream of the downstream corporate limits.	None	*431

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,280 feet downstream of Comstock Bridge Road.	*465	*464
Maps available for inspection at the Montgomery Town Clerk's Office, 98 Main Street, Montgomery Center, Vermont.					
Send comments to Mr. Arthur St. Onge, Jr., Chairman of the Town of Montgomery Board of Selectmen, P.O. Box 356, Montgomery, Vermont 05471.					
Virginia	Franklin County (Unincorporated Areas).	Smith Mountain Lake	Entire shoreline within community	None	*803
		Roanoke River	Entire shoreline within community	None	*803
		Gills Creek	Approximately 575 feet downstream of State Route 668.	None	*803
			At confluence with Smith Mountain Lake	None	*803
		Lynville Creek	At confluence with Roanoke River	None	*803
			Approximately 1.95 miles upstream of the confluence with Roanoke River.	None	*803
		Blackwater River	At confluence with Smith Mountain Lake	None	*803
			Approximately 2.9 miles upstream of confluence with Smith Mountain Lake.	None	*803
Maps available for inspection at the Franklin County Planning Department, 70 East Court Street, Suite 301, Rocky Mount, Virginia.					
Send comments to Mr. Richard F. Huff, Franklin County Administrator, 40 East Court Street, Rocky Mount, Virginia 24151.					
Wisconsin	Belleville (Village), Dane County.	Sugar River	At Remy Road	*856	*855
			At a point approximately 1.2 miles upstream of Belleville Dam.	*865	*864
Maps available for inspection at the Belleville Village Hall, 24 West Main Street, Belleville, Wisconsin.					
Send comments to Mr. Paul Ziehli, Belleville Village President, P.O. Box 79, Belleville, Wisconsin 53508.					
Wisconsin	Cross Plains (Village), Dane County.	Enchanted Valley Creek	At the confluence with Black Earth Creek	*875	*873
			Approximately 50 feet downstream of Military Road.	None	*903
Maps available for inspection at the Cross Plains Village Hall, 2417 Brewery Road, Cross Plains, Wisconsin.					
Send comments to Mr. Duane Johnson, Cross Plains Village President, 2417 Brewery Road, Cross Plains, Wisconsin 53528.					
Wisconsin	Dane County (Unincorporated Areas).	Lake Koshkonong	Entire shoreline within community	None	*784
		Koshkonong Creek	From approximately 0.7 mile downstream of North Jargo Road.	None	*857
			Approximately 0.4 mile downstream of Park Street.	None	*931
		Oregon Branch	A point approximately 300 feet downstream of Jefferson Street.	None	*937
		Badfish Creek	Just downstream of Jefferson Street	None	*937
		Nine Springs Creek	A point approximately 550 feet upstream of the confluence with the Yahara River.	None	*848
			A point approximately 0.33 mile upstream of the Soo Line Railroad.	None	*848
		Pheasant Branch	A point approximately 0.56 mile upstream of Century Avenue.	None	*858
			A point approximately 0.84 mile upstream of Century Avenue.	None	*858
		Upper Mud Lake	Entire shoreline of Upper Mud Lake within community.	None	*848
Maps available for inspection at the Dane County City-County Building, Room 116, 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin.					
Send comments to Ms. Kathleen Falk, Dane County Executive, Room 421, City-County Building, 210 Martin Luther King, Jr. Boulevard, Madison, Wisconsin 53709.					
Wisconsin	Deerfield (Village), Dane County.	Unnamed Tributary from Mud Creek.	Approximately 1.1 mile from confluence with Mud Creek.	N/A	*850

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Deerfield Village Hall, 4 North Main Street, Deerfield, Wisconsin. Send comments to Mr. Arnold J. Evensen, Deerfield Village President, P.O. Box 66, Deerfield, Wisconsin 53531.					
Wisconsin	McFarland (Village), Dane County.	Upper Mud Lake (formerly known as Lake Waubesa).	Entire shoreline within the community	*847	*848
Maps available for inspection at the McFarland Village Municipal Center, 5915 Milwaukee Street, McFarland, Wisconsin. Send comments to Mrs. Cathy Kirby, McFarland Village President, P.O. Box 110, McFarland, Wisconsin 53558.					
Wisconsin	Middleton (City), Kane County.	Pheasant Branch	Approximately 1,500 feet west of the intersection of Airport Road and Laura Lane.	#2	*926
Maps available for inspection at the Middleton City Hall, 7426 Hubbard Avenue, Middleton, Wisconsin. Send comments to The Honorable Dan Ramsey, Mayor of the City of Middleton, 7426 Hubbard Avenue, Middleton, Wisconsin 53562.					
Wisconsin	Sheboygan (City), Sheboygan County.	Lake Michigan	A point approximately 200 feet east of the intersection of Michigan Avenue and Broughton Drive.	*584	*587
			A point approximately 980 feet east of the intersection of Lincoln Avenue and Broughton Drive.	*584	*590
		Shallow Flooding Area	Approximately 0.3 mile east of the intersection of North Second Street and Lake Court North Point Drive.	None	#1
			Approximately 425 feet east of the intersection of Pennsylvania Avenue and Broughton Drive.	*584	#1
			Approximately 900 feet east-northeast of intersection of Indiana Avenue and South Seventh Street.	None	#1
			Approximately 700 feet east-southeast of the intersection of Indiana Avenue and South Seventh Street.	None	#1
			Approximately 380 feet southeast of the intersection of South Seventh Street and Broadway Avenue.	None	#1
Maps available for inspection at the Sheboygan City Hall, 828 Center Avenue, Sheboygan, Wisconsin. Send comments to The Honorable James R. Schramm, Mayor of the City of Sheboygan, 828 Center Avenue, Sheboygan, Wisconsin 53081.					
Wisconsin	Sheboygan County Unincorporated Areas.	Lake Michigan	A point approximately 0.8 mile southeast of the intersection of County Trunk Highway KK and Moennig Road.	*584	*590
			Approximately 0.4 mile east of the intersection of Sauk Trail Road and County Trunk Highway K.	*584	*589
			A point approximately 980 feet southeast of the intersection of Townline Road and Cardinal Lane.	None	#1
			A point approximately 100 feet east of intersection of Cardinal Road and Stokdyke Road.	None	#1
			A point approximately 400 feet northeast of intersection of Cardinal Road and Stokdyke Road.	None	#1
Maps available for inspection at the Sheboygan County Planning and Resources Department, 508 New York Avenue, Sheboygan, Wisconsin. Send comments to Mr. Adam Payne, Sheboygan County Administrative Coordinator, 408 New York Avenue, Sheboygan, Wisconsin 53081.					
Wisconsin	Shorewood Hills (Village), Kane County.	Lake Mendota	Entire shoreline within community	None	*852
Maps available for inspection at the Shorewood Hills Village Hall, 810 Shorewood Boulevard, Madison, Wisconsin. Send comments to Mr. Tom Popp, Shorewood Hills Village Administrator, 810 Shorewood Boulevard, Madison, Wisconsin 53705.					
Wisconsin	Sun Prairie (City), Kane County.	Koshkonong Creek	Approximately 1,300 feet upstream of Bailey Road.	None	*922
			Approximately 1.0 mile upstream of South Bird Street.	*926	*925

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Sun Prairie City Hall, 300 East Main Street, Sun Prairie, Wisconsin. Send comments to The Honorable Jo Ann Orfan, Mayor of the City of Sun Prairie, 300 East Main Street, Sun Prairie, Wisconsin 53590.					
Wisconsin	Waunakee (Village) Kane County.	Sixmile Creek	Approximately 145 feet west of intersection of State Route 19 and Dorn Drive.	None	*920
Maps available for inspection at the Waunakee Village Hall, 500 West Main Street, Waunakee, Wisconsin. Send comments to Mr. Kevin Even, Village of Waunakee Director of Public Works, P.O. Box 100, Waunakee, Wisconsin 53597.					

* Elevation in feet (NGVD).
** National American Vertical Datum of 1988.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: November 17, 2000.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 00–30558 Filed 11–29–00; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2598, MM Docket No. 00–236, RM–10000]

Digital Television Broadcast Service; La Crosse, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Queen B Television, LLC, licensee of station WKBT–TV, NTSC channel 8, La Crosse, Wisconsin, requesting the substitution of DTV channel 41 for station WKBT–TV's assigned DTV channel 53. DTV Channel 41 can be allotted to La Crosse, Wisconsin, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (44–05–28 N. and 91–20–16 W.). As requested, we propose to allot DTV Channel 41 to La Crosse with a power of 1000 and a height above average terrain (HAAT) of 446 meters.

DATES: Comments must be filed on or before January 16, 2001, and reply comments on or before January 31, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert J. Rini, Rini, Coran & Lancellotta, PC, 1350 Connecticut Avenue, NW, Suite 900, Washington, DC 20036–1701 (Counsel for QueenB Television, LLC).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–236, adopted November 22, 2000, and released November 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Wisconsin is amended by removing DTV Channel 53 and adding DTV Channel 41 at La Crosse.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00–30500 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2639, MM Docket No. 00–240, RM–9793]

Digital Television Broadcast Service; Charlottesville, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Central Virginia Educational Telecommunications Corporation, licensee of noncommercial educational station WHTJ(TV), NTSC Channel *41, Charlottesville, Virginia, requesting the substitution of DTV Channel *46 for station WHTJ(TV)'s assigned DTV Channel *14. DTV Channel *46 can be substituted and allotted to Charlottesville, Virginia, as proposed, in compliance with the principle community coverage requirements of Section 73.625(A) at reference coordinates (37–58–58 N. and 78–29–00 W.). DTV Channel *46 can be allotted to Charlottesville with a power of 50 kW and a height above average terrain (HAAT) 352 meters.

DATES: Comments must be filed on or before January 19, 2001, and reply comments on or before February 5, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, S.W., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard J. Bodorff, E. Joseph Knoll III, Wiley, Rein & Fielding, 1776 K Street, NW, Washington, DC 20006 (Counsel for Central Virginia Educational Telecommunications Corporation).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–240, adopted November 27, 2000, and released November 28, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, S.W., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—TELEVISION BROADCAST SERVICES

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Virginia is amended by removing DTV Channel *14 and adding DTV Channel *46 at Charlottesville.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00–30501 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2608, MM Docket No. 00–238, RM–10008]

Radio Broadcasting Services; Ephraim, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Carrie L. Riordan proposing the allotment of Channel 295A at Ephraim, Wisconsin, as the community's first local transmission service. The coordinates for Channel 295A at Ephraim are 45–10–12 and 87–07–46. There is a site restriction 3.4 kilometers (2.1 miles) northeast of the community. Canadian concurrence will be requested for the allotment of Channel 295A at Ephraim.

DATES: Comments must be filed on or before January 8, 2001, and reply comments on or before January 23, 2001.

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

In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Carrie L. riordan, 213 13th Avenue, Sault Ste. Marie, Michigan 49783.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–238, adopted November 8, 2000, and released November 17, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Ephraim, Channel 295A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–30503 Filed 11–29–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF ENERGY

48 CFR Parts 923, 936 and 970

RIN 1991–AB47

Acquisition Regulations: Acquisition of Products Containing Recovered Materials

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing to amend its acquisition regulations to implement Executive Order 13101, dated September 14, 1998, entitled Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition.

DATES: Written comments on the proposed rulemaking must be received on or before close of business January 2, 2001.

ADDRESSES: Comments should be addressed to: Richard Langston, MA–51, U.S. Department of Energy, Office of Procurement and Assistance Management 1000 Independence Avenue, SW., Washington, D.C. 20585

FOR FURTHER INFORMATION CONTACT: Richard Langston at (202) 586–8247 or richard.langston@pr.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Section by Section Analysis.
III. Procedural Requirements.
A. Review Under Executive Order 12866.
B. Review Under Executive Order 12988.
C. Review Under the Regulatory Flexibility Act.
D. Review Under the Paperwork Reduction Act.
E. Review Under the National Environmental Policy Act.
F. Review Under Executive Order 13132.
G. Review Under the Unfunded Mandates Reform Act of 1995.
H. Review Under the Treasury and General Government Appropriations Act, 1999.

I. Background

The purpose of this proposed rulemaking is to provide additional guidance regarding Executive Order 13101, dated September 14, 1998 (63 FR 49641), entitled Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition which superceded Executive Order 12873, dated October 20, 1993, Federal Acquisition, Recycling, and Waste Prevention.

A rule has been proposed to amend the Department of Energy Acquisition Regulation to streamline policies, procedures, provisions, and clauses contained in Part 970 relative to the Department's management and operating contracts (65 FR 13418, March 13, 2000). It may be necessary to revise certain of the citations in this proposed rule if the other action is finalized prior to this action being finalized.

II. Section-by-Section Analysis

The Department of Energy proposes to amend the regulation as follows:

1. The authority citation is revised.

2. A new section 923.405, Procedures, is being added to note that the percentage of recycled content included in the EPA Recovered Materials Advisory Notice (RMAN) is to be specified in the solicitation as the minimum recycled content.

3. Section 923.471, Policy, is being deleted as unnecessarily duplicative of FAR coverage at 23.403.

4. A new section 923.705, Contract clause, will be added to supplement the FAR instruction concerning the clause at 52.223–10. It specifies that the clause is to be used in prime contracts for support services performed at Government-owned or Government-leased facilities and in contracts for operation of a Government-owned or Government-leased facility.

5. A new 936.601–3 is added to supplement FAR coverage regarding Architect-Engineer (A–E) work statement preparation.

6. Section 936.602–70 is modified by the addition of a new paragraph (a)(8) regarding consideration of energy efficiency, pollution prevention, waste reduction, and the use of recovered materials when performing A–E evaluations.

7. Section 970.2304 is being updated to include reference to 48 CFR (FAR) 23.4 and 23.7 and revised to provide guidance concerning circumstances under which the clause at 970.5204–39 should be included in subcontracts.

8. The clause at 970.5204–39 is being updated and revised to include guidance concerning circumstances under which the clause should be included in subcontracts.

III. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' (58 FR 51735, October 4, 1993). Accordingly, this proposed rule is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, these proposed regulations meet the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

This proposed rule has been reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, which requires preparation of an initial regulatory flexibility analysis for any rule that must be proposed for public comment and that is likely to have significant economic impact on a substantial number of small entities. The proposed rule, which would implement provisions of Executive Order 13101 concerning use of recycled materials, would not have a significant economic impact on small entities. While rule requirements may flow down to subcontractors in certain circumstances, the costs of compliance are not estimated to be large and, in any event, would be reimbursable expenses under the contract or subcontract.

Accordingly, DOE certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis has been prepared.

D. Review Under the Paperwork Reduction Act

Information collection or record keeping requirements contained in this rulemaking have been previously cleared under Office of Management and Budget paperwork clearance package Number 1910–0300. There are no new burdens imposed by this rule.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this proposed rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this proposed rule is categorically excluded from NEPA review because the amendments to the DEAR would be strictly procedural (categorical exclusion A6). Therefore, this proposed rule does not require an

environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined today's proposed rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a detailed assessment of costs and benefits of any rule imposing a Federal Mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This proposed rulemaking would only affect private sector entities, and the impact is less than $100 million.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. This rulemaking will have no impact on family well being.

List of Subjects in 48 CFR Parts 923, 936 and 970

Government procurement.

Issued in Washington, D.C. on November 16, 2000.

T. J. Glauthier,

Deputy Secretary of Energy.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

1. The authority citations for parts 923 and 936 are revised to read as follows:

Authority: Atomic Energy Act of 1954 (42 U.S.C. 2201); Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*); National Nuclear Security Administration Act (50 U.S.C. 2401 *et seq.*).

PART 923—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

2. Section 923.405(e) is added to read as follows:

§ 923.405 Procedures [DOE supplemental coverage—paragraph (e)].

(e) When acquiring items designated in the EPA Comprehensive Procurement Guidelines, the EPA recommended percentage of recovered/recycled content contained in the Recovered Materials Advisory Notice (RMAN) shall be specified in the solicitation as the minimum percentage of recycled content. Acquisition of products with recycled contents exceeding the RMAN recommended content is encouraged if their performance is acceptable.

§ 923.471 [Removed and Reserved].

3. Section 923.471 is removed and reserved.

4. Subpart 923.7 is added to read as follows:

Subpart 923.7—Contracting for Environmentally Preferable and Energy-Efficient Products and Services

§ 923.705 Contract clause.

Pursuant to 48 CFR (FAR) 23.704, the clause at 48 CFR (FAR) 52.223–10 should be included in solicitations and contracts for prime support service awards being performed at Government-owned or Government-leased facilities and in contracts for operation of a Government-owned or Government-leased facility.

PART 936—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

5. Section 936.601–3 is added to read as follows:

§ 936.601–3 Applicable contract procedures.

Executive Order 13123, Section 403(d), requires agencies to apply sustainable design principles to the siting, design, and construction of new facilities. Contracting activities shall optimize life-cycle costs, recycled materials, pollution prevention, and other environmental and energy efficiency considerations associated with the construction, life-cycle operation, and decommissioning of their facilities. Contracting activities shall consider using Energy Savings Performance Contracts or utility energy-efficiency service contracts to aid them in constructing sustainable design buildings.

6. Section 936.602–70 is amended by adding paragraph (a)(8) to read as follows:

§ 936.602–70 DOE selection criteria.

* * * * *

(a) * * *

(8) In addition to these requirements, consider the Architect Engineer firms' experience in energy efficiency, pollution prevention, waste reduction, and the use of recovered materials and other criteria at FAR 36.602–1.

* * * * *

PART 970—MANAGEMENT AND OPERATING CONTRACTS

7. The authority citation for part 970 continues to read as follows:

Authority: Atomic Energy Act of 1954 (42 U.S.C. 2201); Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*); National Nuclear Security Administration Act (50 U.S.C. 2401 *et seq.*).

Subpart 970.23—Environment, Conservation, Occupational Safety, and Drug-Free Workplace

8. Sections 970.2304, 970.2304–1, and 970.2304–2 are revised to read as follows:

§ 970.2304 Use of recovered/recycled materials.

§ 970.2304–1 General.

The policy for the acquisition and use of EPA designated items, i.e. items with recovered/recycled content, is set forth at 48 CFR (FAR) 23.4—Use of Recovered Materials as supplemented by 48 CFR (DEAR) 923.405(e) and by 48 CFR (FAR) 23.705, Application to Government-owned or Government-leased facilities, and 48 CFR (FAR) 23.706, Contract clause, as supplemented by 48 CFR (DEAR) 923.706.

§ 970.2304–2 Contract clause.

The contracting officer shall insert the clause at 48 CFR (FAR) 52.223–10, Waste Reduction Program, and the clause at 48 CFR (DEAR) 970.5204–39, Affirmative Procurement Program, in contracts for the management of DOE facilities including national laboratories. If the contractor subcontracts a significant portion of the logistical operation of the Government facility, or subcontracts for construction or remodeling at the facility, which includes the acquisition of items designated in EPA's Comprehensive Procurement Guidelines that Federal agencies and their contractors are to acquire with recovered/recycled

content, the subcontract shall contain the clause at 48 CFR (DEAR) 970.5204–39. Examples of such subcontracts would be operation of the facility supply function, construction or remodeling at the facility, or operation of the facility motor vehicle fleet.

Subpart 970.52—Contract Clauses for Management and Operating Contracts

9. Section 970.5204–39 is revised to read as follows:

§ 970.5204–39 Affirmative procurement program.

As prescribed in 48 CFR (DEAR) 970.2304–2, insert the following clause in contracts for the management of DOE facilities, including national laboratories.

Affirmative Procurement Program (xxx 2000)

(a) In the performance of this contract, the Contractor shall comply with the requirements of the U.S. Department of Energy Affirmative Procurement Program Guidance which is available on the Internet.

(b) In complying with the requirements of paragraph (a) of this clause, the Contractor shall coordinate its activities with the DOE Recycling Coordinator. Reports required by paragraph (c) of this clause shall be submitted through the DOE Recycling Coordinator.

(c) The contractor shall prepare and submit reports on matters related to the acquisition of items designated in EPA's Comprehensive Procurement Guidelines that Federal agencies and their contractors are to procure with recovered/recycled content at the conclusion of each fiscal year.

(d) If the contractor subcontracts a significant portion of the logistical operation of the Government facility or subcontracts for construction or remodeling at the facility which includes the acquisition of items designated in EPA's Comprehensive Procurement Guidelines that Federal agencies and their contractors are to acquire with recovered/recycled content, the subcontract shall contain the clause at 48 CFR (DEAR) 970.5204–39. Examples of such a subcontract would be operation of the facility supply function, construction or remodeling at the facility, or operation of the facility motor vehicle fleet.

(e) When this clause is used in a subcontract, the word ''contractor'' will be understood to mean ''subcontractor'' and the term ''DOE Recycling Coordinator'' will be understood to mean ''Contractor Recycling Coordinator.''

[FR Doc. 00–30313 Filed 11–29–00; 8:45 am]

BILLING CODE 6450–01–P

Notices

Federal Register

Vol. 65, No. 231

Thursday, November 30, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on December 14, 2000, 10:30 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to materials and related technology.

Agenda

Public Session

1. Election of Co-Chairman.
2. Presentation of papers and comments by the public.
3. Update on new and pending regulations.
4. Update on Biological Weapons Convention protocol.
5. Update on Chemical Weapons Convention implementation.

Closed Session

6. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the materials should be forwarded prior to the meeting to the address below: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14 St. & Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on March 7, 2000, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information or copies of the minutes call Ms. Lee Ann Carpenter at (202) 482–2583.

Dated: November 22, 2000.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 00–30547 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 62–2000]

Foreign-Trade Zone 104A—Savannah Airport Commission; Expansion of Facilities and Manufacturing Authority—Subzone 104A, Merck & Co., Inc. Plant (Pharmaceuticals), Dougherty County, GA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Savannah Airport Commission, grantee of FTZ 104, pursuant to § 400.32(b)(1) of the Board's regulations (15 CFR part 400), requesting on behalf of Merck & Co., Inc. (Merck), to add capacity and to expand the scope of manufacturing authority under zone procedures at Subzone 104A, at the Merck pharmaceutical plant in Dougherty County, Georgia. It was formally filed on November 17, 2000.

Subzone 104A was approved by the Board in 1995 at a single site (800 acres, 283,910 sq. ft., 35 bldgs.) located at 3517 Radium Springs Road, Dougherty County, Georgia, 7 miles southeast of Albany and some 180 miles southwest of Savannah. The facility (570 employees) is used to produce a range of human health products. Merck is now proposing to add 193 acres and 41 buildings and to expand existing buildings. The proposed subzone would then include 76 bldgs. consisting of 606,492 sq. ft. (a 114% increase) on 993 acres.

The application also requests to expand the scope of authority for manufacturing activity conducted under FTZ procedures at Subzone 104A to include additional general categories of inputs that have recently been approved by the Board for other pharmaceutical plants. They include chemically pure sugars, empty capsules for pharmaceutical use, protein concentrates, natural magnesium phosphates and carbonates, gypsum, anhydrite and plasters, petroleum jelly, paraffin and waxes, sulfuric acid, other inorganic acids or compounds of nonmetals, ammonia, zinc oxide, titanium oxides, fluorides, chlorates, sulfates, salts of oxometallic acids, radioactive chemical elements, compounds of rare earth metals, acyclic hydrocarbons, derivatives of phenols or peroxides, acetals and hemiacetals, phosphoric esters and their salts, diazo-compounds, glands for therapeutic uses, wadding, gauze and bandages, pharmaceutical glaze, hair preparations, lubricating preparations, albumins, prepared glues and adhesives, catalytic preparations, diagnostic or laboratory reagents, prepared binders, acrylic polymers, self-adhesive plates and sheets, other articles of vulcanized rubber, plastic cases, cartons, boxes, printed books, brochures and similar printed matter, carboys, bottles, and flasks, stoppers, caps, and lids, aluminum foil, tin plates and sheets, taps, cocks and valves, and medical instruments and appliances.

FTZ procedures would exempt Merck from Customs duty payments on the foreign components used in export activity. On its domestic sales, the company would be able to elect the duty rates that applies to finished products

(primarily duty-free for finished pharmaceuticals and up to 14.6% for intermediates) for the foreign materials noted above (duty rates ranging from duty-free to 14.5%). The application indicates that the expanded use of FTZ procedures will help improve Merck's international competitiveness.

The application has requested review under § 400.32(b)(1) of the FTZ Board regulations on the basis that the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 2, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 16, 2001).

Copies of the applications will be available for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 6001 Chatham Center Drive, Suite 100, Savannah, Georgia 31405.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: November 17, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–30565 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 59–2000]

Foreign-Trade Zone 22—Chicago, Illinois; Application For Foreign-Trade Subzone Status, Northrop Grumman Corporation—Defense Systems Division (Radar and Electro-Optical Systems), Rolling Meadows, Illinois

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Illinois International Port District, grantee of FTZ 22, requesting special-purpose subzone status for the manufacturing facilities (radar and electro-optical systems) of the Defense Systems Division (DSD) of Northrop Grumman Corporation, located in Rolling Meadows, Illinois. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on November 15, 2000.

The Northrup Grumman DSD facilities are located at 600 Hicks Road, Rolling Meadows, Illinois (2 buildings/959,000 square feet on 50 acres). The facilities (2,500 employees) are used for the development and manufacture of radar and electro-optical systems for defense, aerospace, and transportation applications. Some of the components used in the manufacturing process are purchased from abroad (an estimated 40% of finished product value), including: plastic boxes or crates; vulcanized rubber products; printed labels; transfers (decalomanias); self-adhesive plastic flat shapes; aluminum castings; hand tools; mirrors; pressure-reducing valves; electric motors and generators; electrical transformers, static converters, and inductors; plugs or sockets; printed-circuit assemblies and assembly parts; electrical switching/connection/circuit-protection parts; arc lamps; coaxial cable; electric conductors; mirrors and other optical elements, instruments, and devices, including parts; lasers; materials testing machines; and oscilloscopes, oscillographs, and other measuring or checking instruments. Duty rates on these imported items range from 1.7% to 5.8%. The company also uses a number of foreign-sourced items that are duty free.

Zone procedures would exempt DSD from Customs duty payments on foreign components used in export production. FTZ procedures will help DSD to implement a more cost-effective system for handling Customs requirements (including reduced brokerage fees and Customs merchandise processing fees). On its domestic sales, DSD would be able to choose the lower duty rate that applies to the finished products (duty-free to 2.8%), where applicable, for the foreign components noted above. DSD would also be able to defer payment of duties on imported components until Customs entry is made on the finished products. The company would be exempt from duty payments on foreign merchandise that becomes scrap/waste (scrap rate estimated at 1.5% of parts). FTZ status may also make a site eligible for benefits provided under state/local programs. The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 29. 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to February 13, 2001.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

U.S. Department of Commerce Export Assistance Center 55 W. Monroe St., Suite 2440, Chicago, Illinois 60603

Dated: November 16, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–30567 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 61–2000]

Foreign-Trade Zone 93—Raleigh/Durham, NC; Expansion of Facilities and Manufacturing Authority—Subzone 93C; Merck & Co., Inc. Plant (Pharmaceuticals) Wilson County, NC

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Triangle J Council of Governments, grantee of FTZ 93, pursuant to § 400.32(b)(1) of the Board's regulations (15 CFR Part 400), requesting on behalf of Merck & Co., Inc. (Merck), to add capacity and to expand the scope of manufacturing authority under zone procedures at Subzone 93C, the Merck pharmaceutical plant in Wilson County, North Carolina. It was formally filed on November 17, 2000.

Subzone 93C was approved by the Board in 1994 at a single site (225 acres, 257,576 sq. ft., 7 bldgs.) located at 4633 Merck Road, near the intersection of I–95 and U.S. Hwy. 264, in the town of Wilson (Wilson County), North Carolina, some 40 miles east of Durham. The facility (605 employees) is used to produce a range of human health products. Merck is now proposing to add 1 building and expand existing buildings. The proposed subzone would

then include 8 bldgs. consisting of 609,927 sq. ft. (a 237% increase) on 225 acres.

The application also requests to expand the scope of authority for manufacturing activity conducted under FTZ procedures at Subzone 93C to include additional general categories of inputs that have recently been approved by the Board for other pharmaceutical plants. They include chemically pure sugars, empty capsules for pharmaceutical use, protein concentrates, natural magnesium phosphates and carbonates, gypsum, anhydrite and plasters, petroleum jelly, paraffin and waxes, sulfuric acid, other inorganic acids or compounds of nonmetals, ammonia, zinc oxide, titanium oxides, fluorides, chlorates, sulfates, salts of oxometallic acids, radioactive chemical elements, compounds of rare earth metals, acyclic hydrocarbons, derivatives of phenols or peroxides, acetals and hemiacetals, phosphoric esters and their salts, diazo-compounds, glands for therapeutic uses, wadding, gauze and bandages, pharmaceutical glaze, hair preparations, lubricating preparations, albumins, prepared glues and adhesives, catalytic preparations, diagnostic or laboratory reagents, prepared binders, acrylic polymers, self-adhesive plates and sheets, other articles of vulcanized rubber, plastic cases, cartons, boxes, printed books, brochures and similar printed matter, carboys, bottles, and flasks, stoppers, caps, and lids, aluminum foil, tin plates and sheets, taps, cocks and valves, and medical instruments and appliances.

FTZ procedures would exempt Merck from Customs duty payments on the foreign components used in export activity. On its domestic sales, the company would be able to elect the duty rates that applies to finished products (primarily duty-free for finished pharmaceuticals and up to 14.6% for intermediates) for the foreign materials noted above (duty rates ranging from duty-free to 14.5%). The application indicates that the expanded use of FTZ procedures will help improve Merck's international competitiveness.

The application has requested review under § 400.32(b)(1) of the FTZ Board regulations on the basis that the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 2, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 16, 2001).

Copies of the applications will be available for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 333 Fayetteville St., Suite 1150, Raleigh, NC 27601

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: November 17, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–30564 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 60–2000]

Foreign-Trade Zone 35B—Philadelphia Regional Port Authority; Expansion of Facilities and Manufacturing Authority—Subzone 35B; Merck & Co., Inc. Plant (Pharmaceuticals) West Point, PA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Philadelphia Regional Port Authority, grantee of FTZ 35, pursuant to § 400.32(b)(1) of the Board's regulations (15 CFR part 400), requesting on behalf of Merck & Co., Inc. (Merck), to add capacity and to expand the scope of manufacturing authority under zone procedures at Subzone 35B, at the Merck pharmaceutical plant in West Point, Pennsylvania. It was formally filed on November 17, 2000.

Subzone 35B was approved by the Board in 1994 at a single site (387 acres, 4,230,000 sq. ft., 83 bldgs.) located at Sunneytown Pike and Broad Street, in the town of West Point, Montgomery County, Pennsylvania, some 15 miles northwest of Philadelphia. The facility (9,500 employees) is used to produce a range of human health products. Merck is now proposing to add 23 buildings (totaling 2,087,280 sq. ft) and 18 acres. The proposed subzone would then include 106 bldgs., consisting of 6,317,280 sq. ft. (a 49% increase) on 405 acres.

The application also requests to expand the scope of authority for manufacturing activity conducted under FTZ procedures at Subzone 35B to include additional general categories of inputs that have recently been approved by the Board for other pharmaceutical plants. They include chemically pure sugars, empty capsules for pharmaceutical use, protein concentrates, natural magnesium phosphates and carbonates, gypsum, anhydrite and plasters, petroleum jelly, paraffin and waxes, sulfuric acid, other inorganic acids or compounds of nonmetals, ammonia, zinc oxide, titanium oxides, fluorides, chlorates, sulfates, salts of oxometallic acids, radioactive chemical elements, compounds of rare earth metals, acyclic hydrocarbons, derivatives of phenols or peroxides, acetals and hemiacetals, phosphoric esters and their salts, diazo-compounds, glands for therapeutic uses, wadding, gauze and bandages, pharmaceutical glaze, hair preparations, lubricating preparations, albumins, prepared glues and adhesives, catalytic preparations, diagnostic or laboratory reagents, prepared binders, acrylic polymers, self-adhesive plates and sheets, other articles of vulcanized rubber, plastic cases, cartons, boxes, printed books, brochures and similar printed matter, carboys, bottles, and flasks, stoppers, caps, and lids, aluminum foil, tin plates and sheets, taps, cocks and valves, and medical instruments and appliances.

FTZ procedures would exempt Merck from Customs duty payments on the foreign components used in export activity. On its domestic sales, the company would be able to elect the duty rates that applies to finished products (primarily duty-free for finished pharmaceuticals and up to 14.6% for intermediates) for the foreign materials noted above (duty rates ranging from duty-free to 14.5%). The application indicates that the expanded use of FTZ procedures will help improve Merck's international competitiveness.

The application has requested review under § 400.32(b)(1) of the FTZ Board regulations on the basis that the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 2, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 16, 2001).

Copies of the applications will be available for public inspection at the following locations:

U.S. Department of Commerce, Export Assistance Center, 615 Chestnut St., Suite 1501, Philadelphia, PA 19106
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: November 17, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–30563 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 63–2000]

Foreign-Trade Zone 185C—Culpeper County Chamber of Commerce Expansion of Facilities and Manufacturing Authority—Subzone 185C, Merck & Co., Inc. Plant (Pharmaceuticals), Elkton, Virginia

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Culpeper County Chamber of Commerce, grantee of FTZ 185, pursuant to § 400.32(b)(1) of the Board's regulations (15 CFR Part 400), requesting on behalf of Merck & Co., Inc. (Merck), to add capacity and to expand the scope of manufacturing authority under zone procedures at Subzone 185C, at the Merck pharmaceutical plant in Elkton, Virginia, was formally filed on November 17, 2000.

Subzone 104A was approved by the Board in 1994 at a single site (1,333 acres, 624,221 sq. ft., 82 bldgs.) located on Route 340S, in Elkton (Rockingham County), Virginia, some 20 miles east of Harrisonburg. The facility (900 employees) is used to produce a range of human health products. Merck is now proposing to add 15 buildings and additional capacity to existing buildings (totaling 262,904 sq. ft). The proposed subzone would then include 97 bldgs. consisting of 887,125 sq. ft. (a 42% increase) on 1,333 acres.

The application also requests to expand the scope of authority for manufacturing activity conducted under FTZ procedures at Subzone185C to include additional general categories of inputs that have recently been approved by the Board for other pharmaceutical plants. They include chemically pure sugars, empty capsules for pharmaceutical use, protein concentrates, natural magnesium phosphates and carbonates, gypsum, anhydrite and plasters, petroleum jelly, paraffin and waxes, sulfuric acid, other inorganic acids or compounds of nonmetals, ammonia, zinc oxide, titanium oxides, fluorides, chlorates, sulfates, salts of oxometallic acids, radioactive chemical elements, compounds of rare earth metals, acyclic hydrocarbons, derivatives of phenols or peroxides, acetals and hemiacetals, phosphoric esters and their salts, diazo-compounds, glands for therapeutic uses, wadding, gauze and bandages, pharmaceutical glaze, hair preparations, lubricating preparations, albumins, prepared glues and adhesives, catalytic preparations, diagnostic or laboratory reagents, prepared binders, acrylic polymers, self-adhesive plates and sheets, other articles of vulcanized rubber, plastic cases, cartons, boxes, printed books, brochures and similar printed matter, carboys, bottles, and flasks, stoppers, caps, and lids, aluminum foil, tin plates and sheets, taps, cocks and valves, and medical instruments and appliances.

FTZ procedures would exempt Merck from Customs duty payments on the foreign components used in export activity. On its domestic sales, the company would be able to elect the duty rates that applies to finished products (primarily duty-free for finished pharmaceuticals and up to 14.6% for intermediates) for the foreign materials noted above (duty rates ranging from duty-free to 14.5%). The application indicates that the expanded use of FTZ procedures will help improve Merck's international competitiveness.

The application has requested review under § 400.32(b)(1) of the FTZ Board regulations on the basis that the proposed activity is the same, in terms of products involved, to activity recently approved by the Board and similar in circumstances.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 2, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 16, 2001).

Copies of the applications will be available for public inspection at the following locations:

Culpeper County Chamber of Commerce, 133 West Davis Drive, Culpeper, Virginia 22701
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue, NW, Washington, DC 20230

Dated: November 17, 2000.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 00–30566 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: Novemeber 30, 2000.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than October 31, 2001.

	Period to be reviewed
Antidumping Duty Proceedings	
Japan: Tapered Roller Bearings, Over 4 Inches,* A–588–604, NTN Corporation	10/1/99–12/31/99
Malaysia: Extruded Rubber Thread, A–557–805, Filati Lastex Sdn. Bhd., Heveafil Sdn. Bhd., Rubberflex Sdn. Bhd.	10/1/99–9/30/00
Republic of Korea: Stainless Steel Wire Rod,[1] A–583–829, Changwon Specialty Steel Co., Ltd., Dongbang Specialty Steel Co., Ltd.	9/1/99–8/31/00
Taiwan: Stainless Steel Sheet and Strip in Coils,[2] A–583–831, Chia Far Industrial Factory Co., Ltd.	6/8/99–6/30/00
The People's Republic of China: Helical Spring Lock Washers,[3] A–570–822, Zhejiang Wanxin Group Co., Ltd. (aka Hangzhou Spring Washer Plant)	10/1/99–9/30/00
Countervailing Duty Proceedings	
India: Iron Metal Castings, C–533–063, Howrah Ferrous Limited	1/1/99–12/31/99

Order revoked effective 01/01/2000, as a result of sunset review.

[1] Case inadvertently omitted from initiation notice published on October 30, 2000, (65 FR 64662).

[2] In the initiation notice published on September 6, 2000, (65 FR 53980), the review period for this case was incorrect and the above-listed company was inadvertently omitted. The period listed above is the correct period of review for this case and, we are adding the above-listed firm to the other firms' initiation for that review.

[3] If one of the above-named companies does not qualify for a separate rate, all other exporters of helical spring lock washers from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

Suspension Agreements

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: November 22, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 00–30562 Filed 11–29–00; 8:45 am]

BILLING CODE 3510–DS–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, December 7, 2000, 2 p.m.

LOCATION: Room 410, East-West Towers, 4330 East-West Highway, Bethesda, Maryland.

STATUS: Closed to the Public—Pursuant to 5 U.S.C. 552b(f)(1) and 16 CFR 1013.4(b) (3), (7), (9), and (10) and submitted to the **Federal Register** pursuant to 5 U.S.C. 552b(e)(3).

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East-West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: November 28, 2000.

Sadye E. Dunn,

Secretary.

[FR Doc. 00–30691 Filed 11–28–00; 2:48 pm]

BILLING CODE 6335–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DoD Healthcare Quality Initiative Review Panel

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This notice set forth the meeting of the DoD Healthcare Quality Initiatives Review Panel. An executive/administration meeting for DoD Healthcare Quality Initiatives Review Panel was held on November 28 and 29, 2000. This notice of meeting is required under The Federal Advisory Committee Act. This notice was sent out late due to an administration oversight.

DATES: November 28 and 29, 2000.

ADDRESSES: Hilton Alexandria Mark Center, 5000 Seminary Road, Alexandria, VA 22311.

TIME: November 28th, 8 am to 5 pm; November 29th, 8 am to 5 pm.

SUPPLEMENTARY INFORMATION: Contact Gia Edmonds at (703) 933–8325.

Dated: November 22, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–30477 Filed 11–29–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

National Commission on the Use of Offsets in Defense Trade, and President's Council on the Use of Offsets in Commercial Trade

AGENCY: Department of Defense, National Commission on the Use of Offsets in Defense Trade, and President's Council on the Use of Offsets in Commercial Trade.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of the President's Council on the Use of Offsets in Commercial Trade, a federal advisory committee that is being established by Executive Order. The Council will meet jointly with the parallel National

Commission on the Use of Offset in Defense Trade, established by Public Law 106–113. ''Offsets'' are conditions that a foreign government often negotiates with a U.S. company seeking to export a major defense or commercial system to its country (e.g., military or commercial aircraft), under which the country's firms (a) participate in the production of the system and/or its subsystems, or (b) obtain other technological or economic benefits from the U.S. exporter. The purpose of the meeting is to assess the effect of offsets in both defense and commercial trade on U.S. jobs, U.S. economic competitiveness, and U.S. national security. Due to the expedited set up of this Commission, this posting is being made is less than 15 days before the first meeting date.

DATES: December 4, 2000, 9:30 a.m.—12:00 p.m.

ADDRESSES: Truman room of the White House Conference Center, 726 Jackson Place, N.W., across from the White House on the other side of Pennsylvania Avenue.

FOR FURTHER INFORMATION CONTACT: Jangela Shumskas, phone 703/253–0929, email jshumska@brtrc.com, fax 703/204–9447.

SUPPLEMENTARY INFORMATION: The meeting will be open to members of the public, who should register in advance through the following web site: http://www.offsets.brtrc.net. Although the meeting schedule does not allow oral presentations from the public, we encourage written comments from the public on the issues before the Council and Commission. Please send comments to Jangela Shumskas (jshumska@brtrc.com, fax 703/204–9447) prior to the meeting or within two weeks following the meeting. The meeting agenda will be posted on the Council/Commission web site (http://www.offsets.brtrc.net) during the week of November 27.

Dated: November 22, 2000.

L.M. Bynum

Alternatie Federal Register Liasion Officer, Department of Defense.

[FR Doc. 00–30478 Filed 11–29–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised non-foreign overseas per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 218. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 218 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: December 1, 2000.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 217. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

Dated: November 22, 2000.

L.M. Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGES IN CIVILIAN BULLETIN 218 UPDATES RATES FOR JOHNSTON ATOLL.				
ALASKA				
ANCHORAGE [INCL NAV RES]				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
BARROW	140	75	215	05/01/2000
BETHEL	92	65	157	01/01/2000
CLEAR AB	80	54	134	01/01/2000
COLD BAY	140	73	213	01/01/2000
COLDFOOT	135	71	206	10/01/1999
CORDOVA	80	72	152	03/01/2000
CRAIG				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
DEADHORSE	80	67	147	03/01/1999
DENALI NATIONAL PARK				
06/01 - 08/31	125	56	181	01/01/2000
09/01 - 05/31	90	53	143	01/01/2000
DILLINGHAM	100	58	158	01/01/2000
DUTCH HARBOR-UNALASKA	110	71	181	03/01/1999
EARECKSON AIR STATION	80	54	134	01/01/2000
EIELSON AFB				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
ELMENDORF AFB				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
FAIRBANKS				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
FT. RICHARDSON				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
FT. WAINWRIGHT				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
GLENNALLEN	94	54	148	01/01/2000
HEALY				
06/01 - 08/31	125	56	181	01/01/2000
09/01 - 05/31	90	53	143	01/01/2000
HOMER				
04/30 - 10/03	119	65	184	03/01/2000
10/04 - 04/29	69	60	129	03/01/2000
JUNEAU	95	66	161	01/01/2000
KAKTOVIK	165	75	240	01/01/2000
KAVIK CAMP	125	69	194	03/01/1999
KENAI-SOLDOTNA				
04/01 - 10/31	104	65	169	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
11/01 - 03/31	67	61	128	01/01/2000
KENNICOTT	149	68	217	10/01/1998
KETCHIKAN				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
KING SALMON				
05/01 - 10/01	160	88	248	01/01/2000
10/02 - 04/30	100	82	182	01/01/2000
KLAWOCK				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
KODIAK	90	68	158	01/01/2000
KOTZEBUE				
05/01 - 08/31	126	72	198	06/01/2000
09/01 - 04/30	95	63	158	06/01/2000
KULIS AGS				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
MCCARTHY	149	68	217	10/01/1998
METLAKATLA				
05/30 - 10/01	85	52	137	03/01/1999
10/02 - 05/29	78	51	129	03/01/1999
MURPHY DOME				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
NOME	90	60	150	06/01/2000
NUIQSUT	120	47	167	01/01/2000
PETERSBURG	87	57	144	03/01/1999
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PRUDHOE BAY	80	67	147	03/01/1999
SEWARD				
05/01 - 09/15	119	75	194	03/01/2000
09/16 - 04/30	75	71	146	03/01/2000
SITKA-MT. EDGECOMBE				
05/16 - 09/16	139	73	212	01/01/2000
09/17 - 05/15	129	72	201	01/01/2000
SKAGWAY				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
SPRUCE CAPE	90	68	158	01/01/2000
TANANA	90	60	150	06/01/2000
UMIAT	107	33	140	03/01/1999
VALDEZ				
05/01 - 10/01	117	68	185	01/01/2000
10/02 - 04/30	99	66	165	01/01/2000
WAINWRIGHT	111	81	192	01/01/2000
WASILLA	95	60	155	01/01/2000
WRANGELL				

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	54	134	01/01/2000
AMERICAN SAMOA				
AMERICAN SAMOA	85	67	152	03/01/2000
GUAM				
GUAM (INCL ALL MIL INSTAL)	150	71	221	04/01/2000
HAWAII				
CAMP H M SMITH	112	65	177	06/01/2000
EASTPAC NAVAL COMP TELE AREA	112	65	177	06/01/2000
FT. DERUSSEY	112	65	177	06/01/2000
FT. SHAFTER	112	65	177	06/01/2000
HICKAM AFB	112	65	177	06/01/2000
HONOLULU (INCL NAV & MC RES CTR)	112	65	177	06/01/2000
ISLE OF HAWAII: HILO	84	58	142	05/01/2000
ISLE OF HAWAII: OTHER	89	54	143	05/01/2000
ISLE OF KAUAI				
05/01 - 11/30	143	69	212	06/01/2000
12/01 - 04/30	176	73	249	06/01/2000
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	143	72	215	05/01/2000
ISLE OF OAHU	112	65	177	06/01/2000
KANEOHE BAY MC BASE	112	65	177	06/01/2000
KEKAHA PACIFIC MISSILE RANGE FAC				
05/01 - 11/30	143	69	212	06/01/2000
12/01 - 04/30	176	73	249	06/01/2000
KILAUEA MILITARY CAMP	84	58	142	05/01/2000
LUALUALEI NAVAL MAGAZINE	112	65	177	06/01/2000
NAS BARBERS POINT	112	65	177	06/01/2000
PEARL HARBOR [INCL ALL MILITARY]	112	65	177	06/01/2000
SCHOFIELD BARRACKS	112	65	177	06/01/2000
WHEELER ARMY AIRFIELD	112	65	177	06/01/2000
[OTHER]	72	61	133	01/01/2000
JOHNSTON ATOLL				
JOHNSTON ATOLL	13	16	29	12/01/2000
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	150	47	197	02/01/2000
NORTHERN MARIANA ISLANDS				
ROTA	149	72	221	04/01/2000
SAIPAN	154	87	241	04/01/2000
[OTHER]	55	72	127	04/01/2000
PUERTO RICO				
BAYAMON				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
CAROLINA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
FAJARDO [INCL CEIBA & LUQUILLO]	82	54	136	01/01/2000
FT. BUCHANAN [INCL GSA SVC CTR,				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
HUMACAO	82	54	136	01/01/2000
LUIS MUNOZ MARIN IAP AGS				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
MAYAGUEZ	85	59	144	01/01/2000
PONCE	96	69	165	01/01/2000
ROOSEVELT RDS & NAV STA	82	54	136	01/01/2000
SABANA SECA [INCL ALL MILITARY]				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
SAN JUAN & NAV RES STA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	93	72	165	01/01/2000
12/15 - 04/14	129	76	205	01/01/2000
ST. JOHN				
04/15 - 12/14	219	84	303	01/01/2000
12/15 - 04/14	382	100	482	01/01/2000
ST. THOMAS				
04/15 - 12/14	163	73	236	01/01/2000
12/15 - 04/14	288	86	374	01/01/2000
WAKE ISLAND				
WAKE ISLAND	60	32	92	09/01/1998

[FR Doc. 00–30479 Filed 11–29–00; 8:45 am]

BILLING CODE 5001–10–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–3783–000]

AES Mohave, LLC; Notice of Issuance of Order

November 24, 2000.

AES Mohave, LLC (AES Mohave) submitted for filing a rate schedule under which AES Mohave will engage in wholesale electric power and energy transactions at market-based rates. AES Mohave also requested waiver of various Commission regulations. In particular, AES Mohave requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by AES Mohave.

On November 15, 2000, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by AES Mohave 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).

Absent a request for hearing within this period, AES Mohave is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of AES Mohave's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is December 15, 2000.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order 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. 00–30484 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–28–000]

Georgia Power Company; Notice of Filing

November 24, 2000.

Take notice that on November 17, 2000, Georgia Power Company (Georgia Power) tendered for filing with the Federal Energy Regulatory Commission, (Commission) an Application Pursuant to Section 203 of the Federal Power Act for Authorization to Exchange Transmission Facilities.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before December 8, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30488 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–31–000]

Kern River Gas Transmission Company; Notice of Application

November 24, 2000.

On November 15, 2000, Kern River Gas Transmission Company, (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP01–31–000 an application pursuant to Section 7 of the Natural Gas Act (NGA) and the Commission's Rules and Regulations for a certificate of public convenience and necessity authorizing Kern River to construct and operate facilities required to expand its transportation capacity from Wyoming to California to serve 124,500 Mcf of new firm, long-term capacity, commencing May 1, 2002. Kern River requests an up-front determination that the project qualifies for rolled-in rate treatment, and for approval of a pro forma tariff provision establishing an electric compressor fuel surcharge and approval of its proposed accounting treatment for certain expansion costs, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Kern River proposes to install the following facilities: (1) Three new compressor stations, the Elberta Compressor Station, in Utah County, Utah, the Veyo Compressor Station in Washington County, Utah and the Daggett Compressor Station in San Bernardino County, California; (2) an additional compressor unit at the existing Muddy Creek Compressor Station in Lincoln County, Wyoming; (3) restaging of the compressor at the existing Fillmore Compressor in Millard County, Utah; and (4) upgrades of the existing Opal Meter Station in Lincoln County, Wyoming and the Wheeler Ridge Meter Station in Kern County, California. It is indicated that the proposed compression facilities will add a total of 49,500 horsepower to the Kern River system at a cost of approximately $80 million.

Kern River states that the proposed expansion facilities are designed to accommodate the 124,500 dt per day of commitments for new firm service from Wyoming to California under four long-term (10 and 15-year) agreements resulting from a recent open season. It is stated that Kern River in the open

season solicited requests for capacity turnback, but received no offers to release capacity. Kern River also states that the expansion transportation agreements are subject to the applicable extended term (ET) rates under the ET rate program recently approved for future implementation on the Kern River system. Kern River estimates that the rolled-in effect of the proposed expansion will be an approximately 4 to 6 percent reduction in otherwise applicable rates for existing shippers, partially offset by an increase in fuel reimbursement obligations as a result of the added compression. It is indicated that, pursuant to a rate settlement obligation, Kern River will submit a timely compliance filing to adjust its rates effective with the in-service date of the expansion to reflect the beneficial impact of the expansion project.

It is also stated that the proposed California compressor station will have an electric motor-driven compression unit. To ensure recovery of the associated actual electric fuel costs from its shippers flowing gas through that point, Kern River proposes an electric compressor fuel surcharge under its tariff. It is indicated that, based on the stated assumptions for electricity costs, the initial surcharge is $0.0051 per dt of service flowing through that station.

Kern River also states that the $800,000 estimated cost to restage the existing compressor unit at the Fillmore Compressor Station will be expensed consistent with the FERC's Gas Plant Instructions in Part 201 of the Commission's Regulations. Kern River requests approval to amortize the restaging expense over 15 years, consistent with the contract terms applicable to most of the expansion capacity. It is also indicated that use of the approved ET rate levelization methodology for the proposed roll-in results in the new regulatory depreciation rates shown in Exhibit O of the application. Kern River requests that, since the total debt-related depreciation expenses still will be recovered over the primary terms of the service agreements, it should be permitted to continue accounting for the differences between its book depreciation and its regulatory depreciation as a regulatory asset or liability, with amortization over the primary terms of the underlying service agreements.

Kern River avers that the expansion shippers require service by May 1, 2002, in order to serve the fuel requirements of new and existing electric power generation facilities in California, and that the new facilities will require seven months to construct.

Questions regarding the details of this proposed project should be directed to Gary Kotter, Manager, Certificates, at (801)–584–7117, or in writing to his attention at Kern River Gas Transmission Company, P.O. Box 58900, Salt Lake City, Utah 84158.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before December 13, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will received copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30485 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP98–39–000 et al.]

Northern Natural Gas Company et al.; Notice of Summary Settlement on Kansas Ad Valorem Tax Refund Matters on Northern Natural Gas Company's System

November 24, 2000

In the matter of: GP98–5–000, GP98–8–000, GP98–12–000, GP98–14–000, GP98–20–000, GP98–22–000, GP98–24–000, GP98–26–000, GP98–30–000, GP99–15–000, GP99–16–000, GP99–17–000, GP99–18–000, SA98–8–000, SA98–10–000, SA98–16–000, SA98–18–000, SA98–20–000, SA98–22–000, SA98–32–000,

SA98–33–000, SA98–35–000, SA98–37–000, SA98–38–000, SA98–40–000, SA98–42–000, SA98–48–000, SA98–49–000, SA98–51–000, SA98–53–000, SA98–56–000, SA98–60–000, SA98–61–000, SA98–64–000, SA98–65–000, SA98–72–000, SA98–76–000, SA98–80–000, SA98–83–000, SA98–91–000, SA98–92–000, SA98–93–000, SA98–97–000, SA98–101–000, SA99–4–000, SA99–5–000, SA99–6–000, SA99–18–000, SA99–23–000, SA99–26–000; Mobil Oil Corporation, OXY USA Inc., Amoco Production Company, Anadarko Petroleum Corporation, Union Pacific Resources Company, Kansas Natural Gas Inc., Bill C. Romig, ONEOK Resources Company, Barbara J. Wilson *et al.,* Burlington Resources Oil & Gas Co., Strohls, Strohls, Kansas Independent Oil & Gas Assn., Ensign Oil & Gas Inc., Helmerich & Payne, Inc., Midgard Energy Company, Riviera Drilling & Exploration Co., Dale Schwarzhoff, Sally L. Bone, Kaiser—Francis Oil Company, Pioneer Natural Resources USA, Inc., Lee Banks, d/b/a Banks Oil Company, Pickrell Drilling Co., Inc., John W. Lebosquest, Hummon Corporation, Leo B. Helzel, Graham-Miochaelis Drilling Company, Kansas Petroleum, Inc., Benson Mineral Group, Inc., First National Oil Company, Louis & Bruce F. Welner, R. J. Patrick Operating Company, Pickrell Drilling Company, Inc., John O. Farmer Inc., Edwin A. Cornell, Hummon Corporation, Trees Oil Company, Beren Corporation, Broadhurst Operating Limited, Partnership No. 2, Broadhurst Operating Limited Partnership No. 3, Ralph Howard, Inc., Eastman Dillon Oil & Gas Assoc., IMC Global, Inc., Continental Energy, Questa Energy Corp., Argent Energy, Inc., Harken Energy Corporation, Chevron U.S.A. Inc., Atlantic Richfield Company, Texaco Exploration and Production, Inc.

Published here is a summary of the settlement filed by Northern on November 20, 2000. The settlement addresses Kansas ad valorem tax refund matters on Northern's system.

Pursuant to Rule 602(c)(1)(ii) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR Section 385.602, Northern Natural Gas Company (Northern) hereby submits an Explanatory Statement with respect to the Stipulation and Agreement of Settlement (hereinafter Settlement). This statement is a summary only. The terms of the Settlement are authoritative as to the intent and the agreement of the parties.

This Settlement is intended to facilitate and expedite the Commission's implementation of the decision of the United States Court of Appeals for the District of Columbia circuit in *Public Service Company of Colorado* v. *FERC,* involving the refund of Kansas *ad valorem* taxes on Northern's system. In Public Service, the court upheld the Commission's decision that producers must refund certain Kansas *ad valorem* tax reimbursements that were collected in excess of the maximum lawful prices (MLP) for first sales of natural gas under Title I of the Natural Gas Policy Act of 1978. On September 10, 1997, the Commission issued an order implementing Public Service. The September 10 order established procedures and timetables for producers to make refunds to the pipelines, and for the pipelines to flow the refunds through to their customers.

To comply with the September 10 Order, Northern sent Statements of Refunds Due to producers in November 1997. Subsequently, Northern received additional information affecting the refund liability of individual working interest owners. As a result, Northern has made various revisions to its original Statements of Refunds Due. many of the working interest owners have challenged Northern's Statements of Refunds Due in formal filings with the Commission, raising a number of issues, including headroom (*i.e.* whether the price paid by Northern and the tax reimbursement, taken together, exceeded the applicable MLP), the allocation of refund claims among working interest owners, the uncollectability of royalty related refunds, and other objections.

This Settlement is a reasonable means of helping resolve the difficult Kansas *ad valorem* tax refund matters currently before the Commission. This Settlement will eliminate the need for more lengthy proceedings, either formal or informal. Approval of this Settlement will provide relief to small producers, reduce the administrative burdens on the Commission, its Staff, Northern, first sellers and numerous interest owners and intervenors, of litigating countless proceedings before the Commission that involve many complex issues. All parties, as well as the public interest would benefit from the termination of numerous petitions for relief under Section 502(c) of the NGPA pending before the Commission.

Exhibit No. 1 contains the Deceased Estates and Bankruptcies. Exhibit Nos. 2 and 3 contain lists of large producers and small producers, respectively, who have a refund obligation pursuant to the settlement and have paid on or before December 1, 2000. Exhibit No. 4 contains a list of small producers with total refund claims of less than $50,000. No further action is required if a Small Producer under $50,000 accepts this settlement. Parties may access these exhibits through the Commissions's website at *www.ferc.fed.us* or contact the Secretary's Office at 202–208–0400.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30487 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–599–002]

Paiute Pipeline Company; Notice of Application

November 24, 2000.

Take notice that on October 31, 2000, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, the following tariff sheets, to become effective November 1, 2000:

Ninth Revised Sheet No. 10
Fourth Revised Sheet No. 21
Second Revised Sheet No. 22
Ninth Revised Sheet No. 161

Paiute states that the purpose of this filing is to comply with the Commission's order issued June 30, 2000 in Docket Nos. CP99–599–000, *et al.*

Paiute states that the Commission's order, among other things, authorized Paiute to construct and operate certain pipeline loop and replacement pipeline facilities, referred to as the Carson Lateral Project. Paiute indicates that the Commission's order authorized Paiute to recover a portion of the cost of service associated with the construction project by means of an incremental facilities surcharge to be assessed to Southwest Gas Corporation-Northern Nevada. By its filing, Paiute proposes to establish the initial incremental facilities surcharge. Paiute requests that its proposed incremental rate and tariff sheets be permitted to become effective on November 1, 2000, following the inservice date of the completed construction project.

Any person desiring to be heard or to make any protest with reference to said application should on or before Dec. 15, 2000, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30486 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01–2–000]

The Peoples Gas Light and Coke Company; Notice of Application for Rate Approval

November 24, 2000.

Take notice that on November 9, 2000, The Peoples Gas Light and Coke Company (Peoples Gas), 130 East Randolph Drive, Chicago, Illinois 60601, filed pursuant to Section 284.123 of the Commission's Regulations under the Natural Gas Act (18 CFR 284.123) a petition for rate approval in Docket No. PR01–2–000 requesting that the Commission approve fair and equitable rates for the transportation, storage and parking and loaning services to be provided pursuant to Peoples Gas' blanket authority, all as more fully set forth in the application that is on file with the Commission and open to public inspection.

Peoples Gas states that it is an intrastate gas distribution company serving retail customers in the City of Chicago, Illinois. Peoples Gas states that it is a public utility under the Public Utilities Act of Illinois and is subject to the jurisdiction of the Illinois Commerce Commission. Peoples Gas states that is received a Hinshaw blanket certificate and approval for firm and interruptible transportation services and rates from the Commission in March 1998.

Peoples Gas proposes to continue to offer, pursuant to the blanket certificate, firm and interruptible transportation services, firm and interruptible storage services and a parking and loaning service. Peoples Gas proposes, for the firm transportation service, a cost-based maximum monthly reservation charge of $1.9275 per MMBtu of maximum daily quantity. The minimum charge is zero. For the interruptible transportation service, Peoples Gas proposes a maximum commodity charge, based on a 100% load factor derivation of the firm storage rate, of $0.0634 per MMBtu and a minimum charge of zero. Peoples Gas proposes, for the firm storage service, a cost-based maximum monthly reservation rate of $1.4861 per MMBtu of maximum daily withdrawal quantity with a minimum charge of zero; a maximum monthly capacity charge of $0.0594 per MMBtu of maximum storage quantity with a minimum charge of zero; and a $0.0555 commodity charge per MMBtu of gas injected on any day with a minimum commodity charge of $0.0002 per MMBtu. For the interruptible storage service, Peoples Gas proposes a maximum commodity charge, based on a 100% load factor derivation of the firm storage rate, of $0.0511 per MMBtu of inventory on any day and a minimum charge of $0.0002 per MMBtu of inventory. For the parking and loaning service, which includes embedded transportation, the maximum rate, based on storage and transportation costs, would be $0.1144 per MMBtu of inventory on any day and the minimum rate would be $0.0002 per MMBtu of inventory on any day. These proposed maximum rates would be subject to discounting.

Peoples Gas proposes an effective date of December 1, 2000.

Pursuant to Section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rates will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding.

Any person desiring to participate in this rate proceeding must 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 motions must be filed with the Secretary of the Commission on or before December 7, 2000. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at *http://www.ferc.fed.us.efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30490 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–27–000]

Rochester Gas and Electric Corporation; Niagara Mohawk Power Corporation; Notice of Filing

November 24, 2000.

Take notice that on November 17, 2000, Rochester Gas and Electric Corporation (RG&E) and Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application pursuant to Section 203 of the Federal Power Act, 16 U.S.C. § 824b, for authority to transfer ownership of a substation from RG&E to Niagara Mohawk. RG&E and Niagara Mohawk request that the Commission expeditiously review this Application and issue an order granting authority for the proposed disposition by December 29, 2000.

A copy of this Application was served on the New York Public Service Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before December 8, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30489 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

November 24, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11864–000.

c. *Date filed:* November 13, 2000.

d. *Applicant:* City of Granite Falls, Minnesota.

e. *Name of Project:* Minnesota Falls Project.

f. *Location:* On Minnesota River, in Chippewa and Yellow Medicine Counties, Minnesota. No federal land or facilities would be utilized.

g. *Filed Pursuant to:* Federal Power Act, 16 USC §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. William P. Lavin, City of Granite Falls, 885 Prentice Street, Granite Falls, Minnesota 56241–1598, (320) 564–3011.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* January 29, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of (1) an existing 600-foot-long, 18-foot-high granite masonry gravity dam; (2) an existing reservoir with a surface area of 150 acres having a storage capacity of 735 acre-feet and normal water surface elevation of 883.9 feet msl; (3) a proposed intake structure; (4) a proposed 200-foot-long, 9-foot-diameter steel conduit; (4) a proposed powerhouse containing two generating units having a total installed capacity of 1,160 kW; (5) a proposed 2-mile-long, 12.47 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 3.6 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development application desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments to the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30480 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

November 24, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11861–000.

c. *Date filed:* October 31, 2000.

d. *Applicant:* Union Park Water Authority.

e. *Name of Project:* Union Park Project.

f. *Location:* On Lottis Creek, Willow Creek, Spring Creek, East River, Antero Reservoir, Dead Man Gulch, Brush Creek, Cement Creek, Texas Creek, Taylor River, Taylor Park Reservoir, and Union Park Reservoir (not yet existent), in Gunnison, Chaffe, and Park Counties, Colorado. Project would utilize U.S. Bureau of Reclamation dam and land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Peter Kissel, 1500 K Street NW., Suite 330, Washington, DC 20005, (202) 408–5400.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* January 29, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) A proposed 10,052-foot-long, 450-foot-high Union Park Dam; (2) the proposed Union Park Reservoir (upper) having a surface area of 4,340 acres with a storage capacity of 900,000 acre-feet and a normal water surface elevation of 10,052 feet msl; (3) an existing 675-foot-long, 167-foot-high Taylor Park Dam; (4) the existing Taylor Park Reservoir (lower) having a surface area of 2,040 acres with a storage capacity of 106,230 acre-feet and a normal water surface elevation of 9337 feet msl; (5) a proposed 8,000-foot-long, 11-foot-diameter power tunnel; (6) a proposed powerhouse containing one generating unit with an installed capacity of 60 MW; (7) a proposed 2,000-foot-long, 11-foot-diameter tailrace tunnel; (8) a proposed transmission line; and (9) appurtenant facilities.

The project would have an annual generation of 83 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and

Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30481 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

November 24, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11860–000.

c. *Date filed:* October 2, 2000.

d. *Applicant:* San Diego County Water Authority.

e. *Name of Project:* Olivenhain/Lake Hodges Pumped-Storage Project.

f. *Location:* On Lake Hodges on the San Dieguito River, in San Diego County, California. No federal land or facilities would be utilized.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* Mr. Kenneth A. Steele, San Diego County Authority, 3211 Fifth Avenue, San Diego, CA 84606, (619) 682–4135

i. *FERC Contact:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* January 29, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed pumped storage project would consist of: (1) The proposed 320-foot-high Olivenhain Dam forming a 200-acre upper reservoir; (2) a proposed 4,000-foot-long water conveyance system, including tunnels, penstocks, and a vertical shaft; (3) a proposed powerhouse containing four generating units with a total installed capacity of 500 MW; (4) the City of San Diego's existing 130-foot-high Lake Hodges Dam and 1,200-acre Lake Hodges Reservoir serving as a lower reservoir; (5) a proposed 3.3-mile-long transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 325 GWh that would be sold to a local utility.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The

Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30482 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Declaration of Intention and Soliciting Comments, Motions to Intervene, and Protests

November 24, 2000.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI01–1–000.

c. *Date Filed:* November 17, 2000.

d. *Applicant:* Marseilles Land & Water Company.

e. *Name of Project:* Marseilles Hydro Complex.

f. *Location:* On Illinois River, in LaSalle County, Illinois. Project would not utilize federal lands or reservations.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Mr. Lee W. Mueller, 4132 S. Rainbow Blvd., PMB #247, Las Vegas, NV 89103, telephone (702) 367–7302 728–1469 (FAX), E-Mail *jgconst@rmi.net.*

i. *FERC Contact:* Any questions on this notice should be addressed to Henry Ecton at (202) 219–2678, or E-mail address: henry.ecton@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* December 15, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions of the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*

Please include the docket number (DI01–1–000) on any comments or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) A 2,278-foot-long power canal situated on the north bank of the Illinois River, with flows controlled by the headgate structure located in a U.S. Corps. of Engineers dam; (2) a 229-foot by 40-foot powerhouse that will contain seven generating units, with a total rated capacity of 2,175 kW; and (3) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments with the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–30483 Filed 11–29–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[NV–031–NOA; FRL–6909–9]

Adequacy Status of the Clark County, NV Submitted CO Attainment Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy determination.

SUMMARY: In this document, EPA is notifying the public that we have found that the submitted Clark County (Las Vegas, NV) serious area carbon monoxide (CO) attainment plan is adequate for transportation conformity purposes. As a result of our finding, the Regional Transportation Commission

and the Federal Highway Administration can use the CO motor vehicle emissions budgets from the submitted plan for future conformity determinations.

DATES: This determination is effective December 15, 2000.

FOR FURTHER INFORMATION CONTACT: The finding is available at EPA's conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Karina O'Connor, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1247 or oconnor.karina@epa.gov.

SUPPLEMENTARY INFORMATION:

Background

This notice announces our finding that the *Carbon Monoxide Air Quality Implementation Plan for the Clark County Non-attainment Area,* submitted by the State of Nevada on August 24, 2000, is adequate for transportation conformity purposes. EPA Region IX made this finding in a letter to the Nevada Division of Environmental Protection on November 20, 2000. We are also announcing this finding on our conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity'').

Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criterion is that the plan provide for attainment of the relevant ambient air quality standard by the applicable Clean Air Act attainment date. We have preliminarily determined that the Clark County CO plan does provide for attainment of the CO standards and therefore, can be found adequate.

This adequacy finding is separate from and does not affect our September 12, 2000 finding that the plan is complete under section 110(k)(1) of the Clean Air Act.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our adequacy determination on the Clark County CO plan.

Authority: 42 U.S.C. 7401–7671 q.

Dated: November 20, 2000.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 00–30541 Filed 11–29–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6910–2]

Draft Information Products Bulletin Framework Plan for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Information Products Bulletin (IPB) is a new joint effort between the U.S. Environmental Protection Agency (EPA) and The Environmental Council of the States (ECOS). The purpose of this framework plan is to outline the basis and scope for the development of the IPB. The IPB is proposed to start being published in 2001, and will be published regularly, both in hard copy and on the World Wide Web. It will inform stakeholders and the public about upcoming significant information products being produced by EPA and some of the states. This will include, in some cases, the identification of opportunities for stakeholder and public involvement in the development of such products.

DATES: EPA will accept comments on this draft Information Products Bulletin (IPB) Framework Plan from the date of this notice until January 2, 2001.

ADDRESSES: In order to be considered, comments must be submitted in writing (either by mail or via the IPB website) to EPA using the following address or website address:

Comments can be mailed to: Shelley Fudge, U.S. Environmental Protection Agency, Office of Environmental Information/Office of Information Analysis and Access, Mail Code: 2843, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20460.

Comment Via the Web: Go to *www.epa.gov/ipbpages* and click on the ''How Can I Comment'' button on the left, or on ''Comments'' at the bottom of each page.

FOR FURTHER INFORMATION CONTACT: For further information about the Information Products Bulletin (IPB), please contact Shelley Fudge at (202) 260–8694, Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Mail Code 2843, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION:

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I. What Is the Information Products Bulletin?

The Information Products Bulletin (IPB) is a joint effort between the U.S. Environmental Protection Agency (EPA) and the Environmental Council of the States (ECOS) to inform stakeholders and the public about upcoming significant information products being produced by EPA and states. ECOS is the national nonprofit, nonpartisan association of state and territorial environmental commissioners.

The Information Products Bulletin will:

- Notify interested parties about soon-to-be-released significant information products produced by EPA and some states.
- Provide an opportunity for stakeholders and the public to comment and/or give us feedback on some of the significant information products described on the list. The Bulletin will provide information about opportunities for stakeholder and/or public involvement during the development of some of the products listed.
- Begin publication in 2001 and will be published every six months.
- Be available on the Web, as well as in hard copy for those who do not have access to the Internet.

A Significant Information Product is:

- A product under development or major modification by EPA which derives from federal, state, local, tribal, and/or other organizations' data, and a state product that is regional or national in scope and aggregates data from more than one state. Such products often

generate considerable attention when they use data to describe environmental conditions, trends, potential risks, and/or portray compliance or performance.

A stakeholder is:

• An individual or group who has a vested interest in the development and use of a significant information product. In many cases, stakeholders are likely to be affected by the use of such a product.

II. Purpose of the Information Products Bulletin (IPB)

EPA and the states are committed to ensuring that the significant information products we produce are accurate and useful, and that we clearly characterize the data incorporated into these products. The IPB will provide pre-publication notification of these products, and in some cases, identify opportunities for stakeholder and public involvement.

III. Background on Creation of the IPB

Each year, EPA and the states produce information products for the general public that are derived from federal, state, local, tribal or other organizations' data. These products may include analyses and/or draw conclusions about primary data in order to describe environmental conditions, trends, potential risks, and/or portray environmental compliance or performance.

The IPB has been initiated as one of several efforts by EPA and the states to advance the creation and use of data to enhance public health and environmental protection, inform decision-making, and improve the public's access to information about environmental conditions and trends. Informing the public and providing access to sound environmental information are essential components of a comprehensive environmental protection program. EPA and the states recognize that environmental information should be presented in a format that meets the needs of major stakeholders and the public. It is understood that the IPB is not intended to be the initial or primary notification device for informing state co-regulators about significant new products.

In November 1999, EPA and the Environmental Council of the States (ECOS) hosted a meeting in Chicago titled the ''EPA/State Stakeholder Forum on Public Information Policies.'' The meeting brought together representatives from states, tribes, industry, environmental and public interest groups. As an outgrowth of discussions that took place at that meeting, EPA and ECOS agreed to form a joint EPA/State Action Team to develop an ''Information Products Bulletin,'' that would be published periodically. Through this initiative, EPA and the states can provide early notification of ''significant information products'' under development, and identify opportunities for stakeholder and public feedback during the development of certain products.

IV. Criteria for Including Products in the IPB

The IPB does not include a description of all EPA or state products, only those that are considered significant information products. The following draft criteria have been developed for determining which products developed by EPA and the states are ''significant information products'' and thus should be included in the IPB:

• Products that analyze and/or compare data from various agencies and organizations, including industry, as well as various federal, state, tribal and local agencies;

• Significant data collected by, acquired by, or directly reported to EPA from various agencies and organizations that EPA has not interpreted or analyzed;

• Products that describe or assess environmental conditions, trends, or risks;

• Products that apply to a large segment of the population or large geographic area;

• Models used by the public to perform environmental analyses based upon data from various agencies and organizations; and

• Those annual reports and other products released on a regular basis that describe environmental conditions, trends, risks, and/or portray compliance or performance.

Significant Information Products do NOT include:

• Action plans.
• Announcements.
• Annual reports that provide *only* broad, general information, program descriptions and/or accomplishments.
• Brochures.
• Chemical alerts.
• Citizen guides.
• Compliance guides.
• Conference summaries.
• Fact sheets.
• Journal articles.
• Policy statements.
• Press releases.
• Rulemakings and supporting documents (including guidance, directives, studies, etc.).
• Strategies, strategic plans.
• Training materials.

EPA and ECOS are interested in receiving comments on the above definition and whether its application will ensure the inclusion of information products of most interest to the public.

V. State Products Included in the IPB

The IPB will include some significant information products produced by the states and territories. Such products will be regional or national in scope and will include aggregated data from more than one state. While states will not provide a description of any individual state products, EPA may include products about one state, if the product is a prototype or concerns national issues, or the data reflect national or regional environmental conditions, risks, and/or trends.

VI. Interim Bulletin Website

The Interim Bulletin is an initial list of upcoming significant information products that was placed on EPA's website in September 2000, to provide the public pre-publication notification of such products prior to the release of the first, full IPB in 2001. The Interim Bulletin is a list only; it does not describe stakeholder or public involvement opportunities.

The Interim Bulletin:

• Notifies interested stakeholders and members of the public of soon-to-be released information products.

• Describes EPA significant information products only; no state products are included.

• Is available only on the Web, not in hard copy. (The full IPB will be available on the Web and in hard copy.)

VII. Stakeholder and Public Involvement Opportunities During the Development of EPA Significant Information Products

What is Stakeholder and Public Involvement?

The term public involvement refers to soliciting input and feedback from members of the public in the development of EPA and state products and policies. Stakeholder involvement refers to individuals who represent groups or specific segments of the public with a vested interest in the product or policy. Stakeholder involvement primarily includes representatives of an industry sector, community, government agency, non-governmental organizations (NGOs).

How Will the IPB Impact EPA's and States' Current Stakeholder and Public Involvement Processes?

The IPB will provide pre-publication notification of significant information products being developed by the EPA, as well as some states. The IPB also identifies, where possible, opportunities

for stakeholders and the public to provide input into the development of these products. Procedures have already been established for obtaining stakeholder and public input for many significant information products. The IPB will not replace or duplicate existing stakeholder or public involvement processes associated with the development of EPA or state products. What the IPB does is provide a comprehensive vehicle for notifying the public of planned significant information products being developed by EPA, in addition to some state products. It also identifies stakeholder and public involvement processes that are currently underway or are planned for certain products.

It should be noted that it may not be practical or useful to provide an opportunity for stakeholder or public input for some products on the IPB list. Examples of such products are those produced on a routine or annual basis, or those that are technical, science-based documents that undergo a rigorous peer review process.

How Does the Stakeholder and Public Involvement Process Work?

Stakeholders and the public can become involved in the development of significant information products in different ways, depending upon the individual product. Different stakeholder and public involvement methods are used for each significant information product that incorporates stakeholder/public involvement. Such methods are described in Table 1 and 2 below. In considering which method(s) to use for any given product, EPA and states must consider the purpose of producing the product and the appropriate target audience, as well as available resources, time frame, and other possible limitations. For example, it might be more suitable to obtain stakeholder and public input through face-to-face meetings rather than through electronic communication mechanisms. In other cases, one or more electronic communication methods may reach a wider interested audience, and thus be a more effective means of getting feedback for a particular product. EPA and the states often use a combination of stakeholder and public involvement methods.

Table 1 below shows methods that EPA and the states use to present information on upcoming significant information products to stakeholders and the public. Table 2 below describes methods that EPA and many states use to collect comments on a specific product under development. Many of the methods described in both tables have been used routinely by EPA and many states for years. Others, particularly those utilizing electronic communication mechanisms, may not be used routinely but their use is growing.

TABLE 1: STAKEHOLDER AND PUBLIC INVOLVEMENT METHODS THAT EPA AND THE STATES USE TO COLLECT INPUT FOR SIGNIFICANT INFORMATION PRODUCTS—THIS MAY VARY FROM STATE TO STATE

Stakeholder/public involvement method	Description
A. Public meetings	Information is presented about the product before a public gathering, often with a question and answer session.
B. Forums and workshops	Face-to-face discussions with stakeholders that generally allow for more in-depth discussion than public meetings.
C. Focus groups	Participants discuss (in a face-to-face format) potential users' likes and dislikes of the product, and generally offer suggestions for improvements. Participants often reflect the audience that the product targets.
D. Stakeholder meetings	Detailed discussions (face-to-face and/or meetings electronically, via telephone or video) with representatives of various government agencies and/or organizations, including industry, trade associations, environmental organizations, local elected officials, community activists, etc. that are likely to be impacted by the use of the product.
E. Stakeholder or expert consultation	Extended communication (through meetings, phone conversations, email, Fax or U.S. mail) with representatives of various government agencies and/or organizations regarding specific technical issues or data related to the product. These representatives are consulted briefly or for an extended period of time as subject experts who can provide essential input.
F. Surveys or questionnaires	Participants provide quantitative and/or qualitative input about a product from which key comments can be extrapolated.
G. Federal Register Notices	Official means to notify the public about a particular product, including a formal comment process with a set comment period. The Federal Register is printed daily by the U.S. Government.
H. Listservs and other e-mail communication methods.	Electronic mechanisms used for describing a product to various stakeholders and potential product users.
I. Websites	Popular electronic tool that allows a product to be widely disseminated and accessible on the Internet. Also can be used to collect user comments through a back-end database or e-mail form.
J. Hotlines	EPA-supplied phone numbers that allow for direct answering of caller questions.
K. Public bulletin boards	Available electronically. Allows stakeholders and/or the public to submit questions and comments about a specific product.
L. Media advertisements	Advertises information about a specific product through print and/or electronic media. May be targeted to a general or specific audience. Can also be used to invite public comment on the product.
M. Information fact sheets and other similar materials.	Highlights key aspects of a specific product to be highlighted. Can also be used to guide users on reviewing/commenting on the product. Often distributed at events like public meetings or displayed in libraries etc.
N. Mailings to various stakeholders	Information about a specific product sent through U.S. various mail to various stakeholders and potential product stakeholders users for information purposes and feedback.

Table 2: Response Mechanisms Used by EPA and the States—This May Vary From State to State

A. Verbal comments recorded during a public meeting, forum, workshop, focus group session or stakeholder meeting.
B. Telephone hotline.
C. Telephone survey/questionnaire.
D. Written comments submitted for a public meeting, forum, workshop, focus group session or stakeholder meeting.
E. Formal written comments sent to EPA in response to a **Federal Register** Notice.
F. Written comments sent to EPA by Fax, e-mail, listserv e-mail, or through e-mail to an electronic bulletin board.
G. Feedback forms located on websites.
H. Surveys and/or questionnaires sent through U.S. mail, e-mail or FAX.

The IPB will list the stakeholder and public involvement method(s) expected to be used for each of the products that provide opportunities for stakeholder/public involvement. Table 3 below provides a template that EPA and the states plan to use for each of the significant information products listed in the IPB.

Table 3: Information that will be Included in the IPB about Products that Provide an Opportunity for Stakeholder and/or Public Involvement

Title:
[The name of the significant information product. Please note that titles may be subject to change for some products under development.]
Description:
[A brief explanation that provides a basic understanding of the purpose and content of the significant information product.]
Contact:
[Phone number to use to get further information about the product and/or the stakeholder/public involvement process. When practical, a specific contact name will be listed and/or an e-mail address.]
Expected Release Date:
[When the product is expected to be made available to the public. Please note that such dates are the best estimates available to date; schedules are subject to change.]
Comment Period:
[The start and end date of the public comment period; OR the date that the comment period ends if the comment period has already begun. Please note that the public comment period may differ from the time frames provided for other types of stakeholder/public involvement.]
Stakeholder/Public Involvement Methods:
[The method(s) that EPA or the states plans to use to obtain stakeholder/public input and/or feedback on a specific significant information product—see examples of Stakeholder and Public Involvement Methods in Table 1 above.]
How to Access the Draft Product (if available):
[The various electronic and non-electronic ways that stakeholders and the public can use to access a draft copy and/or prototype of the product.]

At What Stage in the Development of a Product Can I Get Involved?

The timeframe for the development of each significant information product varies, and thus the time frame for obtaining public involvement varies as well. Some software models, for example, require early and close collaboration with one or more groups of stakeholders in order to produce an initial version of the product. Other products, such as technical or scientific reports, often require the use of a scientific peer review process before any stakeholder and/or public input may be obtained. In some cases, various methods of stakeholder/public involvement may be used during different stages of a product's development. Some input may be sought early in the development of a product to determine how best to meet the needs of the product's expected primary users. Then at a later stage in the product's development, it may be possible to obtain additional feedback on a draft copy or prototype of the product.

EPA and the states will provide information in the IPB about the timing of the product's development, along with the timeframe for submitting public comments. Information regarding specific dates for public meetings, workshops, forums, etc. may be obtained about specific products by contacting the number listed under each product description.

Can I View a Draft Copy or Prototype of Products Under Development?

Where possible, every effort will be made on the IPB website to include website links to draft copies and/or prototypes of EPA and some state products under development. Those without access to the Internet can obtain hard copies of draft products listed in the IPB by contacting the number listed for obtaining further information. Please note that there will not always be a draft copy or prototype available for every product under development.

VIII. Stakeholder and Public Involvement Opportunities for State Significant Information Products

The states generally use the same type of stakeholder and public involvement methods as EPA, which are described in Tables 1 and 2. While states may provide a range of opportunities for stakeholder and public involvement, not all opportunities listed in Tables 1 and 2 may be available in all states. As with EPA products, information regarding specific information and dates for public meetings, workshops, forums, etc. may be obtained, when available, about specific products through the contact information listed under appropriate product descriptions.

IX. IPB Publication Schedule

EPA and ECOS struggled with how best to ensure that those without access to the Internet would be able to access information on the IPB that is just as up to date as those with access to the Web. We are interested in receiving comments regarding the recommendation below.

Under the EPA/ECOS recommendation, the IPB would be available on the Web www.epa.gov/ipbpages and in hard copy format. Both the website and the hard copy would be fully updated every six months. In between the six-month publications, the website would be refreshed every three months with material that cannot wait for the next official update cycle. This might include incorporating a new product that has a short development time period, and/or correcting vital information (for example, a change in comment period dates) relating to an existing product in the IPB. A contact phone number would be provided for non-Web users to obtain information about any changes made to the IPB in between each six-month hard copy publication. When new or updated information is added to the IPB, it will be highlighted both in hard copy and on the website.

Dated: November 22, 2000

Elaine G. Stanley,

Director, Office of Information Analysis and Access.

[FR Doc. 00–30544 Filed 11–29–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6909–8]

Water Quality Criteria: Notice of Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of ambient aquatic life water quality criteria for dissolved oxygen (saltwater): Cape Cod to Cape Hatteras.

SUMMARY: Pursuant to section 304(a)(1) of the Clean Water Act (CWA), the Environmental Protection Agency announces the availability of the

completed document titled, Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras. The document contains EPA's recommended national 304(a) criteria for dissolved oxygen in saltwater to protect aquatic life. These water quality criteria recommendations apply to coastal waters (waters within the territorial seas, defined as within three miles from shore under section 502(8) of the CWA) of the Virginian Province (Cape Cod to Cape Hatteras). However, with appropriate modifications they may be applicable to coastal waters (as defined under section 502(8) of the CWA) in other provinces of the United States. Under the CWA, States, Territories, and Tribes are to adopt water quality criteria to protect designated uses. EPA has promulgated regulations to implement this requirement (see 40 CFR part 141). EPA's recommended water quality criteria do not substitute for the Act or regulations, nor is it a regulation itself. Thus, EPA's recommended water quality criteria do not impose legally-binding requirements. States, Territories, and authorized Tribes retain the discretion to adopt, where appropriate, other scientifically defensible water quality standards that differ from these recommendations. EPA may change these section 304(a) criteria recommendations in the future.

Because these criteria were under development prior to the Agency's revision and implementation of its current processes for notice of data availability and criteria development (see **Federal Register**, December 10, 1998, 63 FR 68354 and in the EPA document titled, National Recommended Water Quality—Correction EPA 822–Z–99–001, April 1999), and because EPA believes it is important to invite and consider public input in development of draft criteria, we enabled the public to submit significant scientific information and views to EPA (see **Federal Register**, January 19, 2000, 65 FR 2954) that might not have otherwise been identified during development of these criteria. EPA has reviewed the scientific information and views submitted by the public and has made revisions to the criteria where appropriate. Even though we are not required to respond to specific issues submitted by the public, we have provided a brief summary of some of the issues that lead to a revision, along with our response, in the section titled Supplementary Information.

This document has been approved for publication by the Office of Science and Technology, Office of Water, U.S. Environmental Protection Agency. Mention of trade names or commercial products does not constitute endorsement or recommendation for use.

ADDRESSES: Copies of the complete document, titled: Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Saltwater): Cape Cod to Cape Hatteras can be obtained from EPA's National Service Center for Environmental Publications (NSCEP) 1–800–490–9198. Alternatively, the document and related fact sheet can be obtained from EPA's web site at *http://www.epa.gov/waterscience/standards/dissolved/* on the Internet.

FOR FURTHER INFORMATION CONTACT: For questions regarding the development of the criteria contact Erik L. Winchester, USEPA, Health and Ecological Criteria Division (4304), Office of Science and Technology, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or call (202) 260–6107; fax (202) 260–1036; or e-mail winchester.erik@epa.gov. For questions regarding implementation issues under State water quality standards programs contact Jim Keating, USEPA, Standards and Health Protection Division, (202) 260–3845; or email *keating.jim@epa.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Section 304(a)(2) of the CWA calls for information on the conditions necessary ''to restore and maintain biological integrity of all * * * waters, for the protection and propagation of shellfish, fish and wildlife, to allow recreational activities in and on the water, and to measure and classify water quality.'' EPA has not previously issued saltwater criteria for dissolved oxygen (DO) because, until recently, the available effects information was insufficient. This criteria document is the result of an extensive multi-year research effort to produce sufficient information to support the development of saltwater DO criteria. The water quality criteria presented in the document represent EPA's best estimates, based on the data available, of DO concentrations necessary to protect aquatic life and uses associated with aquatic life.

Overview of the Problem

Hypoxia is defined in this document as the reduction of DO concentrations in water below air saturation. Oxygen is essential in aerobic organisms for the proper functioning of cellular processes. When hypoxia exists, organisms may get an insufficient amount of oxygen into their system which results in reduction in cellular energy and a subsequent loss of ion balance in cellular and circulatory fluids. If oxygen insufficiency persists, death will ultimately occur, although some aerobic animals also possess anaerobic metabolic pathways, which can delay lethality for short time periods (minutes to days). The animals most sensitive to hypoxia are those inhabiting well oxygenated environments which are not normally exposed to low DO levels. EPA's Environmental Monitoring and Assessment Program (EMAP) for the estuaries in the Virginian Province (defined as Cape Cod to Cape Hatteras) has shown that 25% of the area of the Province is exposed to some degree to DO concentrations less than 5 mg/L. Persistent DO levels below 5 mg/L can have an adverse effect on various life stages of aquatic organism. EMAP also has generated field observations that correlate many of the biologically degraded benthic areas with low DO in the lower water column. These two reports serve to emphasize that low DO (hypoxia) is a major concern within the Virginian Province. Even though hypoxia is a major concern for many waters, a strong technical basis for developing benchmarks for low DO effects has been lacking until recently.

In the Virginian Province, hypoxia is essentially a warm water phenomenon. In the southern portions of the Province, such as the Chesapeake Bay and its tributaries, reduced DO may occur any time between May and October; in the more northern coastal and estuarine waters, it may occur at any time from late June into September. Hypoxic events can occur on seasonal or diel (daily) time scales. Seasonal hypoxia often develops as a consequence of water column stratification, which prevents mixing of well oxygenated surface water with deeper water. Diel cycles of hypoxia often occur in non-stratified shallow habitats where nighttime respiration temporarily depletes DO levels. Hypoxia may also persist more or less continuously over a season (with or without a cyclic component) or be episodic (*i.e.,* of irregular occurrence and indefinite duration). The fauna most at risk from hypoxic exposure in the Virginian Province are primarily summer inhabitants of subpycnocline (*i.e.,* bottom) waters.

Overview of the Protection Approach

The approach to determine DO criteria to protect saltwater animals within the Virginian Province takes into account both continuous (*i.e.,* persistent) and cyclic (*e.g.,* diel, tidal, or episodic) exposures to low levels of DO.

The continuous situation considers exposure durations of 24 hours or greater. Criteria for cyclic situations cover hypoxic exposures of less than 24 hours, but which may be repeated over a series of days. Both scenarios cover three areas of protection that are summarized here, and explained in more detail in the criteria document: (1) Protection for juvenile and adult survival; (2) Protection for chronic (growth) effects; and (3) Protection for larval recruitment effects (estimated with a generic recruitment model).

The approach to derive these DO water quality criteria combines features of traditional water quality criteria with a new biological framework that uses a mathematical model to integrate time (replacing the concept of an averaging period) and establish protection limits for different life stages (*i.e.,* larvae versus juveniles and adults). Where practical, data were selected and analyzed in manners consistent with the Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses (hereafter referred to as the Guidelines).

The saltwater DO criteria segregate effects on juveniles and adults from those on larvae. The survival data on the sensitivity of the juveniles and adults are handled in a traditional Guidelines manner. To address cumulative effects of low DO on larval recruitment to the juvenile life stage (*i.e.,* larval survival as a function of time), the new biological approach to deriving criteria uses a mathematical model that evaluates the effect of DO conditions on larvae by tracking intensity and duration of effects across the larval recruitment season. Protection for larvae of all species is provided by using toxicological data on the larval stages of nine sensitive aquatic organisms.

The approach used to derive the new DO criteria deviates somewhat from EPA's traditional approach for toxic chemicals outlined in the Guidelines. However, where practical, data selection and analysis procedures are consistent with the Guidelines. Most of the terminology and the calculation procedures are the same, but one should consult the Guidelines for a more complete understanding of how these DO criteria were derived.

The juvenile/adult survival and the growth criteria provide boundaries within which to judge the DO status of a given site. If the DO conditions are above the chronic growth criterion (4.8 mg/L), then this site would meet objectives for protection. If the DO conditions are below the juvenile/adult survival criterion (2.3 mg/L), then this site would not meet objectives for protection. When the DO conditions are between these two values, then the site would require evaluation using the larval recruitment model that integrates duration and intensity of hypoxia to determine suitability of habitat for the larval recruitment objective.

The DO criteria are based entirely on laboratory findings. Field observations on the impact of low DO levels support the findings of laboratory studies. Field acute effects occurred in juvenile and adult animals at <2.0 mg/L, which would be predicted based on the 2.3 mg/L juvenile/adult criterion. In the field, behavioral effects generally occurred within the range where many of the laboratory sublethal effects occurred.

Revisions to the Draft Document

Approximately half of the views and information submitted by the public on the draft DO criteria addressed science or technical issues, and the other half addressed implementation issues. EPA considered only the science issues when making revisions to the criteria. EPA will review the implementation issues when developing future implementation guidance. The more significant revisions due to science issues are summarized here.

First, some commentors indicated that the larval recruitment model should not be based on the mud crab (*Dyspanopeus sayi*) alone. Based on further review of the toxicity information for other species, we have revised the dose-response curve in Figure 5 by using a final acute value (FAV) approach (see the Guidelines) to generate a new final larval survival curve that reflects responses of all nine species tested. Figures 5a and 5b have been replaced by a ''Final Larval Survival Curve'', and Figure 5c has been removed. These changes to the larval recruitment approach necessitated that changes also be made to Figures 6, 7, 12, 14 and 17. Overall, these changes had minimal effect on the criteria. The point (4.64 mg/L) at which the larval recruitment curve levels off in the revised criteria is only slightly greater than the point (4.45 mg/L) in the draft document.

Second, some commentors raised issues about the effect that differences in larval life history requirements among species in the Virginian Province might have on the applicability of the larval recruitment model across species and regions in the Province. The consideration of all nine species in development of the larval recruitment model addresses this issue. Also, in an appendix we added an assessment of sensitivity that might be expected with the life history model parameters D (duration of larval development) and R (length of larval recruitment season). The sensitivity analysis was performed using the individual larval recruitment curve for the mud crab. The sensitivity of the model to these two parameters was evaluated by increasing or decreasing D while holding R constant, by holding L constant and increasing R, and varying both D and R at the same time. A range of values were chosen for this analysis that we believe encompass a reasonable range in species-specific larval life history requirements in the Virginian Province, and because the upper and lower ranges are relatively extreme values that can test the overall assumptions and sensitivity of the model. The results indicate that the DO curve associated with no greater than 5 percent cumulative impairment of seasonal larval recruitment is most sensitive to a simultaneous decrease in D and increase in R. Under these conditions, the protective DO value at 44 days (the length of mud crab larval development season) decreases. This evaluation shows that the model can easily be adjusted to account for latitudinal variations in life larval life history requirements, or even seasonal variations in timing of hypoxia events concurrent with larval development periods. The results also indicate the Virginia Province criteria are protective of most species under most conditions, but that in some site-specific situations they may be overprotective. In the absence of site-specific data that would suggest a lower level of DO may be acceptable, EPA believes that in order to ensure that most organisms and their uses are protected it is appropriate to derive Province-wide criteria that may be overprotective in some cases.

Third, some commentors suggested that the 5 percent cumulative reduction in larval seasonal recruitment may be too low a protection goal. EPA disagrees. Larval life stages are important and this protection goal is meant to protect them at a critical point in their development and transition to the juvenile life stage, which for many species corresponds to times of the year when hypoxia conditions occur. We selected this Province-wide protection goal because it is consistent with the approach outlined in the 1985 Guidelines for deriving ambient aquatic life water quality criteria, because 5 percent is also consistent with the level of protection afforded to juvenile and adult life stages, and because, in absence of data that suggests otherwise, this level of reduced larval recruitment from DO alone is believed to be

protective of most species. EPA recognizes that large losses of larval life stages occur naturally, and that many species may be able to withstand a greater than 5 percent loss of larvae, from low DO or otherwise, without an appreciable effect on juvenile recruitment. On the other hand, this may not be the case for certain highly sensitive species or populations that are already highly stressed, for example an endangered species. This may also not be the case where there are other important natural or anthropogenic stressors that contribute to a loss of the larval life stage. In such situations, it may be that a 5 percent loss in larval recruitment from DO alone is not protective enough, and environmental risk managers may need to evaluate the Province-wide 5 percent protection goal in light of their site-specific factors that may contribute to a cumulative loss in seasonal larval recruitment. Also in response to this issue, an appendix was added to the document that shows, by using the mud crab as an example, how the larval recruitment criterion would change if the acceptable percentage impairment was increased. This example demonstrates the flexibility in the criteria approach and how one might change the protection goals on a site-specific basis should States and authorized Tribes choose to do so and have the data to support such a change, while still protecting designated uses. EPA believes the 5 percent cumulative reduction level in seasonal larval recruitment is appropriate and protective of populations in the Virginian Province in absence of data that suggest otherwise.

Implementation Overview

Implementation of DO criteria may be slightly different from that of chemical toxicants, but not for reasons associated with either biological effects or exposure. The primary reason that DO might be implemented differently from toxic compounds is because controlling the effects of low DO is not accomplished by directly regulating DO. Rather, hypoxia is a symptom of a problem, not the direct problem. Thus DO would be regulated primarily through the control of nutrients (*e.g.,* nitrogen and phosphorus) and oxygen demanding wastes. As a stressor, DO also differs from most toxic compounds in that there can be a large natural component to the cause of hypoxic conditions in any given water body.

The DO criteria may also be appropriately used in a risk assessment framework. The criteria and management approach presented in the document could be used to compare DO conditions among areas and determine if DO conditions would be adequate to support aquatic life. Using the criteria, environmental managers could determine which sites need the most attention and what are the spatial and temporal extent of hypoxic problems from one year to the next. Environmental planners could also use the criteria in a risk assessment framework to evaluate how conditions would improve under different management scenarios, helping them make better management decisions.

EPA recommends that States and authorized Tribes within the Virginian Province adopt numeric DO criteria for saltwater applicable at all times of the year for all marine waters designated for the protection of aquatic life or for waters whose existing uses include aquatic life. States and Tribes may adopt numeric criteria based on EPA's ambient water quality criteria for DO, such criteria modified to reflect site-specific conditions, or other scientifically defensible methods, 40 CFR 131.11(b)(1). States and Tribes should adopt narrative criteria where numeric criteria cannot be established or to supplement numeric criteria, 40 CFR 131.11(b)(2). Because EPA has issued recommended section 304(a) criteria for DO, numeric criteria for DO can be established. Numeric criteria for DO can be implemented in NPDES permits by determining the need for and calculating specific limits for oxygen demanding wastes and nutrients that spur excess algal growth and subsequent decay of aquatic plants. Such criteria also serve as a definitive benchmark for determining impairment of waters for Clean Water Act Section 303(d) listing purposes and then as a starting point for establishing TMDL's, wasteload allocations for point sources, and load allocations for nonpoint sources.

To take full advantage of the flexibility allowed in the DO criteria methodology for determining specific protective DO levels, it is necessary to characterize both the diurnal and season patterns of DO concentrations in response to natural and anthropogenic pollutant loadings for the location where the criteria are applied. Simplified approaches to establishing protective criteria that ensure a level of protection consistent with the detailed approach outlined in the DO criteria document are acceptable. Any approach a State or Tribe chooses to use to implement the DO criteria must be reflected in the State's or Tribe's water quality standards and submitted to EPA for review and approval. To determine the scientific defensibility of a State's or Tribe's approach as part of the Clean Water Act section 303(c) review and approval/disapproval process, EPA will review information concerning the characterization of diurnal and seasonal patterns of DO concentration in relation to the geographic areas and the times of the year the criteria applies, and would want the State or Tribe to provide all of the data and information the State or Tribe relied on for its rationale.

Limitations of the Criteria

These water quality criteria recommendations apply to coastal waters (waters within the territorial seas, defined as within three miles from shore under section 502(8) of the CWA) of the Virginian Province (southern Cape Cod, MA to Cape Hatteras, NC) of the Atlantic coast of the United States. The document provides the necessary information for environmental planners and regulators within the Virginian Province to address the question: are the DO conditions at a given site sufficient to protect coastal or estuarine aquatic life? The approach outlined in the document could be used to evaluate existing localized DO standards or management goals or establish new ones. The criteria do not address direct behavioral responses (*i.e.,* avoidance) or the ecological consequences of behavioral responses, such as increased or decreased predation rates or altered community structure, nor do they address the issue of spatial significance of a DO problem. In addition, as with all criteria, these criteria do not account for changes in sensitivity to low DO that accompany other stresses, such as high temperature, extremes of salinity, or toxicants. Chief among these concerns would be high temperature because high temperature and low DO often appear together. Generally, low DO would be more lethal at water temperatures approaching the upper thermal limit for species. EPA believes the DO limits provided in the document are sufficiently protective under most conditions where aquatic organisms are not otherwise unduly stressed.

Although the DO criteria for the Virginian Province may be over- or underprotective of aquatic life in other regions, the approach used to develop the criteria is considered to be applicable to other regions with appropriate regional modifications. Organism adaptations to lower oxygen requirements may have occurred in locations where oxygen concentrations have historically been reduced due to high temperatures, or in systems with non-anthropogenic high oxygen demand. Conversely, organisms in another region could be adapted to colder temperature and higher DO

regimes than those covered in the document, and thus may have different sensitivity to DO concentrations. In addition, effects of hypoxia may vary latitudinally, or site-specifically, particularly as reproductive seasons determine exposure risks for sensitive early life stages. For these reasons, an environmental risk manager would need to carefully evaluate water quality and biological conditions within the specific location and decide if the Virginian Province criteria would apply or if region-or site-specific considerations would need to be made.

Endangered or Threatened Species Policy Recommendations

When a threatened or endangered species occurs at a site and sufficient data are available to indicate that it is sensitive at concentrations above the recommended criteria, it would be appropriate to consider deriving site-specific DO criteria.

Future Implementation Information and Applications

In the future additional information will be provided that will specifically address implementation issues. In the current document, implementation issues are discussed in a more general manner, summarizing important issues that environmental managers should consider in adopting and implementation of DO water quality standards. The future implementation information will provide more detailed discussion of implementation issues by using real world example data sets where possible, or hypothetical data sets that show users how to integrate their data and management goals. Application of this guidance to marine waters outside the Virginian Province may also be discussed. As a component of the implementation guidance, EPA originally envisioned publishing a visual basic-based computer program that would allow States and other users to derive DO criteria to meet the larval recruitment protection goal for coastal and estuarine animals. However, the recent revisions in the criteria (*i.e.,* the use of multiple species in the larval recruitment model) has precluded use of the visual basic model in its current format. Therefore, the model when available will likely be provided as a spreadsheet application compatible with commonly used software packages. EPA anticipates providing the additional implementation guidance in late 2001.

EPA believes the approach used to develop the criteria can be applied, with minor modifications and regional specific data, to derive DO criteria for other coastal and estuarine regions of the United States. Therefore, in the future EPA plans to prepare similar DO criteria for other provinces based on this approach. At such time, EPA intends to publish a Notice of Data Availability and formally request submission of data from parties interested in the development of DO criteria for other provinces.

Dated: November 14, 2000.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 00–30542 Filed 11–29–00; 8:45 am]

BILLING CODE 6560–50–U

OFFICE OF NATIONAL DRUG CONTROL POLICY

Meeting of White House Task Force on Drug Use in Sport

AGENCY: Office of National Drug Control Policy.

ACTION: Notice of Meeting of White House Task Force on Drug Use in Sport on December 7, 2000 in Salt Lake City, Utah.

SUMMARY: A meeting of the White House Task Force on Drug Use in Sport will be held on Thursday, December 7, 2000 in Salt Lake City, Utah in the Wasatch Ballroom of the Wyndham Hotel, 215 W. South Temple, 2nd Floor, Salt Lake City, Utah 84101. The meeting will commence at 8:00 a.m. on December 7th and will conclude at 12:30 p.m. The agenda will focus on two key issues: (1) How can the United States help ensure a drug free 2002 Winter Olympic Games; and (2) How can the United States most effectively reach out to young people to prevent the use of drugs in sport. There will be an opportunity for public comment from 11:10 a.m. until 11:40 on Thursday December 7, 2000.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Linda V. Priebe, Assistant General Counsel (202) 395–6622, Office of National Drug Control Policy, Executive Office of the President, Washington, D.C. 20503.

Linda V. Priebe,

Assistant General Counsel.

[FR Doc. 00–30540 Filed 11–27–00; 2:46 pm]

BILLING CODE 3180–02–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

Date and Time: Tuesday, December 5, 2000 at 10:00 a.m.

Place: 999 E Street, NW., Washington, DC.

Status: This Meeting Will Be closed to the Public.

Items To Be Discussed: Compliance matters pursuant to 2 U.S.C. 437g. Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

Date and Time: Thursday, December 7, 2000 at 10:00 a.m.

Place: 999 E Street, NW., Washington, DC (Ninth Floor)

Status: This Meeting Will Be Open to the Public.

Items To Be Discussed: Correction and Approval of Minutes. Draft Advisory Opinion 2000–34: SAPPI Fine Paper North America/S.D. Warren Company by counsel, Brett G. Kappel. Draft Advisory Opinion 2000–37: U.S. Representative Tom Udall. Administrative Matters.

Person to Contact for Information: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of Commission.

[FR Doc. 00–30643 Filed 11–28–00; 12:02 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Bank or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 00–29930) published on page 70570 of the issue for Friday, November 24, 2000.

Under the Federal Reserve Bank of Minneapolis heading, the entry for David Bradley Erickson, Lakeland Shores, Minnesota, is revised to read as follows:

A. Federal Reserve Bank of Minneapolis (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *David Bradley Erickson*, Lakeland Shores, Minnesota; to acquire additional voting shares of Freedom Bancorporation, Inc., Lindstorm, Minnesota, and thereby indirectly acquire additional voting shares of Lake Area Bank, Lindstorm, Minnesota.

Comments on this application must be received by December 8, 2000.

Board of Governors of the Federal Reserve System, November 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–30548 Filed 11–29–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 15, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Martin Price, Northbrook, Illinois, as trustee; to retain voting shares of First Suburban Bancorp Corporation, Maywood, Illinois, and thereby indirectly retain voting shares of First Suburban National Bank, Maywood, Illinois.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Lavinia Camille Brock Bircher, Galveston, Texas, and James Thomas Stratton Brock, Jr., Katy, Texas; to acquire additional voting shares of FSB Bancshares, Inc., Clute, Texas, and thereby indirectly acquire additional voting shares of First State Bank, Clute, Texas.

Board of Governors of the Federal Reserve System, November 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–30550 Filed 11–29–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 26, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. TrustCo Bank Corp NY, Schenectady, New York; to acquire 100 percent of the voting shares of Hudson River Bancorp, Inc., Hudson, New York, and thereby indirectly acquire voting shares of Hudson River Bank & Trust Company, Hudson, New York.

2. TrustCo Bank Corp NY, Schenectady, New York; to acquire 100 percent of the voting shares of Cohoes Bancorp, Inc., Cohoes, New York, and thereby indirectly acquire voting shares of Cohoes Savings Bank, Cohoes, New York.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. United Nebraska Financial Co., Grand Island, Nebraska; to acquire 80 percent of the voting shares of Desert Valley National Bank at Cave Creek, Arizona, Cave Creek, Arizona, a de novo bank in organization.

C. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Gateway Bancorp, LLC, Santa Ana, California; to become a bank holding company by acquiring 74.2 percent of the voting shares of Bank of Lakewood, Lakewood, California.

In connection with this application, Applicant also has applied to acquire Mission Hills Mortgage Corporation, Santa Ana, California, and thereby engage in extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, November 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–30551 Filed 11–29–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be

received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 26, 2000.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. PSB Bancorp, Inc., Philadelphia, Pennsylvania; to acquire 37 percent of the voting shares of Iron Bridge Holdings, Inc., Plymouth Meeting, Pennsylvania, and thereby engage *de novo* in financial and investment advisory activities, pursuant to § 225.28(b)(6) of Regulation Y, and management consulting and counseling activities, pursuant to § 225.28(b)(9) of Regulation Y.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Great Southern Bancorp, Inc., Springfield, Missouri; to acquire up to 20 percent of the outstanding voting shares of Guaranty Federal Bancshares, Inc., Springfield, Missouri, and thereby indirectly acquire Guaranty Federal Savings Bank, Springfield, Missouri, and thereby engage in the operation of a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, November 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–30549 Filed 11–29–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of October 3, 2000.

In accordance with § 71.5 of its rules regarding availability of information (12 CFR part 271), there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on October 3, 2000.[1]

The Federal Open Market Committee seeks monetary and financial conditions that will foster price stability and promote sustainable growth in output. To further its long-run objectives, the Committee in the immediate future seeks conditions in reserve markets consistent with maintaining the federal funds rate at an average of around 6½ percent.

By order of the Federal Open Market Committee, November 20, 2000.

Donald L. Kohn,

Secretary, Federal Open Market Committee.

[FR Doc. 00–30457 Filed 11–29–00; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Endocrine Disruptors: Epidemiological Approaches, RFA OH–01–001

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Endocrine Disruptors: Epidemiological Approaches, RFA OH–01–001, meeting.

Times and Dates: 8 a.m.–8:30 a.m., February 1, 2001 (Open), 8:30 a.m.–5 p.m., February 1, 2001 (Closed), 8 a.m.–5 p.m., February 2, 2001 (Closed).

Place: Embassy Suites Hotel, 315 Julia Street, New Orleans, Louisiana 70130.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matter to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement RFA OH–01–001.

Contact Person for more Information: Pervis C. Major, Ph.D., Scientific Review Administrator, National Institute for Occupational Safety and Health, 1095 Willowdale Rd., Morgantown, WV 26505. Phone 304/285–5979, e-mail PMajor@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: November 21, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.

[FR Doc. 00–30515 Filed 11–29–00; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Notice of Interstate Lien.

OMB No.: 0970–0153.

Description: P.L. 104–193, the Personal Responsibility and Work Opportunity Act (PRWORA) of 1996, amended section 652(a) of the Social Security Act (the Act) to require the Secretary of DHHS to promulgate a standard administrative lien form to be used by the State Child Support Enforcement (CSE) programs in interstate cases (See attachment 1.) The OMB approval of the form is expiring and we are taking this opportunity to make minor revisions to the form to further assist States in gaining access to the assets of child support obligors.

Respondents: States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Notice of Interstate Lien	29,776	1	0.25	7,444

[1] Copies of the Minutes of the Federal Open Market Committee meeting of October 3, 2000, which include the domestic policy directive issued at that meeting, are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The minutes are published in the Federal Reserve Bulletin and in the Board's annual report.

Estimated Total Annual Burden Hours: 7,444.

Additional Information:

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after November 30, 2000. Therefore, a comment is best assured of having its full effect if OMB receives it before January 2, 2001. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Desk Officer for ACF.

Dated: November 22, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–30495 Filed 11–29–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Administrative subpoena.

OMB No.: 0970–0152.

Description: P.L. 104–193, the Personal Responsibility and Work Opportunity Act of 1996 amended section 652(a) of the Social Security Act (the Act) to require the Federal Office of Child Support Enforcement (OCSE) to promulgate an administrative subpoena to be used by the State Child Support Enforcement (CSE) programs in interstate cases. (See attachment #1) The OMB approval of the form is expiring and we are taking this opportunity to make minor revisions to the form to further assist States in gaining access to the assets of child support obligors.

Respondents: States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Administrative Subpoena	24,695	1	0.5	12,347

Estimated Total Annual Burden Hours: 12,347.

Additional Information:

Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after November 30, 2000. Therefore, a comment is best assured of having its full effect if OMB receives it before January 2, 2001. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Desk Officer for ACF.

Dated: November 22, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–30496 Filed 11–29–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–228]

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: Adjusted Community Rate (ACR) and Supporting Regulations in 42 CFR 422.306, 422.501, and 422.510;

Form No.: HCFA–R–0228 (OMB# 0938–0742);

Use: This collection effort will be used to price the M+C plan offered to Medicare beneficiaries by an M+C organization. Organizations submitting the Adjusted Community Rate form would include all M+C organizations plus any organization intending to contract with HCFA as a M+C organization. These current M+C organization contractors will be required to submit this form no later than May 1, 1999 for the calendar year 2000;

Frequency: Annually;

Affected Public: Businesses or other for profit, Not-for-profit institutions;

Number of Respondents: 1,200;

Total Annual Responses: 1,200;

Total Annual Hours Requested: 114,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, 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: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: November 17, 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. 00–30508 Filed 11–29–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier:HCFA–R–204]

Agency Information Collection Activities: Submission For OMB Review; Comment Request

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, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the 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: Data Collection for the Second Generation Social Health Maintenance Organization Demonstration;

Form No.: HCFA–R–204 (OMB# 0938–0709);

Use: The data collected under this effort will be used to support the operational needs of the Congressionally-mandated Second Generation of the Social Health Maintenance Organization Demonstration. The purpose of the data collections is to collect the necessary data elements from members of the treatment group for the risk-adjusted S/HMO—payment methodology, and to gather information from members of the treatment group to enable the participating S/HMO–II site to identify high-risk beneficiaries and more appropriately target the clinical and social resources of the S/HMO model.

Frequency: On occasion, and Annually.

Affected Public: Individuals or Households.

Number of Respondents: 40,393.

Total Annual Responses: 69,717.

Total Annual Hours: 32,917.

To obtain copies of the supporting statement 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 and phone number, 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 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: November 17, 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. 00–30506 Filed 11–29–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–201]

Agency Information Collection Activities: Submission For OMB Review; Comment Request

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, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the 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: Incentive Arrangement Disclosure Form and Supporting Regulations in 42 CFR 417.479, 417.500, 422.208, 422.210, 434.44, 434.67, 434.70, 1003.100, 1003.101, 1003.103, 1003.106.

Form No.: HCFA–R–201 (OMB# 0938–0700).

Use: Managed Care Organizations that have contracts to serve Medicare/Medicaid beneficiaries are required to disclose payment arrangements with medical groups and physicians. If any arrangement includes an incentive that places a group or physician at risk for referrals that exceeds 25% of total payments and the risk is spread over 25,000 or fewer patients, then the provider must have stop-loss insurance. This data collection will be used to determine compliance with the requirement to disclose incentives and maintain appropriate stop-loss.

Frequency: Annually.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government.

Number of Respondents: 450.

Total Annual Responses: 450.

Total Annual Hours: 45,000.

To obtain copies of the supporting statement 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 and phone number, 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 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: November 17, 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. 00–30507 Filed 11–29–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: December 4, 2000.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To update the DCLG on the ''CARRA'' program and to follow-up on the priorities Dr. Klausner identified during his October presentation.

Place: National Cancer Institute, 6116 Executive Boulevard, Suite 300C, Room 3068 A, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Elaine Lee, Acting Executive Secretary, Office of Liaison Activities, National Institutes of Health, National Cancer Institute, 6116 Executive Boulevard, Suite 300 C, Bethesda, MD 20892, 301/594–3194.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30458 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Measurement of pO2 in tissues in vivo and in vitro.

Date: December 10–12, 2000.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hanover Inn, The corner of Main Street and East Wheelock, Hanover, NH 03755.

Contact Person: Peter J. Wirth, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8021, Bethesda, MD 20892, 301/496–7565.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30459 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Molecular Target Discovery for Cancer.

Date: November 28–29, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Joyce C. Pegues, Scientific Review Administrator, Special Review, Referral, and Resources, Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8084, Bethesda, MD 20892, 301/594–1286.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395; Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 17, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30460 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the National Advisory Research Resources Council.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Research Resources Council, Executive Subcommittee.

Date: January 18, 2001.

Open: 8 a.m. to 9 a.m.

Agenda: To discuss policy issues.

Place: National Center for Research Resources, National Institutes of Health, Conference Room 3B13, Building 31, Bethesda, MD 20892.

Contact Person: Louise E. Ramm, PhD, Deputy Director, National Center for Research Resources, National Institutes of Health, Building 31, Room 3B11, Bethesda, MD 20892, 301–496–6023.

Name of Committee: National Advisory Research Resources Council.

Date: January 18, 2001.

Open: 9:15 a.m. to 1:30 p.m.

Agenda: Report of Center Director and other issues.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Closed: 1:30 p.m. to 3:30 p.m

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Open: 3:30 p.m. to Adjournment.

Agenda: Issues related to Council business.

Place: 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, MD 20892.

Contact Person: Louise E. Ramm, PhD, Deputy Director, National Center for Research Resources, National Institutes of Health, Building 31, Room 3B11, Bethesda, MD 20892, 301–496–6023.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30462 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclose of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–1(J2),

Date: December 18–20, 2000.

Time: 7:00 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott-Baltimore Inner Harbor, 110 South Eutaw Street, Baltimore, MD 21201.

Contact Person: Carolyn Miles, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 641, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7791.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB–2(J2).

Date: December 20, 2000.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, RM 643, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Shan S. Wong, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 643, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hermatology Research, National Institutes of Health, HHS)

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30461 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director; Recombinant DNA Advisory Committee Meeting; Safety Symposium on Gene Transfer Research

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Recombinant DNA Advisory Committee (RAC) and a Safety Symposium on Gene Transfer Research.

The RAC meeting will be held from 8 a.m. to 5 p.m. on December 13 and 15, 2000 at the National Institutes of Health (NIH), Building 31, C Wing, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892. The Committee will review changes to the process for submission and review of gene transfer research protocols; selected human gene transfer protocols; NIH policy on serious adverse event reporting; data management activities related to human gene transfer clinical trials; and other matters to be considered by the Committee.

The Safety Symposium on Gene Transfer Research will be held from 8 a.m. to 5 p.m. on December 14, 2000 at the NIH Natcher Auditorium, 9000 Rockville Pike, Bethesda, MD 20892. The symposium will explore safety considerations in gene transfer clinical research in cardiovascular diseases.

Both meetings are open to the public with attendance limited to space available. Draft meeting agendas and other information will be posted at the Office of Biotechnology Activities' website: *http://www.nih.gov/od/oba.*

Individuals who wish to provide public comments or who plan to attend the meeting and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Kelly Fennington, Program Analyst, Office of

Biotechnology Activities by telephone at 301–496–9838 or E-mail at *FenningK@od.nih.gov*

OMB's ''Mandatory Information Requirements for Federal Assistance Program Announcements'' (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers virtually every NIH and Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30464 Filed 11–30–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 1, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Joseph Kimm, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178, MSC 7844, Bethesda, MD 20892, (301) 435–1249.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 1, 2000.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Larry Pinkus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132 MSC 7802, Bethesda, MD 20892, (301) 435–1214.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 1, 2000.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Larry Pinkus, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132 MSC 7802, Bethesda, MD 20892, (301) 435–1214.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 7, 2000.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John L. Bowers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168 MSC 7806, Bethesda, MD 20892, (301) 435–1725.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 7, 2000.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: David M. Monsees, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3199, MSC 7770, Bethesda, MD 20892, (301) 435–0684, monseesd@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 7, 2000.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martin Slater, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7808, Bethesda, MD 20892, (301) 435–1149.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 7, 2000.

Time: 3:15 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Harold M. Davidson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, 301/435–1776, davidsoh@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 11, 2000.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 11, 2000.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Parc 55 Hotel, 55 Cyril Magnin Street, San Francisco, CA 94102 (Telephone Conference Call).

Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, 301–435–1715, nga@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 9:00 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Mariana Dimitrov, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, 301–435–0902.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Samuel Rawlings, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7844, Bethesda, MD 20892, (301) 435–1243.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jerry L. Klein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, (301) 435–1213.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 1 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 2:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Charles N. Rafferty, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, Bethesda, MD 20892, (301) 435–3562.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 12, 2000.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435–1184.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 13, 2000.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892, (301) 435–1717.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 13, 2000.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 VISB (01).

Date: December 13, 2000.

Time: 4:00 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Leonard Jakubczak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435–1247.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: December 13–15, 2000.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Excelsior Hotel, 45 West 81st Street, New York, NY 10024.

Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1726.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 21, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–30463 Filed 11–29–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Technical/Agency Draft Florida Manatee Recovery Plan, Third Revision for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: We, the Fish and Wildlife Service, announce the availability for public review of the Technical/Agency Draft of the Florida Manatee Recovery Plan, Third Revision. We solicit review and written comments from the public on this draft plan.

DATES: We must receive comments on the draft recovery plan on or before January 30, 2001 to receive consideration by us.

ADDRESSES: You may obtain a copy of the draft recovery plan by contacting Bill Brooks by electronic mail (e-mail) at

billy_brooks@fws.gov or by calling (904)232–2580, extension 104 or at Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida, 32216. If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the Field Supervisor, at the above address.

2. You may hand-deliver written comments to our Jacksonville Field Office, at the above address, or fax your comments to (904)232–2404.

3. You may send comments by e-mail to billy__brooks@fws.gov. For directions on how to submit electronic filing of comments, see the ''Public Comments Solicited'' section.

Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Bill Brooks (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

The West Indian manatee, *Trichechus manatus,* is currently listed as endangered throughout its range for both the Florida and Antillean subspecies (U.S. Fish and Wildlife Service 1967). The Florida manatee lives in freshwater, brackish, and marine habitats. Submerged, emergent, and floating vegetation are their preferred food. During the winter, cold temperatures keep the population concentrated in peninsular Florida and many manatees rely on the warm water from natural springs and power plant outfalls. During the late spring and summer, they expand their range and are seen on infrequent occasions as far north as Rhode Island on the Atlantic Coast and as far west as Texas on the Gulf Coast.

The most significant problem presently faced by manatees in Florida is death and serious injury from boat strikes. The availability of warm-water refuges for manatees is uncertain as deregulation of the power industry in Florida occurs, and if minimum flows and levels are not established and maintained for the natural springs on which many manatees depend. Consequences of a burgeoning human population and intensive coastal development are long-term threats to the Florida manatee. Their survival will depend on maintaining the integrity of ecosystems and habitat sufficient to support a viable manatee population.

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the endangered species program. To help guide the recovery effort, we are preparing recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

We developed the initial recovery plan for West Indian manatee in 1980. This plan focused primarily on manatees in Florida, but included Antillean manatees in Puerto Rico and the U.S. Virgin Islands. In 1986, we adopted a separate recovery plan for manatees in Puerto Rico. To reflect new information and planning needs for manatees in Florida, we revised the original plan in 1989 and focused exclusively on the Florida manatee. This first revision covered a 5-year planning period ending in 1994. We revised and updated the plan again in 1996, which again covered a 5-year planning period ending in 2000. In 1999, we initiated the process to revise the plan for a third time. We established an 18-member recovery team made up of the public, agencies, and groups that have an interest in manatee recovery and/or could be affected by proposed recovery actions, to draft this revision.

In the 20 years since approval of the original recovery plan, a tremendous amount of knowledge of manatee biology and ecology has been achieved and significant protection programs have been implemented, through the guidance provided by the recovery planning process. This Technical/Agency Draft of the Florida Manatee Recovery Plan, Third Revision reflects many of those accomplishments, addresses new threats and needs, and specifically addresses the planning requirements of the Act through 2006. This draft plan is based on discussions and information provided by the Florida Manatee Recovery Team.

Public Comments Solicited

We solicit written comments on the recovery plan described. We will consider all comments received by the date specified above prior to approval of the plan.

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include ''Attn: [RIN number]'' and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Jacksonville Field Office (see **ADDRESSES** section).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold also from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 22, 2000.

David L. Hankla,

Field Supervisor.

[FR Doc. 00–30516 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–250–1231–EB–01–24 1A]

Extension of Approved Information Collection, OMB Number 1004–0119

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

Bureau of Land Management (BLM) announces its intention to request renewal of an existing approval to collect certain information from recreation visitors to areas of the public lands, and related waters, where special recreation permits are required. This information allows BLM to authorize requested use, determine appropriate fees, and will also be used to tabulate recreation use data for the annual Federal Recreation Fee Report as required by the Land and Water Conservation Act.

DATES: You must submit your comments to BLM at the appropriate address below on or before January 29, 2001. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: Comments may be mailed to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C Street, NW., Room 401LS, Washington, DC 20240.

Comments may be sent via Internet to: WOComment@blm.gov. Please include ''ATTN: 1004–0119'' and your name and return address in your Internet message.

You may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, D.C.

BLM will make comments available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lee Larson, (202) 452–5168.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in BLM Form 8370–1 to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the OMB under 44 U.S.C. 3501 *et seq.*

Respondents supply identifying information and data on proposed commercial, competitive, or individual recreation use, respectively, when required, to determine eligibility for a permit. This information allows the BLM to authorize requested use, determine appropriate fees, and will also be used to tabulate recreation use data for the annual Federal Recreation Fee Report as required by the Land and Water Conservation Act.

Based on BLM's experience administering the activities described above, the public reporting burden for the information collected is estimated to average about 30 minutes per response. The respondents are recreation visitors to areas of the public lands, and related waters, where special recreation permits are required. The frequency of response is on occasion. The number of responses per year is estimated to total 31,000. The estimated total annual burden is 15,500 hours. BLM is specifically requesting your comments on its estimate of the amount of time that it takes to prepare a response.

BLM will summarize all responses to this notice and include them in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: November 27, 2000.

Michael Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 00–30491 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–250–1220–EA–01–24 1A]

Extension of Approved Information Collection, OMB Number 1004–0133

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request renewal of an existing approval to collect certain information from individuals desiring to use campgrounds. This information allows BLM to determine if all users have paid the required fee, the number of users, and their State of origin.

DATES: You must submit your comments to BLM at the appropriate address below on or before January 29, 2000. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: Comments may be mailed to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C Street, NW., Room 401LS, Washington, DC 20240.

Comments may be sent via Internet to: WOComment@blm.gov. Please include ''ATTN: 104–0133'' and your name and return address in your Internet message.

You may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC

BLM will make comments available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lee Larson, (202) 452–5168.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 1320.12(a), BLM is required to provide 60-day notice in the **Federal Register** concerning a collection of information contained in BLM Form 8370–1 to solicit comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. BLM will receive and analyze any comments sent in response to this notice and include them with its request for approval from the OMB under 44 U.S.C. 3501 *et seq.*

Respondents supply identifying information and data on the campsite number, date camping, number in party, zip code, fee paid, vehicle license number, and primary purpose of visit. This information allows the BLM to determine if all users have paid the required fee, the number of users, and their State of origin.

Based on BLM's experience administering the activities described above, the public reporting burden for the information collected is estimated to average about three minutes per response. The respondents are individuals desiring to use the campground. The frequency of response is occasionally. The number of

responses per year is estimated to total 190,000. The estimated total annual burden is 9,500 hours. BLM is specifically requesting your comments on its estimate of the amount of time that it takes to prepare a response.

BLM will summarize all responses to this notice and include them in the request for Office of Management and Budget approval. All comments will also become a matter of public record.

Dated: November 27, 2000.

Michael Schwartz,

BLM Information Collection Clearance Officer.

[FR Doc. 00–30492 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–077–1220–PA]

Notice of Seasonal Road/Trail Closures on Public Lands in Cassia and Twin Falls Counties, Idaho.

AGENCY: Bureau of Land Management, Interior.

SUMMARY: The Bureau of Land Management announces seasonal closure of roads and trails in Twin Falls and Cassia Counties. Each year roads and trails shall have a seasonal closure in crucial wildlife winter range and/or may have temporary conditional closures to minimize resource damage and reduce public safety hazards when traveled by motorized vehicles during wet/muddy conditions. All trails leading from the road identified below shall have seasonal closures consistent with the road closures. Conditional closures are to be activated by the Authorized Officer during wet/muddy conditions. Several requests for the seasonal road/trail closures were received from the public during the comment period on the Indian Springs/North Cottonwood Road Upgrade Environmental Assessment (EA #ID–077–00–031).

Time Periods

Conditional closure for all motorized vehicles during wet/muddy conditions to minimize damage to roads/trails and natural resources will be from December 1 through January 15 and March 16 through May 15. During this time period, roads and trails will remain open if the entire area is dry or frozen.

Firm closure for all motorized vehicles to protect mule deer and sage grouse from disturbance in crucial winter range will be from January 16 through March 15.

Closures, including time periods, will be posted at the entrance to each road.

The Legal Land Descriptions for the Road Closure Are as Follows

The North Cottonwood Creek Road (BLM road #4221), has two entrances, one on the east side and one on the west. There is also an alternate road (BLM road #42163) located between the two entrances to the North Cottonwood Creek Road that starts at the Foothill Road and ties in with the North Cottonwood Creek Road, a distance of approximately 3 miles. The east entrance of North Cottonwood Creek Road closure starts 0.25 miles south of the Foothill Road and goes to the junction at the U. S. Forest Service boundary, a distance of approximately 7 miles. The west entrance to North Cottonwood Road starts at the Foothill Road and goes to the U.S. Forest Service boundary, a distance of approximately 6 miles, and back to the Foothill Road, a loop of approximately 13 miles total. The legal descriptions for the road entrances are T. 12 S., R. 17 E., Section 11 (west entrance), and T. 12 S., R. 18 E., Section 06 (east entrance), and T. 12 S., R. 17 E., Section 02 (alternate road), in Twin Falls County.

The Indian Springs Road (BLM road #4214) closure starts 1.5 miles south of the Foothill Road and goes to the U.S. Forest Service boundary, a distance of approximately 5.5 miles. The road closure starts at T. 12 S., R. 18 E., Section 9 in Twin Falls County. The first 1.5 miles of the Indian Springs Road will remain open, allowing non-motorized trail users access to the two lower parking areas during periods in which closures for motorized vehicles are activated.

The Cherry Springs Road (BLM road #4213), from the Rock Creek Road southwest to its intersection with the Indian Springs Road, just north of the U.S. Forest Service boundary. This is a distance of approximately 6 miles. The road starts at T. 12 S., R. 18 E., Section 02 in Twin Falls County.

Dry Creek Road (BLM road #1610), from the Tugaw Ranch southwest to the U.S. Forest Service boundary, a distance of approximately 7 miles. The road closure starts in T. 12 S., R. 19 E., Section 12, in Cassia County.

No person may use, drive, move, transport, let stand, park, or have charge or control over any type of motorized vehicle on closed routes.

Exceptions to This Order Are Granted to the Following

Law enforcement patrol and emergency services and administratively approved access for actions such as monitoring, research studies, grazing activity, and access to private lands.

Employees of valid right-of-way holders in the course of duties associated with the right-of-way.

Holders of valid lease(s) and/or permit(s) and their employees in the course of duties associated with the lease and/or permit.

Other actions would be considered on a case-by-case basis.

EFFECTIVE DATE: This closure is effective December 1, 2000, and shall remain effective until rescinded by the Authorized Officer.

FOR FURTHER INFORMATION, CONTACT: Theresa M. Hanley, Burley Field Manager, 200 South 15 East, Burley, ID. 83318. Telephone (208) 677–6641. A map showing vehicle routes of travel is available from the Burley BLM Office.

SUPPLEMENTARY INFORMATION: Authority for this closure and restriction order may be found in 43 CFR 8364.1. Violation of this closure is punishable by a fine not to exceed $1000.00 and/or imprisonment not to exceed 12 months.

Dated: November 20, 2000.

Theresa M. Hanley,

Burley Field Manager.

[FR Doc. 00–30510 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–010–1430–EU/1430–HN; NM 101521]

Notice of Availability of a Draft Environmental Impact Statement (DEIS) for a Proposed Land Exchange With the Pueblo of Santo Domingo; Albuquerque Field Office, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM), Albuquerque Field Office has completed a DEIS. This document describes and analyzes three alternatives for a land exchange. The exchange would involve public land north of County Road 252 A (formerly State Road 22) and south of the Santo Domingo Reservation, and private lands of equal value yet to be identified, within high-priority acquisition areas (as identified in the Rio Puerco and the Taos Resource Management Plans). The alternatives are: (A) Proposed Action—exchange public lands with a conservation easement, (B) Exchange

public lands with no conservation easement, and (C) No Action.

The following described public lands are being analyzed for disposal through exchange to the Santo Domingo Pueblo by the United States:

New Mexico Principal Meridian

T. 13 N., R. 6 E.,
Sec. 1, lots 5, 6, 7, and 13.
T. 14 N., R. 6 E.,
Sec. 9, lots 9, 10, S½;
Sec. 10, lots 10 to 13, inclusive, S½S½;
Sec. 11, lots 9, 10 and 11;
sec. 13, lots 5 to 8, inclusive, S½NW¼ and S½;
Sec. 14, lot 2, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 15;
Sec. 22, lots 1, 5, and 6;
Sec. 23, lots 1 to 4, inclusive, N½ and SE¼;
Secs. 24 and 25;
Sec. 26, lots 1, 2, 6 to 9, inclusive, and lots 15, and 16, NE¼;
Sec. 35, lots 1, 2, 5 to 8, inclusive, and lot 11.
T. 13 N., R. 7 E.,
Sec. 6, lots 5 to 12, inclusive;
Sec. 7, lots 5, 6, 7, and 11.
T. 14 N., R. 7 E.,
Sec. 17, lots 10 and 11;
Sec. 18, lots 5 to 8, inclusive, SW¼ and S½SE¼;
Sec. 19;
Sec. 20, lots 1 to 4, inclusive;
Sec. 29, lots 1 and 2;
Sec. 30, lots 1 to 5, inclusive, N½N½, SW¼NW¼ and W½SW¼;
Sec. 31, lots 1 to 4, inclusive, W½W½.

The areas described aggregate 7,376.34 acres.

In this proposed exchange, the United States would acquire lands of equal value that are yet to be identified within or adjacent to BLM Wilderness Study Areas, Areas of Critical Environmental Concern, Special Management Areas and/or other BLM high-priority acquisition areas.

DATES: Written comments must be postmarked no later than January 15, 2001. A public open house to discuss the alternatives will be held in the main conference room at the BLM Albuquerque Field Office, 435 Montano Rd. NE, Albuquerque, New Mexico from 4 p.m. to 7 p.m. on Monday, December 18, 2000.

ADDRESSES: Written comments should be sent to: Albuquerque Field Manager, BLM Albuquerque Field Office, 435 Montano Rd. NE, Albuquerque, New Mexico 87107–4935.

Copies of the DEIS are available for review at the Albuquerque Field Office and at the following address on the Internet: *www.nm.blm.gov.* Additional copies are available at the following BLM New Mexico offices: State Office, 1474 Rodeo Road, Santa Fe; and Taos Field Office, 226 Cruz Alta Road, Taos.

FOR FURTHER INFORMATION CONTACT: Debby Lucero, BLM Albuquerque Field Office at the above address, or telephone (505) 761–8787, fax (505) 761–8911.

SUPPLEMENTARY INFORMATION: The following issues are addressed in the environmental analysis: (1) Ecological Sites/Vegetation, (2) Threatened, Endangered and Other Special Status Species, (3) Water Resources, (4) Wildlife, (5) Geology/Paleontology, (6) Minerals, (7) Land Uses, (8) Wilderness, (9) Recreation, (10) Visual Resources, (11) Air Quality and Noise, (12) Hazardous Materials, (13) Cultural Resources, (14) American Indian Uses, (15) Rangeland Management, and (16) Socioeconomic Conditions.

All public lands managed by the Albuquerque Field Office are identified in a lower class retention zone, so they may be disposed of only for lands in a higher class retention zone. The lands to be acquired by the BLM through this exchange are in high class retention areas, supporting their acquisition through exchange of lower class retention lands to the Pueblo.

Edwin J. Singleton,

Albuquerque Field Manager.

[FR Doc. 00–30117 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–AG–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–932–1430–ET; A–062024]

Public Land Order No. 7471; Extension of Public Land Order No. 6127; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends Public Land Order No. 6127 for an additional 20-year period. This extension is necessary to continue the protection of the Bureau of Land Management's Campbell Tract Administrative Site.

EFFECTIVE DATE: February 11, 2002.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, (907) 271–5049.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6127, which withdrew public land from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch.2 (1994)), for the protection of the Campbell Tract Administrative Site, is hereby extended for an additional 20 years as it affects the following described land:

Seward Meridian

T. 12 N., R. 3 W.,
Sec. 2, W½W½E½NW¼, W½NW¼, W½E½W½SW¼, and W½W½SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½NE¼NE¼, S½NE¼NE¼, S½SE¼NW¼NE¼, S½NE¼, SE¼SE¼NW¼, S½NE¼SE¼NW¼, S½SW¼SE¼NW¼, S½SE¼SW¼NW¼, SW¼, and E½SE¼;
Sec. 10, NE¼NE¼, E½NW¼NE¼, NW¼NW¼NE¼, N½SW¼NW¼NE¼, and N½N½N½NW¼;
Sec. 11, NW¼NW¼NW¼ and W½SW¼NW¼NW¼.

The area described contains 730.13 acres.

2. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: November 15, 2000.

Sylvia V. Baca,

Assistant Secretary of the Interior.

[FR Doc. 00–30509 Filed 11–29–00; 8:45 am]

BILLING CODE 4310–JA–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period

of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before January 16, 2001. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to *records.mgt@arch2.nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301)713–7110. E-mail: *records.mgt@arch2.nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Air Force, Agency-wide (N1–AFU–01–1, 2 items, 2 temporary items). Electronic copies of documents created using electronic mail and word processing associated with collateral training files containing such records as registration forms, attendance records, medical clearances, and examination papers. This schedule also increases the retention period for recordkeeping copies of these files, which were previously approved for disposal.

2. Department of the Army, Agency-wide, (N1–AU–01–7, 2 items, 2 temporary items). Records relating to production base support construction projects and properties. Included are such records as authorizations, test reports, logbooks, design analyses, specifications, original tracings, drawings, and photographs. Also included are electronic copies of records created using electronic mail and word processing.

3. Department of the Army, Agency-Wide (N1–AU–00–15, 33 items, 33 temporary items). Records relating to Army food and clothing programs, including electronic copies of documents created using electronic mail and word processing. Records relate to such matters as the day-to-day operations of dining facilities, the delivery of rations, the development of menus, the establishment or discontinuance of bakeries and similar facilities, requisitions, and the management of clothing and textile programs. This schedule authorizes the agency to expedite disposal of these short-term facilitative records, which were previously approved for disposal. It also authorizes the agency to apply the proposed disposition instructions to records in all media.

4. Department of Defense, Assistant Secretary (Health Affairs) (N1–330–99–2, 1 item, 1 temporary item). Duplicate copies of medical records of Gulf War participants collected by the Comprehensive Clinical Evaluation Program. Included are referral forms, lab test reports, and self-reported medical data. Records are proposed for retention for 75 years.

5. Department of Defense, Defense Contract Audit Agency (N1–372–01–1, 38 items, 38 temporary items). Records relating to the administration and implementation of Federal quality of work life programs, including child care, elder care, alternative work schedules, job sharing, leave sharing, and telecommuting. Included are such records as approved requests and applications, forms, analyses, policy development documents, and electronic copies of documents created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to records in all media.

6. Department of Health and Human Services, Program Support Center (N1–998–00–1, 61 items, 60 temporary items). Paper and electronic records of the Program Support Center relating to administrative management activities, including electronic copies of documents created using electronic mail and word processing. Records relate to such matters as audits, budget preparation and execution, delegations of authority, forms management, the reimbursement of grantees and contractors, personnel management, procurement policies and procedures, the inventorying of narcotics and other controlled substances, and the preparation of directives and other issuances. Recordkeeping copies of case files relating to the disposal of surplus real property are proposed for permanent retention.

7. Department of Health and Human Services, Health Care Financing Administration (N1–440–00–2), 5 items, 5 temporary items). Records relating to Y2K efforts, including such matters as policy and planning, system testing and

verification, project administration, and contractor activities. Also included are electronic copies of records created using electronic mail and word processing as well as videotapes that relate to meetings and training.

8. Department of Health and Human Services, Health Care Financing Administration (N1–440–00–3), 3 items, 3 temporary items). Records relating to Medicaid's Home and Community-Based Waiver Program, including state requests for waivers, subsequent correspondence, and related background materials and working papers. Also included are electronic copies of records created using electronic mail and word processing.

9. Department of Justice, Bureau of Prisons (N1–129–99–9, 11 items, 8 temporary items). Files of the Program Review Division pertaining to routine administrative matters, the accreditation of facilities by the American Correctional Association, and management assessment and strategic planning. Also included are electronic copies of documents created using electronic mail and word processing. Recordkeeping copies of statistics compiled for Executive Staff meetings and profiles of institutions are proposed for permanent retention as are briefing materials provided the Executive Staff for use in decision making. This schedule was published in the **Federal Register** on March 15, 1999. It is being published again because accreditation records, which were previously proposed for permanent retention, are now proposed for disposal.

10. Department of State, Executive Secretariat (N1–59–01–1, 1 item, 1 temporary item). Videotapes of the proceedings of Congressional investigations of the Iran-Contra affair. Copies of these records accumulated by the Congress have already been transferred to the National Archives.

11. Department of the Treasury, Bureau of the Public Debt (N1–53–00–6, 23 items, 23 temporary items). Records of the Division of Data Services consisting primarily of files relating to coupons, the stubs removed from bonds in order to redeem interest. Also included are such records as forms used to request copies of program documents, audits, and files relating to cases in which securities are used to pay Federal estate taxes.

12. Department of the Treasury, Bureau of the Public Debt (N1–53–00–08, 3 items, 3 temporary items). Records of the Division of Technical Services that track the development of information technology systems. Records include the database used for tracking and the related inputs and outputs.

13. Department of the Treasury, Bureau of the Public Debt (N1–53–00–10, 14 items, 14 temporary items). Paper and electronic records pertaining to the sale and registration of savings bonds, including vault logs, depositor reports, enrollment forms, and transfer and reinvestment forms.

14. Department of the Treasury, Bureau of the Public Debt (N1–53–00–11, 3 items, 3 temporary items). Records of the Division of Technical Services relating to ADP equipment problems and subsequent corrective action and to the procurement of ADP equipment. Electronic copies of documents created using electronic mail and word processing are included.

15. Environmental Protection Agency, Chair or Co-Chair of the Committee on the Challenges of Modern Society (N1–412–99–20, 6 items, 1 temporary item). Electronic copies of documents created using electronic mail and word processing that are associated with records relating to the North Atlantic Treaty Organization (NATO) Committee on the Challenges of Modern Society. Proposed for permanent retention are recordkeeping copies of files relating to the programs, policies, and activities of the Committee, including correspondence, proposals, studies, reports, and minutes of meetings.

16. Federal Reserve System, Board of Governors (N1–82–00–2, 53 items, 49 temporary items). Records documenting the oversight activities of the Board of Governors of the Federal Reserve System, including the monitoring, inspection, and examination of financial institutions. Included are such files as applications, examination and inspection reports, studies, legal and enforcement case files, and surveillance reports. Also included are electronic copies of documents created using electronic mail and word processing. This schedule authorizes the agency to apply the proposed disposition instructions to records in all media. Record-keeping copies of such files as regulatory case files, policy directives, and advisory committee records are proposed for permanent retention. These records will be transferred to the National Archives in an electronic medium if feasible. If transfer in an electronic medium is not feasible, paper or microform copies will be transferred.

17. Federal Retirement Thrift Investment Board, Office of the General Counsel (N1–474–00–4, 3 items, 3 temporary items). Records relating to bankrupt Thrift Saving Plan participants, including electronic copies of records created using electronic mail and word processing.

18. Federal Retirement Thrift Investment Board, Office of Administration (N1–474–00–5, 2 items, 2 temporary items). Imaged and paper copies of forms, correspondence, and legal documents filed by or for Thrift Savings Plan participants.

19. Pension Benefit Guaranty Corporation, Insurance Operations Department (N1–465–01–1, 6 items, 6 temporary items). Records that have been imaged relating to individuals covered by a private'sector pension plan. Files include correspondence, copies of personal documents, calculation sheets showing benefit entitlement, and employment information. Electronic copies of documents created using electronic mail, spreadsheet, and word processing applications also are included. Files that pre-date the imaging system were previously approved for disposal.

20. Tennessee Valley Authority, Customer Services and Marketing, (N1–142–99–8, 12 items, 10 temporary items). Background materials relating to the development of publications concerning community and economic development, including electronic copies of documents created using electronic mail and word processing. Also included is a CD-ROM prepared for the use of participants in the agency's Quality Communities program. Recordkeeping copies of publications are proposed for permanent retention.

Dated: November 21, 2000.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 00–30468 Filed 11–29–00; 8:45 am]

BILLING CODE 7515–01–U

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cooperative Agreement for a Feasibility Study for the Creation of Loan Funds or Loan Guarantees for Nonprofit Arts Organizations

AGENCY: National Endowment for the Arts.

ACTION: Notification of availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to one (1) award of a Cooperative Agreement to conduct a Study of the Feasibility for the Creation of Loan Funds for Nonprofit Arts Organizations. The study will include a quantitative and descriptive analysis of loan funds for arts organizations as well as the guarantee of loans made to non-profit

arts organizations; the identification and analysis of the obstacles and opportunities for such financing mechanisms; and the feasibility of new structures or the adaptation of existing structures for such purposes. The recipient of the Cooperative Agreement will also determine the appropriate amount of the fund corpus needed and estimate the associated administrative costs. Completion of the study is contemplated in six months. Those interested in receiving the Solicitation package should reference Program Solicitation PS 01–01 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored. It is anticipated that the Program Solicitation will also be posted on the Endowment's Web site at http://www.arts.gov.

DATES: Programs Solicitation PS 01–01 is scheduled for release approximately December 28, 2000 with proposals due on January 29, 2001.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Grants & Contracts Office, Room 618, 1100 Pennsylvania Ave., NW, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: William Hummel, Grants & Contracts Office, National Endowment for the Arts, Room 618, 1100 Pennsylvania Ave., NW, Washington, DC 20506 (202/682–5482).

William I. Hummel,

Coordinator, Cooperative Agreements.

[FR Doc. 00–30511 Filed 11–29–00; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–320]

GPU Nuclear, Inc., Metropolitan Edison, Jersey Central Power & Light, and Pennsylvannia Electric Company Three Mile Island, Unit No. 2; Notice of Consideration of Approval of Application Regarding Proposed Merger and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Possession Only License No. DPR–73 for the Three Mile Island Nuclear Station, Unit No. 2 (TMI–2), held by GPU Nuclear, Inc. (GPUN), Metropolitan Edison (Met Ed), Jersey Central Power & Light (JCP&L), and Pennsylvannia Electric Company (Penelec). The indirect transfer would be to FirstEnergy Corp. (FE), headquartered in Akron, Ohio.

According to a September 26, 2000, application submitted by FE and GPUN, as supplemented by letters dated September 27, November 9, and November 14, 2000, GPU, Inc., the corporate parent of GPUN, Met Ed, JCP&L, and Penelec, is planning to be merged with and into FE. FE will remain as the surviving corporation in this transaction. Upon consummating the merger, FE will become a registered holding company under the Public Utility Holding Company Act of 1935, and GPUN, Met Ed, JCP&L, and Penelec, currently subsidiaries of GPU, Inc., will become subsidiaries of FE.

No physical changes to the TMI–2 facility or operational changes are being proposed in the application. GPUN, the TMI–2 licensee authorized to maintain the facility, and Met Ed, JCP&L, and Penelec, the licensed owners of TMI–2, will continue to be so following the merger. No direct transfer of the license will result from the planned merger.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holders of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By December 20, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon counsel for FE, Roy P. Lessey, Esq., Akin, Gump, Strauss, Hauer, & Field, L.L.P., 1333 New Hampshire Ave., NW., Suite 400, Washington, DC 20036, (202) 887–4500, (202) 887–4288 (fax), e-mail: *rlessy@akingump.com;* and Mary O'Reilly, Esq., FirstEnergy Corp., 76 South Main Street, Akron, OH 44308, (330) 384–5224, (330) 384–3875 (fax), e-mail: *meoreilly@firstenergycorp.com;* and counsel for GPUN, David R. Lewis, Esq., Shaw Pittman, 2300 N Street, NW., Washington, DC 20037–1128, (202) 663–8474, (202) 663–8007(fax), e-mail: *david.lewis@shawpittman.com;* and Michael J. Connolly, Esq., Vice President—Law, GPU Service, Inc., 300 Madison Avenue, Morristown, NJ 07962, (973) 455–8245, (973) 993–4801 (fax), e-mail: *mconnolly@gpu.com;* the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: *ogclt@nrc.gov*); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by January 2, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the license transfer

application dated September 26, 2000, and supplements dated September 27, November 9, and November 14, 2000, 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 22nd day of November 2000.

For the Nuclear Regulatory Commission.

John L. Minns,

Project Manager, Decommissioning Section, Project Directorate IV & Decommissioning Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–30466 Filed 11–30–00; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

December 12, 2000 Board of Directors Meeting

TIME AND DATE: Tuesday, December 12, 2000, 1:00 pm (Open Portion), 1:30 pm (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

STATUS: Meeting Open to the Public from 1:00 pm to 1:30 pm Closed portion will commence at 1:30 pm (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report
2. Amendment of the OPIC Bylaws
3. Approval of September 19, 2000 Minutes (Open Portion)

FURTHER MATTERS TO BE CONSIDERED: Closed to the Public 1:30 pm)

1. Finance Project in OPIC Eligible Countries
2. Finance Project in Brazil
3. Finance Project in Argentina
4. Approval of September 19, 2000 Minutes (Closed Portion)
5. Pending Major Projects
6. Reports

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: November 28, 2000.

Connie M. Downs,

OPIC Corporate Secretary.

[FR Doc. 00–30649 Filed 11–28–00; 12:30 pm]

BILLING CODE 3210–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release Docket No. IC–24747; File No. 812–12260]

The Ayco Company, et al.

November 22, 2000.

AGENCY: The 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, as amended (''1940 Act'') from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Applicants: Ayco Series Trust (''Trust'') and The Ayco Company, L.P. (''Ayco'') (collectively, ''Applicants'').

Summary of Application: Applicants seek an order to permit shares for the Trust and shares of any other existing or future investment company that is designed to fund insurance products and for which Ayco, or any of its affiliates, may serve as investment manager, investment adviser, subadviser, administrator, manager, principal underwriter or sponsor (the Trust and such other investment companies being hereinafter referred to, collectively, as ''Insurance Trusts''), or permit shares of any current or future series of any Insurance Trust (''Insurance Fund''), to be sold to and held by: (1) Separate accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies; (2) qualified pension and retirement plans outside of the separate account context (''Qualified Plans'' or ''Plans''); and (3) any investment manager to an Insurance Trust (''Manager'') and the affiliates thereof.

Filing Date: The application was filed on September 15, 2000. Applicants represent that they will file an amendment to the application during the notice period to conform to the representations set forth herein.

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, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on December 15, 2000 and should be 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 writer's interest, the reason for the request, and the issues contested. Persons may request notification of the date of the hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, DC 20549–0690. Applicants, c/o Margaret M. Keyes, Esq., Deputy General Counsel, The Ayco Company, L.P., One Wall Street, Albany, New York 12205–3894.

FOR FURTHER INFORMATION CONTACT: Ann L. Vlcek, Senior Counsel, or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, DC 20549–0102 (202–942–8090).

Applicant's Representations

1. The Trust is a Delaware business trust organized on August 30, 2000. It is registered under the 1940 Act of the series type as an open-end management investment company.[1] The initial series of the Trust is the Ayco Large Cap Growth Fund I (''Fund''). The Trust is authorized to establish additional series and classes of shares.

2. Mercer Allied Company, L.P. (''Mercer Allied''), a broker-dealer registered with the Commission and a member of the National Association of Securities Dealers, Inc., serves as the Trust's distributor. The General Partner of Mercer Allied is Breham, Inc., a corporation wholly-owned by John Breyo, the Trust's Chief Executive Officer and a Trustee of the Trust.

3. Ayco Asset Management, a division of Ayco, serves as the Trust's investment manager. Ayco is registered as an investment adviser with the SEC under the Investment Advisers Act of 1940, as amended. The general partner of Ayco is Hambre, Inc., a corporation also wholly-owned by John Breyo.

4. The Insurance Trusts intend to offer shares of the Insurance Funds to registered and unregistered separate accounts of affiliated and unaffiliated insurance companies (collectively, ''Separate Accounts'' [2] in order to fund

[1] The Trust filed a notification of registration on Form N–8A, and filed its initial registration statement on Form N–1A under the 1940 Act and the Securities Act of 1933, as amended (''1933 Act''), on September 5, 2000 (File Nos. 333–45194; 811–10115). Pursuant to Rule 0–4(a) under the 1940 Act, Applicants hereby incorporate by reference the Trust's registration statement to the extent necessary to supplement the representations contained herein.

[2] The Separate Accounts are, or will be, either registered as investment companies under the 1940

Continued

various types of insurance products. These products may include, but are not limited to, variable annuity contracts, scheduled premium variable life insurance contracts, single premium variable life insurance contracts, and flexible premium variable life insurance contracts (collectively referred to herein as ''variable contracts'' or ''contracts''). Insurance companies whose Separate Account(s) may now or in the future own shares of the Insurance Funds are referred to herein as ''Participating Insurance Companies.''

5. The Participating Insurance Companies will establish their own Separate Accounts and design their own variable annuity and variable life insurance contracts. Each Participating Insurance Company will have the legal obligation to satisfy all applicable requirements under both state and federal laws. It is anticipated that Participating Insurance Companies will rely on rule 6e–2 or Rule 6e–3(T) under the 1940 Act, in connection with the establishment and maintenance of variable life insurance Separate Accounts, although some Participating Insurance Companies, in connection with variable life insurance contracts, may rely on individual exemptive orders as well.

6. Each Participating Insurance Company will enter into a participation agreement with the applicable Insurance Trust on behalf of the Insurance Funds in which the Participating Insurance Company invests. The role of the Insurance Funds under this arrangement, insofar as federal securities laws are applicable, will consist of offering their shares to the Separate Accounts and fulfilling any conditions that the Commission may impose upon granting the order requested herein.

7. The Insurance Trusts intend to offer shares of the Insurance funds directly to Qualified Plans outside of the separate accounts context. Section 817(h) of the Internal Revenue Code of 1986, as amended (the ''Code''), imposes certain diversification standards on the underlying assets of separate accounts funding variable annuity contracts and variable life insurance contracts. In particular, the Code provides that such contracts shall not be treated as an annuity contracts or life insurance contract for any period (and any subsequent period) for which the separate account investments are not, in accordance with regulations prescribed by the Treasury Department, adequately diversified. On March 2, 1989, the Treasury Department issued regulations (Treas. Reg. 1.817–5) (''Treasury Regulations'') that establish diversification requirements for variable annuity and variable life insurance contracts, which require the separate accounts upon which these contracts are based to be diversified as provided in the Treasury Regulations. In the case of separate accounts that invest in underlying investment companies, the Treasury Regulations provide a ''look through'' rule that permits the separate account to look to the underlying investment company for purposes of meeting the diversification requirements, provided that the beneficial interests in the investment company are held only by the segregated asset accounts of one or more insurance companies. However, the Treasury Regulations also contain certain exceptions to this requirement, one of which allows shares in an investment company to be held by the trustee of a qualified pension or retirement plan without adversely affecting the ability of shares in the same investment company to also be held by the separate accounts of insurance companies in connection with their variable annuity and variable life contracts (Treas. Reg. 1.817–5(f)(3)(iii). Another exception allows the investment manager of the investment company and certain companies related to the investment manager to hold shares of the investment company.

8. Qualified Plans may choose any of the Insurance Funds that are offered as the sole investment under the Plan or as one of several investments. Plan participants may or may not be given an investment choice depending on the terms of the Plan itself. Shares of any of the Insurance Funds sold to such Qualified Plans would be held or deemed to be held by the trustee(s) of said Plans.[3] Certain Qualified Plans, including Section 403(b)(7) Plans and Section 408(a) Plans, may vest voting rights in Plan participants instead of Plan trustees. Exercise of voting rights by participants in any such Qualified Plans, as opposed to the trustees of such Plans, cannot be mandated by the Applicants. Each Plan must be administered in accordance with the terms of the Plan and as determined by its trustee or trustees.

9. shares of each Insurance Trust also may be offered to the Manager and its affiliates, in reliance on Treasury Regulation 1.817–5(f)(3)(ii). Applicants state that the Treasury Regulations permit such sales as long as the return on shares held by the Manager or its affiliates is computed in the same manner as for shares held by the Separate Accounts, and the Manager and its affiliates do not intend to sell to the public shares of the Insurance Trust that they hold. An additional restriction is imposed by the Treasury Regulations on sales to the Manager and its affiliates who may hold shares only in connection with the creation or management of the Insurance Trust. Applicants anticipate that sales in reliance on these provisions of the Treasury Regulations generally will be made to the Manager and its affiliates and generally for the purpose of providing necessary capital required by Section 14(a) of the 1940 Act.

10. Applicants state that the promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act preceded the issuance of the Treasury Regulations that made it possible for shares of an investment company to be held by a Qualified Plan or the investment company's investment manager or its affiliates without adversely affecting the ability of shares in the same investment company to also be held by separate accounts of insurance companies in connection with their variable life insurance contracts. Thus, Applicants believe that the sale of shares of the same investment company to separate accounts through which variable life insurance contracts and variable annuity contracts are issued, to Qualified Plans, or to the investment company's investment manager and its affiliates (collectively, ''eligible shareholders'') could not have been envisioned at the time of the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15), given the then-current tax law.

Act or exempt from registration thereunder pursuant to Section 3(c)(1) of the Act.

[3] Qualified Plans described in Code Section 403(b)(7) (''Section 403(b)(7) Plans'') and in Section 408(a) (''Section 408(a) Plans'') may invest in mutual funds through custodial arrangements. Such custodial arrangements typically provide that shares held of record by the custodian are held for the benefit of the participant that beneficially owns such shares. Shares of the Insurance Trusts may be offered and sold to Section 403(b)(7) Plans and Section 408(a) Plans encompassing participants in custodial arrangements, to the extent shares owned of record by a custodian are deemed to be held in trust. The obligations of custodians of Section 403(b)(7) Plans and Section 408(a) Plans to participants in such plans are typically much more limited than the obligations of trustees of other Qualified Plans to participants in such Plans. For example, the decision whether to purchase or sell shares of any particular investment option, and the decision of how to vote on any particular matter presented to shareholders, typically is vested in participants in Section 403(b)(7) Plans and Section 408(a) Plans, rather than custodians. Because of the limited role of custodians of Section 403(b)(7) Plans and Section 408(a) Plans, Applicants intend to treat each participant in a Section 403(b)(7) Plan and a Section 408(a) Plan as a separate Qualified Plan for purposes of this Application.

Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a separate account organized as a unit investment trust (''Trust Account''), Rule 6e–2(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act.[4] The exemptions granted to a separate account by Rule 6e–2(b)(15) are available only where each registered management investment company underlying the Trust Account (''underlying fund'') offers its shares ''*exclusively* to variable life insurance separate accounts of the life insurer or of any affiliated life insurance company * * *.'' (emphasis added). Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to a variable annuity separate account of the same company or of any affiliated life insurance company.[5] The use of a common underlying fund as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as ''mixed funding.''

2. In addition, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts funding variable contracts of one or more unaffiliated life insurance companies. The use of a common underlying fund as the underlying investment medium for variable life insurance separate accounts of one insurance company and separate accounts funding variable contracts of one or more unaffiliated life insurance companies is referred to herein as ''shared funding.''

3. Moreover, because the relief under Rule 6e–2(b)(15) is available only where shares are offered exclusively to variable life insurance separate accounts, additional exemptive relief may be necessary if the shares of the Insurance Trusts are also to be sold to Qualified Plans or to the Manager and its affiliates.

4. Accordingly, Applicants are requesting an order of the Commission granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act, and Rule 6e–2(b)(15) thereunder, to the extent necessary to permit shares of each Insurance Trust to be offered and sold to, and held by: (a) Separate Accounts funding variable annuity contracts and scheduled premium and flexible premium variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies; (b) Qualified Plans; and (c) any Manager to an Insurance Trust and affiliates thereof.

5. In connection with the funding of flexible premium variable life insurance contracts through a Trust Account, Rule 6e–3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require ''pass-through'' voting with the respect to an underlying fund's shares. The exemptions granted to a separate account by Rule 6e–3(T)(b)(15) are available only where all of the assets of the separate account consist of the shares of one or more underlying funds which offer their shares ''*exclusively* to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offers their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company'' (emphasis added). Therefore, Rule 6e–3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account, subject to certain conditions.[6] However, Rule 6e–3(T) does not permit shared funding because the relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of an underlying fund that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies.

6. The relief provided by Rule 6e–3(T) is not relevant to the purchase of shares of the Insurance Trusts by Qualified Plans or by the Manager and its affiliates. However, because the relief granted by Rule 6e–3(T)(b)(15) is available only where shares of the underlying fund are offered exclusively to separate accounts, or to life insurers in connection with the operation of a separate account, additional exemptive relief may be necessary if the shares of the Insurance Trusts are also to be sold to Qualified Plans or to the Manager and its affiliates.

7. Accordingly, Applicants are requesting an order of the Commission granting exemptions from Sections 9(a), 13(a), 15(a), and 15(b) of the 1940 Act, and Rule 6e–3(T)(b)(15) (and any comparable permanent rule) thereunder, to the extent necessary to permit shares of each Insurance Fund to be offered and sold to, and held by: (a) Separate Accounts funding variable annuity contracts and scheduled premium and flexible premium variable life insurance contracts issued by unaffiliated life insurance companies; (b) Qualified Plans; and (c) any Manager to an Insurance Trust and affiliates thereof.

8. Applicants state that none of the relief provided for in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) relates to Qualified Plans, the Manager and its affiliates, or to an underlying fund's ability to sell its shares to such purchasers. It is only because some of the Separate Accounts that may invest in the Insurance Trusts may themselves be investment companies that rely upon the relief provided by Rules 6e–2 and 6e–3(T) and wish to continue to rely upon that relief provided in those Rules, that the Applicants are applying for the relief described in this Application.

9. In its most recent release adopting amendments to Rule 6e–3(T), the Commission stated that shared funding arrangements presented ''a very new and somewhat complicated area from a regulatory perspective'' (Investment Company Act Release No. 15651 (March 30, 1987)). In the context of mixed funding, the Commission noted in this same Release that ''it would prefer to see any evolvement in this area * * * take place in the context of the application process.''

10. Applicants presume that the reason that the Commission did not grant greater relief in the area of mixed and shared funding when it adopted Rule 6e–3(T) is because of the Commission's uncertainty in this area with respect to such issues as conflicts of interest. Applicants believe that any Commission concern in this area is not warranted in the context of this Application. Applicants state that, if and when a material irreconcilable

[4] The relief provided by Rule 6e–2 is also available to a separate account's investment manager, principal underwriter, and sponsor or depositor.

[5] The Commission has published proposed amendments to Rule 6e–2 that, if adopted, would permit shares of one underlying fund to be sold to separate accounts of the insurer, or any affiliated life insurance company, offering variable annuity contracts or scheduled premium or flexible premium variable life insurance. *See* Investment Company Act Release No. 14421 (Mar. 15, 1985). However, the proposed amendments would not permit shares of one underlying fund to be sold to separate accounts of unaffiliated companies.

[6] The relief provided by Rule 6e–3(T) is also available to a separate account's investment manager, principal underwriter, and sponsor or depositor.

conflict between the Separate Accounts arises in this context or between Separate Accounts on the one hand and Qualified Plans or the Manager and its affiliates on the other hand, the Participating Insurance Companies, Qualified Plans and the Manager and its affiliates must take whatever steps are necessary to remedy or eliminate the conflict, including eliminating the Insurance Funds as an eligible investment option. Applicants believe that investment by the Manager and its affiliates or the inclusion of Qualified Plans as eligible shareholders should not increase the risk of material irreconcilable conflicts among shareholders. Applicants further assert, however, that even if a material irreconcilable conflict involving the Qualified Plans arose, the Qualified Plans, unlike the Separate Accounts, can simply redeem their shares and make alternative investments. By contrast, insurance companies cannot simply redeem their separate accounts out of one fund and invest in another. Time consuming, complex transactions must be undertaken to accomplish such redemptions and transfers. Applicants thus argue that allowing the Manager and its affiliates or Qualified Plans to invest directly in the Insurance Trusts should not increase the opportunity for conflicts of interest.

11. The Commission has previously granted exemptive orders permitting open-end management investment companies to offer their shares directly to Qualified Plans as well as to separate accounts of affiliated or unaffiliated insurance companies that issue variable annuity contracts and variable life insurance contracts,[7] and has granted comparable relief in instances in which the investment managers of investment companies serving as the underlying investment media for variable insurance contracts proposed to purchase shares of such investment companies.[8]

12. Consistent with the Commission's authority under Section 6(c) of the 1940 Act to grant exemptive orders to a class or classes of persons and transactions, this Application requests relief for the class consisting of the Insurance Funds. Applicants maintain that there is ample precedent, in a variety of contexts, for granting exemptive relief not only to the applicants in a given case, but also to members of the class not currently identified that may be similarly situated in the future. In the context of mixed and shared funding, the Commission has granted exemptions covering a class composed of registered investment companies designed to fund variable contracts for which a named party to the exemptive application or, in some instances, an affiliate thereof, would serve in one of more of the following capacities: investment manager, investment adviser, sub-adviser, administrator, manager, principal underwriter or sponsor.[9]

13. Section 6(c) authorizes the Commission to exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the 1940 Act and/or of any rule thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. For the reasons stated below, Applicants believe that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

14. In general, Section 9(a) of the 1940 Act disqualifies any person convicted of certain offenses, and any company affiliated with that person, from acting or serving in various capacities with respect to a registered investment company. More specifically, paragraph (3) of Section 9(a) provides, among other things, that it is unlawful for any company to serve as investment adviser to or principal underwriter for any registered open-end investment company if an affiliated person of that company is subject to a disqualification enumerated in Sections 9(a)(1) or (a)(2). Rule 6e–2(b)(15)(i) and (ii) under the 1940 Act and Rule 6e–3(T)(b)(15)(i) and (ii) under the 1940 Act provide exemptions from Section 9(a) under certain circumstances, subject to the limitations discussed above on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management of the underlying fund.

15. Applicants state that the relief provided by Rules 6e–2(b)(15)(i) and 6e–3(T)(b)(15)(i) under the 1940 Act permits a person disqualified under Section 9(a) to serve as an officer, director, or employee of the life insurer, or any of its affiliates, so long as that person does not participate directly in the management or administration of the underlying fund.

16. Applicants contend that the relief provided by Rules 6e–2(b)(15)(ii) and 63–3(T)(b)(15)(ii) under the 1940 Act permits the life insurer to serve as the underlying fund's investment adviser or principal underwriter, provided that none of the insurer's personnel who are ineligible, pursuant to Section 9(a), are participating in the management or administration of the Trust.

17. Applicants state that the partial relief granted in Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act from the requirements of Section 9 of the 1940 Act limits, in effect, the amount of monitoring of an insurer's personnel, which would otherwise be necessary to ensure compliance with Section 9, to that which is appropriate in light of the policy and purposes of Section 9. Applicants maintain that those Rules recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals in an insurance company complex, most of whom typically will

[7] *E.g.,* Warburg Pincus Trust, *et al.,* Investment Company Act Release No. 24482 (May 30, 2000) (order), Investment Company Act Release No. 24442 (May 5, 2000) (notice); Kelmoore Strategy TM Variable Trust, *et al.,* Investment Company Act Release No. 24454 (May 16, 2000) (order), Investment Company Act Release No. 24399 (April 19, 2000) (notice); Pacific Select Fund, *et al.,* Investment Company Act Release No. 24196 (Dec. 14, 1999) (order), Investment Company Act Release no. 24140 (Nov. 17, 1999) (notice); Aetna Variable Fund, *et al.,* Investment Company Act Release No. 23616 (Dec. 21, 1998) (order), Investment Company Act Release No. 23545 (Nov. 23, 1998) (notice); PIMCO Variable Insurance Trust, *et al.,* Investment Company Act Release No. 23022 (Feb. 9, 1998) (order), Investment Company Release No. 22994 (Jan. 7, 1998) (notice); The Dreyfus Socially Responsible Growth Fund, Inc., *et al.,* Investment Company Act Release No. 23021 (Feb. 5, 1998) (order), Investment Company Act Release No. 22996 (Jan. 9, 1998) (notice); and EQ Advisors Trust, *et al.,* Investment Company Act Release No. 22651 (Apr. 30, 1997) (order), Investment Company Act Release No. 22602 (Apr. 4, 1997) (notice).

[8] *E.g.,* Potomac Insurance Trust, *et al.,* Investment Company Act Release No. 24560 (July 18, 2000) (order), Investment Company Act Release No. 24544 (June 22, 2000) (notice); SEI Insurance Products Trust, *et al.,* Investment Company Act Release no. 24134 (Nov. 15, 1999) (order), Investment Company Act Release No. 24089 (Oct. 18, 1999) (notice); Barr Rosenberg Variable Insurance Trust, *et al.,* Investment Company Act Release No. 23402 (Aug. 26, 1998) (order), Investment Company Act Release No. 23372 (July 31, 1998) (notice); Variable Annuity Portfolios, *et al.,* Investment Company Act Release No. 22857 (Oct. 16, 1997) (order), Investment Company Act Release No. 22823 (Sept. 17, 1997) (notice); and The Palladian Trust, *et al.,* Investment Company Act Release No. 22493 (Feb. 5, 1997) (order), Investment Company Act Release No. 22456 (Jan. 9, 1997) (notice).

[9] *See* Variable Insurance funds, *et al.*, Investment Company Act Release No. 21675 (Jan. 16, 1996) (Order), Investment Company Act Release No. 21592 (Dec. 12, 1995) (notice) (Commission granted relief extending to all investment companies designed to fund insurance products for which BISYS Fund Services, or any of its affiliates, may serve as principal underwriter and administrator). *See also* precedent cited *supra* note 9 (Commission granted relief extending to all investment companies for which the named investment adviser, or an affiliate of the adviser, may serve as investment manager, investment adviser, sub-adviser, administrator, manager, principal underwriter or sponsor).

have no involvement in matters pertaining to investment companies in that organization. Applicants assert that it is also unnecessary to apply Section 9(a) of the 1940 Act to the many individuals employed by Participating Insurance Companies (or affiliated companies of Participating Insurance Companies) who do not directly participate in the administration or management of the Insurance Trusts.

18. Applicants believe that there is no regulatory purpose in extending the monitoring requirements to embrace a full application of Section 9(a)'s eligibility restrictions because of mixed funding or shared funding. Applicants state that the Participating Insurance Companies are not expected to play any role in the management or administration of the Insurance Trusts, and that those individuals who participate in the management or administration of the Insurance Trusts will remain the same regardless of which separate accounts or insurance companies use the Insurance Trusts. Applicants maintain that, therefore, applying the monitoring requirements of Section 9(a) to the thousands of individuals employed by the participating Insurance Companies would not serve any regulatory purpose. Applicants also state that, furthermore, the increased monitoring costs would reduce the net rates of return realized by contract owners and Plan participants.

19. Applicants state that, moreover, the relief requested should not be affected by the sale of shares of the Insurance Trusts to Qualified Plans or the Manager and its affiliates. Applicants believe that the insulation of the Insurance Trusts from those individuals who are disqualified under the 1940 Act remains in place. Because Qualified Plans and the Manager and its affiliates are not investment companies and will not be deemed to be affiliated with the Insurance Trusts solely by virtue of their shareholdings, Applicants state that no additional relief is necessary.

20. Applicants submit that Sections 13(a), 15(a), and 15(b) of the 1940 Act have been deemed by the Commission to require ''pass-through'' voting with respect to underlying fund shares held by a separate account. Applicants state that Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) under the 1940 Act provide partial exemptions from those sections to permit the insurance company to disregard the voting instructions of its contract owners in certain limited circumstances. Applicants maintain that Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A)(*1*) under the 1940 Act provide that the insurance company may disregard the voting instructions of its contract owners in connection with the voting of shares of an underlying fund if such instructions would require such shares to be voted to cause such underlying funds to make (or refrain from making) certain investments that would result in changes in the subclassification or investment objectives of such underlying funds or to approve or disapprove any contract between an underlying fund and its investment manager, 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 such Rules). Applicants further state that Rules 6e–2(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) under the 1940 Act provide that the insurance company may disregard contract owners' voting instructions if the contract owners initiate any change in such underlying funds' investment policies, principal underwriter, or any investment manager (provided that disregarding such voting instructions is reasonable and subject to the other provisions of paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of Rules 6e–2 and 6e–3(T)).

21. Applicants state that Rule 6e–2 recognizes that a variable life insurance contract is an insurance contract; it has important elements unique to insurance contracts; and it is subject to extensive state regulation of insurance. In adopting Rule 6e–2(b)(15)(iii), Applicants believe that the Commission expressly recognized that state insurance regulators have authority, pursuant to state insurance laws or regulations, to disapprove or require changes in investment policies, investment advisers, or principal underwriters.[10]Applicants state that the Commission also expressly recognized that state insurance regulators have authority to require an insurer to draw from its general account to cover costs imposed upon the insurer by a change approved by contract owners over the insurer's objection.[11] Applicants further state that the Commission therefore deemed such exemptions necessary ''to assure the solvency of the life insurer and performance of its contractual obligations by enabling an insurance regulatory authority or the life insurer to act when certain proposals reasonably could be expected to increase the risks undertaken by the life insurer.'' [12]

Applicants conclude that, in this respect, flexible premium variable life insurance contracts are identical to scheduled premium variable life insurance contracts; therefore, Rule 6e–3(T)'s corresponding provisions presumably were adopted in recognition of the same factors.

22. Applicants believe that state insurance regulators have much the same authority with respect to variable annuity separate accounts as they have with respect to variable life insurance separate accounts. Insurers generally assume both mortality and expense risks under variable annuity contracts. Therefore, Applicants note that variable annuity contracts pose some of the same kinds of risks to insurers as variable life insurance contracts. Applicants state that the Commission staff has not addressed the general issue of state insurance regulators' authority in the context of variable annuity contracts and has not developed a single comprehensive exemptive rule for variable annuity contracts.[13]

23. Applicants assert that the Insurance Trusts' sale of shares to Qualified Plans for the Manager and its affiliates will not have any impact on the relief requested herein in this regard. Applicants note that shares of the Insurance Trusts sold to Qualified Plans would be held by the trustees of such Plans.[14] Applicants state that the exercise of voting rights by Qualified Plans, whether by the trustees, by participants, by beneficiaries, or by investment managers engaged by the Plans, does not present the type of issues respecting the disregard of voting rights that are presented by variable life separate accounts. With respect to the Qualified Plans, which are not registered as investment companies under the 1940 Act, Applicants submit that there is no requirement to pass through voting rights to Plan participants. Applicants believe that, indeed, to the contrary, applicable law expressly reserves voting rights associated with certain types of Plan assets to certain specified persons. Applicants state that, for example, under Section 403(a) of ERISA, shares of

[10] Investment Company Act Release No. 9482 (Oct. 18, 1976) (adopting Rule 6e–2).

[11] Investment Company Act Release No. 8000 (Sept. 20, 1973) (proposing to amend Rule 3c–4, the predecessor of Rule 6e–2).

[12] Investment Company Act Release No. 9104 (Dec. 30, 1975) (proposing Rule 6e–2).

[13] Applicants are not aware of any rule or exemptive order granting relief for variable annuity separate accounts from the disqualification or pass-through voting provisions, and no such relief is requested herein.

[14] As noted *supra* note 8, Section 403(b)(7) Plans and Section 408(a) Plans may permit shares beneficially owned by participants to be owned of record by custodians. Offers and sales of Insurance Fund shares to such plans would be permitted to the extent that Insurance Fund shares owned of record by the custodians are deemed to be held by Section 403(b)(7) Plan and Section 408(a) Plan trustees.

a fund sold to a Qualified Plan must be held by the trustee(s) of the Plan. Applicants further note that Section 403(a) also provides that the trustee(s) must have exclusive authority and discretion to manage and control the Plan with two exceptions: (1) When the Plan expressly provides that the trustee(s) are subject to the direction of the named fiduciary who is not a trustee, in which case the trustee(s) are subject to proper directions made in accordance with the terms of the Plan and not contrary to ERISA; and (b) when the authority to manage, acquire or dispose of assets of the Plan is delegated to one or more investment managers pursuant to Section 402(c)(3) of ERISA. Unless one of the above two exceptions stated in Section 403(a) applies, Applicants state that Plan trustee(s) have the exclusive authority and responsibility for voting proxies.

24. Applicants note that, if a named fiduciary to a Qualified Plan appoints an investment manager, the investment manager has the responsibility to vote the shares held unless the right to vote such shares is reserved to the trustees or the named fiduciary. Applicants further note that the Qualified Plans may have their trustee(s) or other fiduciaries exercise voting rights attributable to investment securities held by the Qualified Plans in their discretion. Applicants state that certain Qualified Plans, however, may provide for the trustees(s) or another named fiduciary to exercise voting rights in accordance with instructions from participants.

25. If a Qualified Plan does not provide participants with the right to give voting instructions, Applicants do not see any potential for material irreconcilable conflicts of interest between or among variable contract owners and Plan participants with respect to voting of the respective Insurance Fund's shares. Accordingly, unlike the case with insurance company separate accounts, Applicants argue that the issue of the resolution of material irreconcilable conflicts with respect to voting is not present with respect to such Qualified Plans because the Qualified Plans are not entitled to pass-through voting privileges.

26. Applicants further note that there is no reason to believe that participants in Qualified Plans which provide participants with the right to give voting instructions generally, or those in a particular Plan, either as a single group or in combination with participants in other Qualified Plans, would vote in a manner that would disadvantage variable contract owners. Applicants, therefore, assert that the purchase of shares of the Insurance Funds by Qualified Plans that provide voting rights does not present any complications not otherwise occasioned by mixed or shared funding.

27. Applicants note that, similarly, the Manager and its affiliates are not subject to any pass-through voting requirements. Accordingly, unlike the case with Separate Accounts, Applicants state that the issue of the resolution of material irreconcilable conflicts with respect to voting is not present with Qualified Plans or the Manager and its affiliates.

28. Applicants submit that the prohibitions on mixed and shared funding might reflect some concern with possible divergent interests among different classes of investors. Applicants note that when Rule 63–2 was adopted, variable annuity separate accounts could (and some did) invest in mutual funds whose shares were also offered to the general public. Therefore, at the time of the adoption of Rule 6e–2, Applicants state that the Commission staff contemplated underlying funds with public shareholders, as well as with variable life insurance separate account shareholders. Applicants believe that the Commission staff may have been concerned with the potentially different investment motivations of public shareholders and variable life insurance contract owners. Applicants further believe that there also may have been some concern with the problems of permitting a state insurance regulatory authority to affect the operations of a publicly-available mutual fund, and hence, affect the investments decisions of public shareholders.

29. However, for reasons unrelated to the 1940 Act, Applicants note that Internal Revenue Service Ruling 81–225 (Sept 25, 1981) (''Ruling 81–225'') effectively deprived variable annuities funded by publicly-available mutual funds of their tax-benefited status. Applicants state that the Tax Reform Act of 1984 codified the prohibition against the use of publicly available mutual funds as an investment medium for variable contracts (including variable life contracts). Applicants further state that Section 817(h) of the Code in effect requires that the investments made by variable annuity and variable life insurance separate accounts be ''adequately diversified.'' If a separate account is registered as a unit investment trust that invests in a single fund or series, Applicants maintain that Section 817(h) and the Treasury Regulations provide, in effect, that the diversification test will be applied at the underlying fund level rather that at the separate account level, but only if, subject to certain exceptions, ''all of the beneficial interests'' in the underlying fund ''are held by one or more insurance companies (or affiliated companies) in their general account or in segregated asset accounts * * *.'' [15] Applicants state that, accordingly, a Trust Account that invests solely in a publicly available mutual fund would not be adequately diversified. In addition, Applicants state that any underlying fund, including the Insurance Funds, that sells its shares to separate accounts would, in effect, be precluded from selling its shares to the public. Consequently, Applicants submit that the Insurance Funds will be obligated not to sell their shares directly to the public.

30. While there are differences in the manner in which distributions are taxed for variable annuity contracts, variable life insurance contracts and Qualified Plans, Applicants assert that the tax consequences do not raise any conflicts of interests. When distributions are to be made, and the separate account or the Qualified Plan cannot net purchase payments to make the distributions, Applicants state that the separate account or the Plan will redeem shares of the Insurance Trusts at their net asset value. Applicants further state that the Qualified Plan will then make distributions in accordance with the terms of the Qualified Plan and the insurance company will make distributions in accordance with the terms of the variable contract.

31. Applicants state that shared funding by unaffiliated insurance companies does not present any issues that do not already exist where a single insurance company is licensed to do business in several or all states. Applicants assert that a particular state insurance regulatory body could require action that is inconsistent with the requirements of other states in which the insurance company offers its policies. Applicants submit that the fact that different Participating Insurance Companies may be domiciled in different states does not create a significantly different or enlarged problem.

[15] Treas. Reg. 1.817–5, which established diversification requirements for such funds, specifically permits, among other things, investment company managers, insurance company general and separate accounts and ''qualified pension or retirement plans'' to share the same underlying management investment company. Therefore, neither the Code, the Treasury Regulations nor Revenue Rulings thereunder present any inherent conflicts of interest if investment company managers, insurance company general accounts, Qualified Plans, variable annuity separate accounts and variable life insurance separate accounts all invest in the same management investment company.

32. Applicants submit that shared funding by unaffiliated Participating Insurance Companies is, in this respect, no different than the use of the same investment company as the funding vehicle for affiliated Participating Insurance Companies, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) under the 1940 Act permit under various circumstances. Applicants state that affiliated Participating Insurance Companies may be domiciled in different states and be subject to differing state law requirements, and that affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. Applicants assert that, in any event, the conditions discussed below are designed to safeguard against and provide procedures for resolving any adverse effects that differences among state regulatory requirements may produce.

33. Applicants maintain that the right under Rules 6e–2(b)(15) and 6e–3(T)(b)(15) of an insurance company to disregard contract owners' voting instructions does not raise any issues different from those raised by the authority of state insurance administrators over separate accounts. Applicants believe that, under Rules 6e–2(b)(15) and 6e–3(T)(b)(15), an insurer can disregard contract owner voting instructions only with respect to certain specified items and under certain specified conditions. Applicants state that affiliation does not eliminate the potential, if any exists, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contract owners. Applicants submit that the potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that the insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations.

34. Applicants note, however, that a particular Participating Insurance Company's disregard of voting instructions, nevertheless, could conflict with the majority of contract owner voting instructions. Applicants state that the Participating Insurance Company's action could arguably be different than the determination of all or some of the other Participating Insurance Companies (including affiliated insurers) that the contract owners' voting instructions should prevail, and could either preclude a majority vote approving the change or could represent a minority view. If the Participating Insurance Company's judgment represents a minority position or would preclude a majority vote, Applicants note that the Participating Insurance Company may be required, at an Insurance Trust's election, to withdraw its Separate Account's investment in that Insurance Trust, and no charge or penalty would be imposed as a result of such withdrawal.

35. With respect to voting rights, Applicants maintain that it is possible to provide an equitable means of giving such voting rights to contract owners and to Qualified Plans and the Manager and its affiliates. Applicants note that the transfer agent(s) for the Insurance Trusts will inform each shareholder, including each Separate Account, each Qualified Plan, and the Manager and its affiliates, of its share ownership, in an Insurance Trust. According to the Applicants, each Participating Insurance Company will then solicit voting instructions in accordance with the ''pass-through'' voting requirement.

36. Applicants assert that investment by Qualified Plans in any Insurance Trust will similarly present no conflict. Applicants submit that the likelihood that voting instructions of variable contract owners will ever be disregarded or the possible withdrawal referred to immediately above is extremely remote and this possibility will be known, through prospectus disclosure, to any Qualified Plan choosing to invest in an Insurance Trust. Applicants state that, moreover, even if a material irreconcilable conflict involving Qualified Plans arises, the Qualified Plans may simply redeem their shares and make alternative investments. Applicants note that votes cast by the Qualified Plans, of course, cannot be disregarded but must be counted and given effect.

37. Applicants believe that there is no reason why the investment policies of an Insurance fund would or should be materially different from what they would or should be if such Insurance Fund funded only variable annuity contracts or variable life insurance policies, whether flexible premium or scheduled premium policies. Applicants contend that each type of insurance product is designed as a long-term investment program. Applicants further submit that, similarly, the investment strategy of Qualified Plans (*i.e.,* long-term investment) coincides with that of variable contracts and should not increase the potential for conflicts.

38. Applicants maintain that each of the Insurance Funds will be managed to attempt to achieve its investment objective, and not to favor or disfavor any particular Participating Insurance Company or type of insurance product or other investor. Applicants submit that there is no reason to believe that different features of various types of contracts will lead to different investment policies for different types of variable contracts. Applicants note that the sale and ultimate success of all variable insurance products depends, at least in part, on satisfactory investment performance, which provides an incentive for the Participating Insurance Company to seek optimal investment performance.

39. Applicants state that, furthermore, no one investment strategy can be identified as appropriate to a particular insurance product. Applicants state that each pool of variable annuity and variable life insurance contract owners is composed of individuals of diverse financial status, age, insurance and investment goals. Applicants note that an underlying fund supporting even one type of insurance product must accommodate these diverse factors in order to attract and retain shareholders. Applicants maintain that permitting mixed and shared funding will provide economic justification for the growth of the Insurance Funds. In addition, Applicants assert that permitting mixed and shared funding will facilitate the establishment of additional Insurance Funds serving diverse goals. Finally, Applicants submit that the broader base of shareholders can also be expected to provide economic justification for the creation of additional Insurance Funds with a greater variety of investment objectives and policies.

40. Applicants note that Section 817(h) of the Code is the only section in the Code where separate accounts are discussed. Applicants state that Section 817(h) imposes certain diversification standards on the underlying assets of variable annuity contracts and variable life contracts held in the portfolios of underlying funds. Applicants further state that Treasury Regulation 1.817–5, which established diversification requirements for such portfolios, specifically permits, in paragraph (f)(3), among other things, ''qualified pension or retirement plans'' and separate accounts to share the same underlying fund. Applicants assert that, therefore, neither the Code nor the Treasury Regulations thereunder present any inherent conflicts of interest if Qualified Plans, Separate Accounts and the Manager and its affiliates all invest in the same underlying fund.

41. Applicants maintain that the ability of the Insurance Trusts to sell their respective shares directly to Qualified Plans or the Manager and its affiliates does not create a ''senior security,'' as such term is defined under

Section 18(g) of the 1940 Act, with respect to any contract owner as opposed to a participant under a Qualified Plan or the Manager and its affiliates. Applicants state that, as noted above, regardless of the rights and benefits of contract owners or Qualified Plan participants, the Separate Accounts, Qualified Plans and the Manager and its affiliates have rights only with respect to their respective shares of the Insurance Trusts. Applicants state that they can only redeem such shares at net asset value, and that no shareholder of any of the Insurance Trusts has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

42. Applicants assert that permitting an Insurance Trust to sell its shares to the Manager and its affiliates in compliance with Treas. Reg. 1.817–5 will enhance Insurance Trust management without raising significant concerns regarding material irreconcilable conflicts.

43. Applicants state that, unlike the circumstances of many investment companies that serve as underlying investment media for variable insurance products, the Insurance Trusts may be deemed to lack an insurance company ''promoter'' for purposes of Rule 14a–2 under the 1940 Act. Applicants note that it is anticipated that many other Insurance Trusts may lack an insurance company promoter. Applicants state that, accordingly, such Insurance Trusts will be subject to the requirements of Section 14(a) of the 1940 Act, which generally requires that an investment company have a net worth of $100,000 upon making a public offering of its shares. Applicants further state that Insurance Trusts also will require more limited amounts of initial capital in connection with the creation of new series and the voting of initial shares of such series on matters requiring the approval of shareholders.

44. Applicants note that a potential source of the requisite initial capital is an Insurance Trust's Manager or a Participating Insurance Company, and that either of these parties may have an interest in making the requisite capital expenditure and in participating with the Insurance Trust in its organization. Applicants submit, however, that provision of seed capital or the purchase of shares in connection with the management of an Insurance Trust by the Manager and its affiliates or by a Participating Insurance Company may be deemed to violate the exclusivity requirement of Rule 6e–2(b)(15) and/or Rule 6e–3(T)(b)(15) under the 1940 Act.

45. Applicants anticipate that such investment by the Manager and its affiliates generally will be limited in scope and duration, and will be made only in connection with the operation of the Insurance Trusts. Applicants maintain that the return on shares held by the Manager and its affiliates will be calculated in the same manner as for shares held by a Separate Account. Applicants state that any shares of an Insurance Trust purchased by the Manager or its affiliates will be automatically redeemed if and when the Manager's investment management agreement terminates, to the extent required by applicable Treasury Regulations. Applicants further states that neither the Manager nor its affiliates will sell such shares of the Insurance Trust to the public. Given the conditions of Treas. Reg. 1.817–5(i)(3) under the Code and the harmony of interest between an Insurance Trust, on the one hand, and its Manager(s) or a Participating Insurance Company, on the other, Applicants assert that little incentive for overreaching exists. Furthermore, Applicants state that such investments should not implicate the concerns discussed above regarding the creation of material irreconcilable conflicts. Applicants state that, instead, permitting investments by the Manager and its affiliates will permit the orderly and efficient creation and operation of Insurance Trusts, and reduce the expense and uncertainty of using outside parties at the early states of Insurance Trust operations.

46. Applicants maintain that various factors have limited the number of insurance companies that offer variable contracts. Applicants state that these factors include 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 Participating Insurance Companies as investment experts. Applicants believe that, 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. Applicants contend that use of the Insurance Trusts as a common investment medium for variable contracts and Qualified Plans would help alleviate these concerns, because Participating Insurance Companies and Qualified Plans will benefit not only from the investment and administrative expertise of Ayco, or any other investment manager to an Insurance Fund, but also from the cost efficiencies and investment flexibility afforded by a large pool of funds. Applicants submit, therefore, that making the Insurance Trusts available for mixed and shared funding and permitting the purchase of Insurance Trust shares by Qualified Plans may encourage more insurance companies to offer variable contracts, and this should result in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation. Applicants assert that mixed and shared funding also may benefit variable contract owners by eliminating a significant portion of the costs of establishing and administering separate funds. Applicants state, furthermore, granting the requested relief should result in an increased amount of assets available for investment by the Insurance Trusts, which may benefit variable contract owners by promoting economies of scale, by reducing risk through greater diversification due to increased money in the Insurance Trusts, or by making the addition of new Insurance Funds more feasible.

47. Applicants note that the Commission has previously issued orders permitting mixed funding [16] and shared funding. [17] Applicants also maintain that, in addition, the Commission has broadened its grant of exemptive relief by issuing orders permitting mixed and shared funding while fund shares are also sold directly to Qualified Plans and to an investment

[16] *See, e.g.,* New York Life MFA Series Fund, Inc., *et al.,* Investment Company Act Release No. 19069 (Oct. 30, 1992) (order), Investment Company Act Release No. 19010 (Oct. 8, 1992) (notice); The Manufacturers Life Insurance Company of America, *et al.,* Investment Company Act Release No. 18112 (Apr. 25, 1991) (order), Investment Company Act Release No. 18070 (Mar. 29, 1991)(notice); United Services Life Insurance Company, Investment Company Release No. 16384 (Apr. 28, 1988) (order), Investment Company Act Release No. 16348 (Apr. 5, 1988) (notice); and Mass. Variable Life Separate Account I, Investment Company Act Release No. 14342 (Jan. 30, 1985) (order), Investment Company Act Release No. 14306 (Jan. 4, 1985) (notice).

[17] *See, e.g.,* Pacific Select Fund, *et al.,* Investment Company Act Release No. 24196 (Dec. 14, 1999) (order), Investment Company Act Release No. 24140 (Nov. 17, 1999) (notice); Aetna Variable Fund, *et al.,* Investment Company Act Release No. 23616 (Dec. 21, 1998) (order), Investment Company Act Release No. 23545 (Nov. 23, 1998) (notice); EQ Advisors Trust, *et al.,* Investment Company Act Release No. 22651 (Apr. 30, 1997) (order), Investment Company Act Release No. 22602 (Apr. 2, 1997) (notice); Neuberger & Berman Advisers Management Trust, *et al.,* Investment Company Act Release No. 21046 (May 5, 1995) (order), Investment Company Act Release No. 21003 (April 12, 1995) (notice); and Janus Aspen Series, *et al.,* Investment Company Act Release No. 20108 (Mar. 2, 1994) (order), Investment Company Act Release No. 20054 (Feb. 3, 1994) (notice).

manager and its affiliates.[18] Applicants submit that the exemptive relief requested herein is similar to exemptive recent relief granted by the Commission in Potomac Insurance Trust, *et al.,* Investment Company Act Release No. 24560 (July 18, 2000) (order), Investment Company Act Release No. 24454 (June 22, 2000) (notice). *See also* Barr Rosenberg Variable Insurance Trust, *et al.,* Investment Company Act Release No. 23402 (Aug. 26, 1998) (order), Investment Company Act Release No. 23372 (July 31, 1998) (notice); U.S. Global Leaders Variable Insurance Trust, *et al.,* Investment Company Act Release No. 23256 (June 16, 1998) (order), Investment Company Act Release No. 23199 (May 20, 1998) (notice); and Variable Annuity Portfolios, *et al.,* Investment Company Act Release No. 22823 (Sept. 17, 1997) (notice). Applicants assert that granting the exemptions requested herein is in the public interest and, as discussed above, will not compromise the regulatory purposes of Sections 9 (a), 13(a), 15(a), or 15(b) of the 1940 Act or Rules 6e–2 or 6e–3(T) thereunder.

Conditions

Applicants Consent to the Following Conditions

1. A majority of the Board of Trustees or Board of Directors (''Board'') of each Insurance Trust shall consist of persons who are not ''interested persons'' of the Insurance Trust, as defined by Section 2(a)(19) of the 1940 Act and the rules thereunder and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualifications, or bona fide resignation of any trustee or director, then the operator of this condition shall be suspended: (a) For a period of 45 days if the vacancy or vacancies may be filled by the Board; (b) for a period of 60 days if a vote of shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. Each Board will monitor the respective Insurance Trust for the existence of any material irreconcilable conflict among and between the interests of the contract owners of all Separate Accounts, and of the Plan participants, Qualified Plans, and the Manager or its affiliates investing in that Insurance Trust, and determine what action, if any, should be taken in response to such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) An action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax, or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretative 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 Insurance Fund are being managed; (e) a difference in voting instructions given by variable annuity contract owners, variable life insurance contract owners, Plan trustees, or Plan participants; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract owners; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions of Plan participants.

3. Any Qualified Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of an Insurance Trust, any Participating Insurance Company, and the Manager and its affiliates (collectively, ''Participants'') will report any potential or existing conflicts to the Board. Each of the Participants will be responsible for assisting the Board in carrying out the Board's responsibilities under these conditions by providing the Board will all information reasonably necessary for the Board to consider any issues raised. This includes, but is not limited to, an obligation by each Participating Insurance Company to inform the Board whenever contract owner voting instructions are disregarded and, if pass-through voting is applicable, an obligation by each Qualified Plan that is a Participant to inform the Board whenever it has determined to disregard Plan participant voting instructions. The responsibility to report such information and conflicts and to assist the Board will be a contractual obligation of all Participating Insurance Companies and Qualified Plans investing in an Insurance Trust under their agreements governing participation in the Insurance Trust, and such agreements shall provide that such responsibilities will be carried out with a view only to the interests of the contract owners or, if applicable, Plan participants.

4. If it is determined by a majority of the Board of an Insurance Trust, or a majority of its disinterested trustees or directors, that a material irreconcilable conflict exists, the relevant Participating Insurance Companies and Qualified Plan shall, at their expense or, at the discretion of a Manager to an Insurance Trust, at that Manager's expense, and to the extent reasonably practicable (as determined by a majority of the disinterested trustees or directors), take whatever steps are necessary to remedy or eliminate the material irreconcilable conflict, up to an including: (a) Withdrawing the assets allocable to some or all of the Separate Accounts from the relevant Insurance Trust or any series therein and reinvesting such assets in a different investment medium (including another Insurance Fund, if any); (b) in the case of Participating Insurance Companies, submitting the question of whether such segregation should be implemented to a vote of all affected contract owners and, as appropriate, segregating the assets of any appropriate group (*i.e.,* variable annuity contract owners or variable life insurance contract owners of one or more Participating Insurance Company) that does in favor of such segregation, or offering to the affected contract owners of the option of making such a change; and (c) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of a Participating Insurance Company's decision to disregard contract owner voting instructions and that decision represents a minority position or would preclude a majority vote, the Participating Insurance Company may be required, at the Insurance Trust's election, to withdraw its Separate Account's investment in the Insurance Trust, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the Insurance Trust, to withdraw its investment in the Insurance Trust, and no charge or penalty will be imposed as a result of such withdrawal. The responsibility to take remedial action in the event of a Board determination of a material irreconcilable conflict and to bar the cost of such remedial action shall be a contractual obligation of all Participating Insurance Companies and Qualified Plans under their agreements governing participation in the Insurance Trust, and these responsibilities will be carried out with a view only to the interests of the contract owners or, as applicable, Plan participants.

For the purposes of this Condition (4), a majority of the disinterested members of the Board shall determine whether or not any proposed action adequately remedies any material irreconcilable

[18] *See, e.g., supra* note 8.

conflict, but in no event will the Insurance Trust or its Manager be required to establish a new funding medium for any variable contract. No Participating Insurance Company shall be required by this Condition (4) to establish a new funding medium for any variable contract if an offer to do so has been declined by vote of a majority of contract owners materially adversely affected by the material irreconcilable conflict. No Qualified Plan shall be required by this Condition (4) to establish a new funding medium for such Qualified Plan if (a) a majority of Plan participants materially and adversely affected by the material irreconcilable conflict vote to decline such offer or (b) pursuant to governing Plan documents and applicable law, the Plan makes such decision without Plan participant vote.

5. The Board's determination of the existence of a material irreconcilable conflict and its implications shall be made known promptly in writing to all Participants.

6. Participating insurance companies will provide pass-through voting privileges to all variable contract owners whose contracts are funded through a registered separate account for so long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners. Accordingly, such Participating Insurance Companies will vote shares of each Insurance Fund held in their registered separate accounts in a manner consistent with voting instructions timely received from such contract owners. Each Participating Insurance Company will vote shares of each Insurance Fund held in its registered Separate Accounts for which no timely voting instructions are received, as well as shares held by any such registered Separate Account, in the same proportion as those shares for which voting instructions are received. Participating insurance companies shall be responsible for assuring that each of their Separate Accounts investing in an Insurance Trust calculates voting privileges in a manner consistent with all other Participating Insurance Companies. The obligation to vote an Insurance Trust's shares and to calculate voting privileges in a manner consistent with all other registered Separate Accounts investing in an Insurance Trust shall be a contractual obligation of all Participating Insurance Companies under their agreements governing participation in the Insurance Trust. Each Plan will vote as required by applicable law and governing Plan documents.

7. An Insurance Trust will notify all Participating Insurance Companies and Qualified Plans that disclosure regarding potential risks of mixed and shared funding may be appropriate in prospectuses for any of the Separate Accounts and in Plan documents. Each Insurance Trust will disclose in its prospectus that: (a) Shares of the Insurance Trust are offered to insurance company Separate Accounts that fund both variable annuity and variable life insurance contracts, and to Qualified Plans; (b) due to differences of tax treatment or other considerations, the interests of various contract owners participating in the Insurance Trust and the interests of Qualified Plans investing in the Insurance Trust might at some time be in conflict; and (c) the Board will monitor the Insurance Trust for any material conflicts and determine what action, if any, should be taken.

8. All reports received by the Board of potential or existing conflicts, and all Board action with regard to determining the existence of a conflict, notifying Participants of a conflict, and determining whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the Board or other appropriate records, and such minutes or other records shall be made available to the Commission upon request.

9. If and to the extent Rule 6e–2 and Rule 6e–3(T) under the 1940 Act are amended, or Rule 6e–3 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed or shared funding on terms and conditions materially different from any exemptions granted in the order requested in this Application, then each Insurance Trust and/or the Participating Insurance Companies, as appropriate, shall take such steps as may be necessary to comply with Rule 6e–2 and Rule 6e–3(T), as amended, and Rule 6e–3, as adopted, to the extent such rules are applicable.

10. Each Insurance Trust will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be persons having a voting interest in the shares of that Insurance Trust), and in particular each Insurance Trust will either provide for annual meetings (except insofar as the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) of the 1940 Act (although the Trust is not one of the trusts described in Section 16(c) of the 1940 Act) as well as with Section 16(a) of the 1940 Act and, if and when applicable, Section 16(b) of the 1940 Act. Further, each Insurance Trust will act in accordance with the Commission's interpretation of the requirements of Section 16(a) of the 1940 Act with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

11. As long as the Commission continues to interpret the 1940 Act as requiring pass-through voting privileges for variable contract owners, the Manager and its affiliates will vote their shares in the same proportion as all contract owners having voting rights with respect to the relevant Insurance Trust; provided, however, that the Manager and its affiliates shall vote their shares in such other manner as may be required by the Commission or its staff.

12. The Participants shall at least annually submit to the Board of an Insurance Trust such reports, materials or data as the Board may reasonably request sot that it may fully carry out the obligations imposed upon it by the conditions contained in this Application and said reports, materials and data shall be submitted more frequently, if deemed appropriate, by the Board. The obligations of a Participant to provide these reports, materials and data to the Board of the Insurance Trust when it so reasonably requests, shall be a contractual obligation of all Participating Insurance Companies and Qualified Plans under their agreements governing participation in each Insurance Trust.

13. If a Qualified Plan should become an owner of 10% or more of the assets of an Insurance Trust, the Insurance Trust shall require such Plan to execute a participation agreement with such Insurance Trust which includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgment of this condition upon such Plan's initial purchase of the shares of any Insurance Trust.

14. Any shares of an Insurance Trust purchased by the Manager or its affiliates will be automatically redeemed if and when the Manager's investment management agreement terminates, and to the extent required by the applicable Treasury Regulations. Neither the Manager nor its affiliates will sell such shares of the Insurance Trusts to the public.

15. A Participating Insurance Company, or an affiliate, will maintain at its home office, available to the Commission: (a) A list of its officers, directors and employees who participate directly in the management or administration of the Insurance

Trusts or any variable annuity or variable life insurance separate account, organized as a unit investment trust, that invests in the Insurance Trusts and/or (b) a list of its agents who, as registered representatives, offer and sell the variable annuity and variable life contracts funded through such a Separate Account. These individuals will continue to be subject to the automatic disqualification provisions of Section 9(a).

Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the 1940 Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–30517 Filed 11–29–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that RiverVest Venture Fund I, L.P. (the Fund), 7701 Forsyth Boulevard, Suite 740, St. Louis, Missouri 63105, has filed a License Application under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, have 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)). The Fund proposes to provide equity financing to TissueLink Medical, Inc. (''TissueLink''), One Washington Center, Suite 400, Dover, New Hampshire 03820. The financing is contemplated for working capital or inventory purchase, marketing activities, and research and development.

The financing is brought within the purview of section 107.730(a)(1) of the regulations because Jay W. Schmelter and Crescendo Ventures (''Crescendo''), Associates of the Fund, currently own, directly or indirectly, greater than 10% of TissueLink and therefore TissueLink is considered an Associate of Jay W. Schmelter and Crescendo as defined in section 107.50 of the regulations. (Mr. Schmelter because he is a Control Person of the Fund, and Crescendo Ventures because Mr. Schmelter was formerly a member of the general partner of Crescendo within six months of the date of the subject financing.)

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.

Dated: November 21, 2000.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–30568 Filed 11–29–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

[Public Notice 3481]

Bureau of Nonproliferation; Determination Under the Arms Export Control Act

AGENCY: Department of State.

ACTION: Notice.

Pursuant to Section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Department of State has made a determination pursuant to Section 73 of the Arms Export Control Act. The Department has concluded that publication of the determination would be harmful to the national security of the United States.

Dated: November 21, 2000.

Robert J. Einhorn,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 00–30552 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF STATE

[Public Notice 3486]

Culturally Significant Objects Imported for Exhibition Determinations: ''Correggio and Parmigianino: Master Draftsmen of the Renaissance''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Correggio and Parmigianino: Master Draftsmen of the Renaissance,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art in New York from on or about February 5, 2001 to on or about May 6, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–5997). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: November 22, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–30557 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3483]

Culturally Significant Objects Imported for Exhibition Determinations: ''Beyond the Easel: Decorative Painting by Bonnard, Vuillard, Denis, and Roussel, 1890–1930''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Beyond the Easel: Decorative Painting by Bonnard,

Vuillard, Denis, and Roussel, 1890–1930,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the exhibit objects The Art Institute of Chicago, in Chicago, IL from on or about February 28, 2001 to on or about May 16, 2001 and The Metropolitan Museum of Art in New York, NY from on or about June 18, 2001 to on or about September 9, 2001 is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547-0001.

Dated: November 22, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–30554 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3484]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Draftsman's Art: Master Drawings From the National Gallery of Scotland''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''The Draftsman's Art: Master Drawings from the National Gallery of Scotland'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with a foreign lender. I also determine that the exhibition or display of the exhibit objects at The Frick Collection, New York, NY, from on or about December 11, 2000, through on or about February 25, 2001, and The Museum of Fine Arts, Houston, TX, from on or about March 16, 2001 through on or about June 10, 2001 is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6982). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: November 22, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–30555 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3485]

Culturally Significant Objects Imported for Exhibition

DETERMINATIONS: ''Treasury of the Basel Cathedral''

DEPARTMENT: United States Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, et seq.), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition ''Treasury of the Basel Cathedral,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the exhibition or display of the exhibit objects The Metropolitan Museum of Art, in New York, NY from on or about February 26, 2001 to on or about May 27, 2001 is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Carol Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619–6981). The address is U.S. Department of State, SA–44, 301 4th Street, S.W., Room 700, Washington, D.C. 20547–0001.

Dated: November 22, 2000.

William B. Bader,

Assistant Secretary for Educational and Cultural Affairs, United States Department of State.

[FR Doc. 00–30556 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3482]

Bureau of Nonproliferation; Imposition of Missile Proliferation Sanctions Against Entities in Iran and Pakistan

AGENCY: Bureau of Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: The United States Government has determined that entities in Iran and Pakistan have engaged in missile technology proliferation activities that require imposition of sanctions pursuant to the Arms Export Control Act, as amended, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 12924 of August 19, 1994).

EFFECTIVE DATE: November 21, 2000.

FOR FURTHER INFORMATION CONTACT: Vann H. Van Diepen, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202–647–1142).

SUPPLEMENTARY INFORMATION: Pursuant to Section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); Section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2401b(b)(1)), as carried out under Executive Order 12924 of August 19, 1994 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the United States Government determined on November 21, 2000 that:

I. The following foreign person has engaged in missile technology proliferation activities that require the imposition of the sanctions described in Section 73(a)(2)(B) and (C) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B) and (C)) and Section 11B(b)(1)(B)(ii) and (iii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii) and (iii) on this

entity: Ministry of Defense (Pakistan) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on this entity:

(A) New individual licenses for exports to the entity described above of items controlled pursuant to the Export Administration Act of 1979 will be denied for two years;

(B) New licenses for export to the entity described above of items controlled pursuant to the Arms Export Control Act will be denied for two years;

(C) No new United States Government contracts involving the entity described above will be entered into for two years; and

(D) No products produced by the entity described above will be imported into the United States for two years.

II. The following foreign person has engaged in missile technology proliferation activities that require the imposition of the sanctions described in Section 73(a)(2)(B) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(B)) and Section 11B(b)(1)(B)(ii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii)) on this entity: Space and Upper Atmosphere Research Commission (SUPARCO) (Pakistan) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on this entity:

(A) New individual licenses for exports to the entity described above of items controlled pursuant to the Export Administration Act of 1979 will be denied for two years;

(B) New licenses for export to the entity described above of items controlled pursuant to the Arms Export Control Act will be denied for two years; and

(C) No new United States Government contracts involving the entity described above will be entered into for two years.

III. The following foreign persons have engaged in missile technology proliferation activities that require the imposition of the sanctions described in Section 73(a)(2)(A) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(A)) and Section 11B(b)(1)(B)(i) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(i)) on these entities:

1. Defense Industries Organization (DIO) (Iran) and its sub-units and successors; and

2. Ministry of Defense and Armed Forces Logistics (MODAFL) (Iran) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities:

(A) New individual licenses for exports to the entities described above of Missile Technology Control Regime (MTCR) equipment or technology controlled pursuant to the Export Administration Act of 1979 will be denied for two years;

(B) New licenses for export to the entities described above of Missile Technology Control Regime (MTCR) equipment or technology controlled pursuant to the Arms Export Control Act will be denied for two years; and

(C) No new United States Government contracts relating to Missile Technology Control Regime (MTCR) equipment or technology and involving the entities described above will be entered into for two years.

With respect to items controlled pursuant to the Export Administration Act of 1979, the export sanctions described in items (I) to (III) above only apply to exports made pursuant to individual export licenses.

The measures described in items (I) to (III) above shall be implemented by the responsible agencies as provided in Executive Order 12851 of June 11, 1993.

Dated: November 21, 2000.

Robert J. Einhorn,

Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 00–30553 Filed 11–29–00; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Changed Product Rule Ad Hoc Team

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of formation of a rotorcraft changed product rule ad hoc team.

SUMMARY: This notice announces the formation of an Ad Hoc team to develop guidance material for the application of the Changed Product Rule (CPR) to rotorcraft type certification (reference ''Type Certification Procedures for Changed Products'' (65 FR 36244, June 7, 2000)).

DATES: Nominations must be received by December 5, 2000.

ADDRESSES: Submit nominations to Sharon Miles at the address under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Regulations Group, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5122, fax (817) 222–5961, email: sharon.y.miles@faa.gov.

SUPPLEMENTARY INFORMATION: A team is being formed to develop guidance material for the application of the Changed Product Rule (CPR) to rotorcraft type certification. The guidance material is being developed in conjunction with the FAA, the Joint Aviation Authorities (JAA), and rotorcraft manufacturers. Participation on this team may nvolve attendance at meetings requiring international travel. Participants will be expected to attend all meetings at their own expense. Participants will also be required to interact with other members via electronic mail and other written correspondence. The first meeting is tentatively scheduled for February 27–28, 2001, in Fort Worth, Texas.

Interested persons are invited to participate on this Ad Hoc team, but participation will be limited to the space available. If you are interested in participating in the development of rotorcraft CPR guidance material, you must contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT** no later than December 5, 2000.

Issued in Fort Worth, Texas, on November 21, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–30526 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Calhoun, Clarendon and Sumter Counties, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway facility from S.C. Route 267 near Lone Star in Calhoun County to S–52 near Rimini and Pinewood in Clarendon and Sumter Counties, South Carolina.

FOR FURTHER INFORMATION CONTACT: Carol G. Adkins, Environmental Program Manager, Federal Highway Administration, 1835 Assembly Street, Suite 1270, Strom Thurmond Federal Building, Columbia, South Carolina 29201, Telephone: (803) 765–5460.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the South Carolina Department of Transportation (SCDOT), will prepare an environmental

impact statement on the proposed Lone Star to Rimini Connector from S.C. Route 267 near Lone Star in Calhoun County across Lake Marion to S–52 near Rimini and Pinewood in Clarendon and Sumter Counties, South Carolina. The proposed route would be approximately 9.3 miles in length and would consist of one travel lane for each direction of traffic with shoulder widths of eight feet. Alternatives under consideration include: (1) Taking no action (no-build; (2) locating the proposed roadway immediately adjacent to the northwest side of the existing CSX railroad trestle; and, (3) locating the proposed roadway immediately adjacent to the southeast side of the existing CSX railroad trestle.

The FHWA and SCDOT are seeking input as a part of the scoping process to assist in determining and clarifying issues relative to this project. Letters describing the proposed action and soliciting comments have been sent by the SCDOT to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. Formal public scoping meetings are planned for early 2001. Early coordination with State and Federal permit and resource agencies will be completed in the development of the draft EIS. The U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service are being requested to be cooperating agencies due to the likely involvement of the proposal with wetlands and wildlife habitat in the Lake Marion flood plain area. At least one location public hearing will be held for which public notice will be given of the time and place of the hearings. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: November 20, 2000.

Robert L. Lee,

Division Administrator, Columbia, South Carolina.

[FR Doc. 00–30512 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Burlington Northern and Santa Fe Railway Company

[Docket Number FRA–2000–7782]

The Burlington Northern and Santa Fe Railway Company (BNSF) seeks a permanent waiver of compliance with a provision of the *Locomotive Safety Standards,* 49 CFR 229.21(a), as it pertains to the record keeping requirement for locomotive daily inspection reports. If the petitioner's request is granted, BNSF would file the required report electronically in a secure centralized database that would be set up to track and store the records for the required ninety-two days. The railroad states that each employee performing the inspections has been provided a unique electronic identification which will be utilized in place of the signature. All requirements, date, time location, person conducting inspection, and any non-complying conditions will be reported electronically. BNSF utilizes an onboard record of daily inspection and will continue to do so if their request is granted.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, that party should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

Issued in Washington, DC. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30539 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8174

Applicants: Conrail, Mr. R.E. Inman, Assistant Chief Engineer—C. & S., 1000 Howard Boulevard, Room 470, Mount Laurel, New Jersey 08054–2355.

Norfolk Southern Corporation, Mr. E. L. Sweeney, Chief Engineer C&S Engineering 99 Spring Street, S.W., Atlanta, Georgia 30303.

Conrail and Norfolk Southern Corporation (NS), jointly seek approval of the proposed discontinuance and removal of signals X14 and X15 from Conrail's Junction Yard Secondary Track, removal of the mechanical gates with attached stop signs and circuit controllers from NS's Salt Industrial Track, and the installation of stop signs at all four quadrants of the rail crossing at grade, at milepost 1.5, in Detroit, Michigan.

The reason given for the proposed changes is that both Conrail and NS maximum authorized timetable speeds

are under 20 mph and the operating signals are not needed.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30538 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8134

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the traffic control system, on the two main tracks, between CP 175, milepost QD–174.7 and CP 181, milepost QD–181.0, near Cleveland, Ohio, on the Chicago Line, Great Lakes Division, consisting of the discontinuance and removal of the traffic control system on the No. 2 Main Track between CP 175 and CP 181 and conversion of that section of trackage to an industrial track, governed by NORAC Rules 80 and 98. The proposed changes include the discontinuance and removal of absolute controlled signals 15E and 15W at CP 176; intermediate signals 1772E, 1772W, 1802E and 1802W between mileposts QD–174.7 and QD–181.0; and the two electric locks from the hand-operated switches near milepost QD–179.0.

The reason given for the proposed changes is to increase operating efficiency and eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30536 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8036

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation requests reconsideration of BS-AP-No. 3462, seeking approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track and sidings, between Howell, milepost OOH–323.5 and Mount Vernon, milepost OOH–344.9, Indiana, St. Louis Subdivision, Nashville Service Lane. The proposed method of operation will be by a Direct Traffic Control Block system, and will provide for the installation of inoperative approach signals at Howell and the Mt. Vernon rail crossing at grade.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operations. The recent acquisition of portions of Conrail and its effects on this segment of trackage has reduced traffic from eight to four trains daily since the original application was submitted in January 1998, and traffic is not expected to increase in the future.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of

the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at DOT Central Docket Management Facility, Room PI–401 Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30527 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8037

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation requests reconsideration of BS-AP-No. 3478, seeking approval of the proposed discontinuance and removal of the automatic block signal system, on the single main track, between Ames, milepost OOQ–148.4 and Greencastle, milepost OOQ–176.7, Indiana, on the Monon Subdivision, Chicago Service Lane, and operate exclusively under a Direct Traffic Control Block System. The proposal includes the installation of operative approach signals at Ames and Greencastle.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation. The original application was denied on December 8, 1998, to determine the impact of the Conrail acquisition upon this trackage segment.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW., Washington, DC 20590–0001. All documents in the 3 public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30528 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8038

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation requests reconsideration of BS–AP–No. 3488, seeking approval of the proposed discontinuance and removal of the automatic block signal system, between FD Cabin, milepost CLS–65.2 and Huff Junction, milepost CLS–78.9, West Virginia, on the Logan Subdivision, C&O Business Unit. The proposed method of operation will be by a Direct Traffic Control Block System between milepost CLS–67.1 and milepost CLS–78.9, and Rule 105 between milepost CLS–65.2 and milepost CLS–67.1.

The reason given for the proposed changes is to eliminate facilities no longer needed for present day operation. Presently there are three freight train movements daily in each direction, and while there have been discussions to increase traffic over the past few years, nothing has or is expected to materialize. In addition, no hazardous materials are transported over the trackage, and there are no current plans to use this trackage as a connection to the Norfolk Southern (NS). The old NS connection at West Gilbert has been paved over.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45

days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30529 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8039

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the traffic control system, on the single main track, at W. E. Stephensport, Kentucky, milepost HR–65.4, LH & STL Subdivision, Louisville Service Lane, consisting of the discontinuance and removal of absolute controlled signals 55L and 55R. The proposed changes are associated with the previous removal of the siding.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Edward R. English,

Director, Office of Safety Assurance and Compliance.

[FR Doc. 00–30530 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8040

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the traffic control system, on the single main track, at Weston, milepost BE 175.62 and S.E. Weston, milepost BE 174.40, Ohio, Toledo Subdivision, Detroit Service Lane, consisting of the discontinuance and removal of absolute controlled signals R22, L22A, L24, L24, R24A and R24B. The proposed changes include installation of back to back automatic signals near milepost BE 174.6.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30531 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief from Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8041

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the traffic control system, on the No. 2 main track, near Elk, West Virginia, milepost CA 455.5, Kanawha Subdivision, C&O Business Unit, consisting of the discontinuance and removal of absolute controlled signals 34R and 34L, associated with the previous removal of the No. 3 switch.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30532 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8042

Applicant: CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation seeks approval of the proposed modification of the signal system, on the Nos. 1, 2, and 3 Fast Tracks, in Cleveland, Ohio, milepost QD–171.60, Western Region, Great Lakes Division, Chicago Line. The proposed changes consist of the discontinuance and removal of the automatic block signal system and approach signals 1733E, 1734E, and 1735E, on the Nos. 1, 2, and 3 Fast Tracks, and operate by NORAC Rules 80 and 93.

The reason given for the proposed changes is that under current operating conditions the need for the signal system no longer exists.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30533 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8135

Applicants: Norfolk Southern Corporation, Mr. E.L. Sweeney, Chief Engineer C&S

Engineering, 99 Spring Street, S.W., Atlanta, Georgia 30303.

CSX Transportation, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

Norfolk Southern Corporation (NS) and CSX Transportation, jointly seek approval of the proposed discontinuance and removal of the traffic control system and associated approach signal, on the single main track, between Gulf Junction, milepost WG0.0 and Tams, milepost WG12.1, West Virginia, on the Gulf Winding Branch, NS Pocahontas Division. The proposed changes are associated with the removal of the rail at milepost WG0.0 and the complete branch from milepost WG0.0 to milepost WG29.3, will be out of service and inaccessible to train movements.

The reason given for the proposed changes is to eliminate facilities no longer needed in present day operation.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30537 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8104

Applicant: Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, on the two main tracks, near East Browder, Texas, milepost 214.9, on the Dallas Subdivision, consisting of the discontinuance and removal of leaving signals 2147 and 2149, at North Junction Control Point.

The reason given for the proposed changes is that the signals are redundant and only entering signals are used to control train movements. Removal of the leaving signals will simplify train operation and reduce possibility of confusing signals.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30534 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–U

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From Requirements

Pursuant to Title 49 Code of Federal Regulations (CFR) Part 235 and 49 U.S.C. 20502(a), the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR Part 236 as detailed below.

Docket No. FRA–2000–8108

Applicant: Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, on the two main tracks, near Lockwood, Texas, milepost 358.7, on the Terminal Subdivision, consisting of the discontinuance and removal of six controlled leaving signals at Tower 68.

The reason given for the proposed changes is that the signals are redundant and only entering signals are used to control train movements. Removal of the leaving signals will simplify train operation and reduce possibility of confusing signals.

Any interested party desiring to protest the granting of an application

shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, D.C. 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, S.W., Washington, D.C. 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, D.C. on November 27, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–30535 Filed 11–29–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33943]

Progressive Rail, Inc.—Acquisition and Operation Exemption—Canadian Pacific Railway

Progressive Rail, Inc., a Class III rail carrier has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Canadian Pacific Railway (CPR) and operate CPR's Richfield Line located in Bloomington, Richfield and Minneapolis, MN. The track extends from Auto Club, MN, milepost 25.63, to end of track at Pleasant Avenue South and West 60th Street, Minneapolis, a distance of approximately 9.1 miles.

The transaction is scheduled to be consummated on December 1, 2000.

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33943, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Mr. Dave Fellon, President, Progressive Rail, Inc., 21778 Highview Avenue, Lakeville, MN 55044.

Board decisions and notices are available on our website at ''www.stb.dot.gov.''

Decided: November 22, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–30520 Filed 11–29–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33942]

USX Corporation—Control Exemption—Transtar, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board exempts from the prior approval requirements of 49 U.S.C. 11323–25, the acquisition by USX Corporation of control of Transtar, Inc. and the following five rail carriers, which are currently owned by Transtar, Inc.: (1) The Birmingham Southern Railroad Company; (2) the Elgin, Joliet and Eastern Railway Company; (3) the Lake Terminal Railroad Company; (4) the Union Railroad Company; and (5) the McKeesport Connecting Railroad Company, subject to the employee protection conditions in *New York Dock Ry-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

DATES: The exemption will be effective December 15, 2000. Petitions for stay must be filed by December 5, 2000. Petitions for reconsideration must be filed by December 20, 2000.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Finance Docket No. 33942 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, send one copy of any comments to petitioners' representative: Richard J. Munsch, USX Corporation, 600 Grant Street, Room 1500, Pittsburgh, PA 15219–2749

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600 [TDD for hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Da-to-Da Office Solutions, 1925 K Street, NW, Room 405, Washington, DC 20006. Telephone: (202) 466–5530. [Assistance for the hearing impaired is available through TDD services 1–800–877–8339.]

Board decisions and notices are available on our website at ''*www.stb.dot.gov.*''

Decided: November 22, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes, and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–30519 Filed 11–29–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

Extension of General Program Test: Quota Preprocessing

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This notice announces that the testing period for the quota preprocessing program, which allows for the electronic processing of quota-class apparel merchandise, is being extended through the year 2002. The test is being extended at the ports where quota preprocessing is currently being tested, but not being expanded to other ports at this time because of programming changes that have yet to be made to the Automated Commercial System. When the programming changes are completed, Customs will expand the program to all ports. Public comments concerning any aspect of the test are solicited.

DATES: The test is extended from January 1, 2001, until December 31, 2002, with evaluations of the test occurring periodically. Applications to participate in the test and comments concerning the test will continue to be accepted throughout the testing period.

ADDRESSES: Written comments regarding this notice or any aspect of this test should be addressed to Lori Bowers, U.S. Customs Service, QWG Team Leader, 1000 Second Ave., Suite 2100, Seattle, WA 98104–1020 or may be sent via e-mail to *Lori.Bowers@customs.treas.gov.* Applications should be sent to the prototype coordinator at any of the four following port(s) where the applicant wishes to submit quota entries for preprocessing:

(1) Nancy Petagna, Port of Los Angeles, 300 S. Ferry St., Terminal Island, CA 90731;

(2) Tony Piscitelli, Los Angeles International Airport, 11099 S. La Cienaga Blvd., Los Angeles, CA 90045;

(3) Barry Goldberg, JFK Airport, JFK Building 77, Jamaica, NY 11430; and

(4) John Lava, Ports of New York/Newark, 6 World Trade Center, New York, NY 10048.

FOR FURTHER INFORMATION CONTACT: Lori Bowers (206) 553–0452 or Cynthia Porter (202) 927–5399.

SUPPLEMENTARY INFORMATION: On July 24, 1998, Customs published a general notice in the **Federal Register** (63 FR 39929) announcing the limited testing, pursuant to the provisions of § 101.9(a) of the Customs Regulations (19 CFR 101.9(a)), of a new operational procedure regarding the electronic processing of quota-class apparel merchandise. The new procedure was designed to allow certain quota entries (merchandise classifiable in chapters 61 and 62 of the Harmonized Tariff Schedule of the United States (HTSUS)) to be processed prior to carrier arrival, thus, reducing the quota processing time. The test was to be conducted at only four ports located in New York/Newark and Los Angeles and was to commence no earlier than August 24, 1998, and run for approximately six months. The notice informed the public of the new procedure and eligibility requirements for participation in the test, and solicited comments concerning any aspect of the test. The initial testing of the quota preprocessing program did not begin until September 15, 1998. The six-month time period of the original test expired on March 14, 1999.

On March 25, 1999, Customs published a general notice in the **Federal Register** (64 FR 14499) announcing that the testing period for the quota preprocessing program was being extended through the remainder of 1999. The testing was extended so that Customs could further evaluate the program's effectiveness and determine whether the program should be expanded to other ports. Again, the notice informed the public of the eligibility requirements for participation in the test, and solicited comments concerning any aspect of the test.

On January 6, 2000, Customs published another general notice in the **Federal Register** (65 FR 806) announcing that the testing period for the quota preprocessing program was being extended through the year 2000. The testing was extended at the ports where the test was already underway, but not expanded to other ports, so that programming changes could be made to the Automated Commercial System (ACS) which would have an impact on the expansion. At that time, the changes were scheduled to begin in March of 2000.

For budgetary reasons, the ACS programming changes could not be made as scheduled. Thus, the testing of the quota preprocessing program must continue until Customs can evaluate the electronic feasibility of expanding the program to all ports.

Accordingly, this document announces that Customs is extending the test of the quota preprocessing prototype at the ports where testing is already underway until the end of 2002. Those ports are: the port of Los Angeles (Port code: 2704); the port of New York/Newark (Port codes: 1001/4601); JFK Airport (Port code: 4701); and Los Angeles International Airport (Port code: 2720). Anyone interested in participating in the test should refer to the test notice published in the July 24, 1998 **Federal Register** for eligibility and application information. Any expansion of the parameters of the test will be the subject of a future **Federal Register** notice.

Dated: November 27, 2000.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 00–30467 Filed 11–29–00; 8:45 am]

BILLING CODE 4820–02–P

Corrections

Federal Register

Vol. 65, No. 231

Thursday, November 30, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No. 001103311–0311–01]

RIN 0610–ZA17

Economic Adjustment Assistance–Availability of Funds for Hurricane Floyd and Other Disasters

Correction

In notice document 00–29958 beginning on page 70640 in the issue of Friday, November 24, 2000, make the following correction:

On page 70640, in the first column, in the **DATES** paragraph, in the sixth line, ''May 21, 2001'' should read ''March 26, 2001''.

[FR Doc. C0–29958 Filed 11–29–00; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL TRADE COMMISSION

16 CFR Parts 1 and 311

Federal Civil Penalities Inflation Adjustment Act of 1990, as Amended by the Debt Collection Improvement Act of 1996

Correction

In rule document 00–29469 beginning on page 69665 in the issue of Monday, November 20, 2000, make the following correction:

1. On page 69666, in the first column, in the sixth line, ''increased '' should read ''increases''.

2. On the same page, in the first column, in footnote 1, in the seventh line, ''if'' should read ''is''.

§311.6 [Corrected]

3. On the same page, in the second column, in the third line from the bottom, ''§311.6 3'' should read ''§311.6''.

[FR Doc. C0–29469 Filed 11–29–00; 8:45 am]

BILLING CODE 1505–01–D

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT NOVEMBER 30, 2000

ENVIRONMENTAL PROTECTION AGENCY

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; published 11-30-00

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Common carrier services:

National Exchange Carrier Association, Inc.; access tariffs participation changes; notice period shortened; published 10-31-00

FEDERAL TRADE COMMISSION

Appliances, consumer; energy consumption and water use information in labeling and advertising:

Comparability ranges—

Heat pump water heaters; published 9-1-00

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Federal Aviation Administration

Airworthiness directives:

Bell; published 11-15-00

Class D airspace; published 8-21-00

Class D and Class E airspace; published 8-24-00

Class D and Class E5 airspace; published 9-5-00

Class E airspace; published 7-3-00

Class E airspace; correction; published 8-30-00

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IFR altitudes; published 10-23-00

VOR Federal airways; published 10-16-00

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Internal Revenue Service

Procedure and administration:

Bureau of the Census; return information disclosures for statistical purposes and related activities; published 11-30-00

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Food Safety and Inspection Service

Meat and poultry inspection:

Pathogen reduction; Hazardous analysis and critical control point (HACCP) systems—

Residue control; document availabiality and public meeting; comments due by 12-4-00; published 11-28-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Magnuson-Stevens Act provisions—

Domestic fisheries; exempted fishing permits; comments due by 12-6-00; published 11-21-00

Northeastern United States fisheries—

Atlantic surf clam, ocean quahog, and Maine mahogany ocean quahog; comments due by 12-8-00; published 11-8-00

West Coast States and Western Pacific fisheries—

West Coast salmon; comments due by 12-4-00; published 10-20-00

COMMODITY FUTURES TRADING COMMISSION

Commodity pool operators and commodity trading advisors:

Annual report filings; time extension; comments due by 12-7-00; published 11-7-00

CONSUMER PRODUCT SAFETY COMMISSION

Federal Hazardous Substances Act:

Portable bed rails; safety standards; comments due by 12-4-00; published 10-3-00

EDUCATION DEPARTMENT

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Energy Efficiency and Renewable Energy Office

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Central air conditioners and heat pumps; comments due by 12-4-00; published 10-5-00

Central air conditioners and heat pumps; correction; comments due by 12-4-00; published 11-22-00

Clothes washers; comments due by 12-4-00; published 10-5-00

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Administrative amendments; comments due by 12-4-00; published 10-3-00

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 12-4-00; published 11-3-00

Air quality planning purposes; designation of areas:

Nevada; comments due by 12-7-00; published 11-22-00

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Toxic chemical release reporting; community right-to-know—

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South Dakota; comments due by 12-8-00; published 10-20-00

Texas; comments due by 12-4-00; published 10-17-00

Virginia; comments due by 12-8-00; published 10-20-00

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Fair Credit Reporting Act; implementation; comments due by 12-4-00; published 10-20-00

FEDERAL RESERVE SYSTEM

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Sector mutual funds, de minimis securities, and securities of affected entities in litigation; financial interests; exemptions; comments due by 12-5-00; published 9-6-00

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Food and Drug Administration

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Systemic antibacterial products; labeling requirements; comments due by 12-4-00; published 9-19-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian housing:

Indian Tribes and Alaska Native Villages; community development block grants program; application process; comments due by 12-6-00; published 11-6-00

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Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

Morro shoulderband snail; comments due by 12-6-00; published 11-21-00

Spruce-fir moss spider; comments due by 12-5-00; published 10-6-00

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Veterans Employment and Training, Office of Assistant Secretary

Annual report from Federal contractors; comments due by 12-4-00; published 10-5-00

PERSONNEL MANAGEMENT OFFICE

Cost-of-living allowances (nonforeign areas):

Hawaii County, HI, et al.; comments due by 12-4-00; published 10-3-00

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Cancelled security certificates; processing requirements; comments due by 12-5-00; published 10-6-00

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Lockheed; comments due by 12-4-00; published 10-19-00
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National Highway Traffic Safety Administration

Importation of vehicles and equipment subject to Federal safety, bumper, and theft prevention standards:
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Correction; comments due by 12-4-00; published 11-9-00

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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. 2346/P.L. 106–521
To authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment. (Nov. 22, 2000; 114 Stat. 2438)

H.R. 5633/P.L. 106–522
District of Columbia Appropriations Act, 2001 (Nov. 22, 2000; 114 Stat. 2440)

S. 768/P.L. 106–523
Military Extraterritorial Jurisdiction Act of 2000 (Nov. 22, 2000; 114 Stat. 2488)

S. 1670/P.L. 106–524
To revise the boundary of Fort Matanzas National Monument, and for other purposes. (Nov. 22, 2000; 114 Stat. 2493)

S. 1880/P.L. 106–525
Minority Health and Health Disparities Research and Education Act of 2000 (Nov. 22, 2000; 114 Stat. 2495)

S. 1936/P.L. 106–526
Bend Pine Nursery Land Conveyance Act (Nov. 22, 2000; 114 Stat. 2512)

S. 2020/P.L. 106–527
To adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes. (Nov. 22, 2000; 114 Stat. 2515)

S. 2440/P.L. 106–528
Airport Security Improvement Act of 2000 (Nov. 22, 2000; 114 Stat. 2517)

S. 2485/P.L. 106–529
Saint Croix Island Heritage Act (Nov. 22, 2000; 114 Stat. 2524)

S. 2547/P.L. 106–530
Great Sand Dunes National Park and Preserve Act of 2000 (Nov. 22, 2000; 114 Stat. 2527)

S. 2712/P.L. 106–531
Reports Consolidation Act of 2000 (Nov. 22, 2000; 114 Stat. 2537)

S. 2773/P.L. 106–532
Dairy Market Enhancement Act of 2000 (Nov. 22, 2000; 114 Stat. 2541)

S. 2789/P.L. 106–533
To amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board. (Nov. 22, 2000; 114 Stat. 2545)

S. 3164/P.L. 106–534
Protecting Seniors From Fraud Act (Nov. 22, 2000; 114 Stat. 2555)

S. 3194/P.L. 106–535
To designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office''. (Nov. 22, 2000; 114 Stat. 2559)

S. 3239/P.L. 106–536
To amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees. (Nov. 22, 2000; 114 Stat. 2560)

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