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Contents

Federal Register

Vol. 65, No. 43

Friday, March 3, 2000

Agency for Healthcare Research and Quality
NOTICES
Committees; establishment, renewal, termination, etc.:
Healthcare Research and Quality National Advisory Council, 11579–11580
Meetings:
Healthcare Research and Quality National Advisory Council, 11580
Special Emphasis Panels, 11580–11581

Agency for International Development
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11545

Agricultural Marketing Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11545–11546

Agricultural Research Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Biotechnology Risk Assessment Research Program, 11706–11709

Agriculture Department
See Agricultural Marketing Service
See Agricultural Research Service
See Animal and Plant Health Inspection Service
See Cooperative State Research, Education, and Extension Service
See Federal Crop Insurance Corporation
See Food Safety and Inspection Service
See Forest Service
PROPOSED RULES
Export sales reporting requirements:
Beef and pork, 11483–11485

Air Force Department
NOTICES
Environmental statements; notice of intent:
F-22 Operational Wing; beddown, 11561

Animal and Plant Health Inspection Service
PROPOSED RULES
Interstate transportation of animals and animal products (quarantine):
Livestock indentification; American Identification Number System recognition, 11485–11486

Army Department
See Engineers Corps

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11581–11585

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commission of Fine Arts
NOTICES
Meetings, 11558

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 11546–11548

Comptroller of the Currency
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11633–11634

Cooperative State Research, Education, and Extension Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Biotechnology Risk Assessment Research Program, 11706–11709
Special Research Programs—
Citrus Tristeza Research, 11720–11726
Pest Management Alternatives Program; Food Quality Protection Act issues, 11712–11717
Potato Research, 11696–11703

Defense Department
See Air Force Department
See Engineers Corps
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11558–11560
Submission for OMB review; comment request, 11560
Environmental statements; availability, etc.:
National Missile Defense System; deployment, 11560
Meetings:
Defense Intelligence Agency Science and Technology Advisory Board, 11561

Education Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11563
Submission for OMB review; comment request, 11563–11564
Grants and cooperative agreements; availability, etc.:
Eisenhower Regional Mathematics and Science Education Consortia Program, 11728–11729

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 11605–11606

Energy Department
See Federal Energy Regulatory Commission

See Western Area Power Administration
NOTICES
Meetings:
Environmental Management Site-Specific Advisory Board—
Kirtland Area Office (Sandia), NM, 11564

Engineers Corps
NOTICES
Environmental statements; notice of intent:
Monterey County, CA; Salinas Valley Water Project, 11561–11563

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Texas, 11468–11475
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Illinois, 11525–11536
NOTICES
Confidential business information and data transfer, 11574
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 11574–11575
Weekly receipts, 11575
Pesticides; experimental use permits, etc.:
Mycogen Corp., 11575–11577

Executive Office of the President
See Presidential Documents

Federal Aviation Administration
RULES
Airworthiness directives:
McDonnell Douglas, 11459–11461
Jet routes; correction, 11461–11462
PROPOSED RULES
Airworthiness directives:
CFM International, S.A., 11505–11507
NOTICES
Advisory circulars; availability, etc.:
Aircraft—
Normal, utility, acrobatic, and commuter category airplanes; powerplant guide, 11632
Exemption petitions; summary and disposition, 11632

Federal Communications Commission
RULES
Radio stations; table of assignments:
Iowa, 11477–11478
Nebraska, 11477
New York, 11478
Oklahoma, 11476–11477
PROPOSED RULES
Radio stations; table of assignments:
Arizona, 11538–11541
California, 11537–11540
Florida, 11541
Idaho, 11540
Indiana, 11540
Texas, 11537–11539
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11577–11578
Meetings:
Federal-State Joint Board on Universal Service, 11579
Applications, hearings, determinations, etc.:
Airadigm Communications Inc., 11578–11579

Federal Crop Insurance Corporation
RULES
Crop insurance regulations:
Forage production crop and forage seeding crop
Correction, 11457–11458

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11633–11634

Federal Energy Regulatory Commission
RULES
Natural gas companies (Natural Gas Act):
Facilities construction and operation, etc.; filing of applications; rehearing order, 11462–11464
NOTICES
Electric rate and corporate regulation filings:
Fulton Cogeneration Associates, L.P., et al., 11565–11567
Environmental statements; availability, etc.:
Questar Southern Trails Pipeline Co., 11567–11569
Applications, hearings, determinations, etc.:
Lake Worth Generation L.L.C. et al., 11564–11565
Millennium Pipeline Co., LP, et al., 11565
PSI Energy, Inc., et al., 11565

Federal Maritime Commission
NOTICES
Meetings; Sunshine Act, 11579

Federal Reserve System
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11633–11634

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 11596–11597

Food and Drug Administration
RULES
Medical devices:
Anesthesiology devices—
Nitric oxide administration apparatus, nitric oxide analyzer, and nitrogen dioxide analyzer; classification into class II, 11464–11465
Cardiovascular devices—
Stainless steel vascular tunnelers of single unit construction; premarket notification exemption, 11466–11467
NOTICES
Food additive petitions:
Procter & Gamble Co., 11585–11586
Reports and guidance documents; availability, etc.:
Medical devices—
Patient labeling, 11586–11587

Food Safety and Inspection Service
PROPOSED RULES
Egg products inspection; fee increase, 11486–11488

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Tennessee, 11548
Texas, 11548–11549
Washington, 11549

Forest Service
PROPOSED RULES
Forest transportation system administration, 11680–11683
NOTICES
Reports and guidance documents; availability, etc.:
Forest transportation system; administrative policy, 11684–11693
National Forest System road management, 11676–11679

Health and Human Services Department
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Care Financing Administration
See Inspector General Office, Health and Human Services Department
See Substance Abuse and Mental Health Services Administration

Health Care Financing Administration
See Inspector General Office, Health and Human Services Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11587–11588
Submission for OMB review; comment request, 11588–11589

Housing and Urban Development Department
PROPOSED RULES
Public and Indian housing:
Operating Fund Allocation Negotiated Rulemaking Committee—
Meetings, 11525
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11592–11595
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 11642–11673
Mortgage and loan insurance programs:
Debenture interest rates, 11595–11596

Indian Affairs Bureau
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11597–11598

Inspector General Office, Health and Human Services Department
NOTICES
Health care program; fraud and abuse:
Healthcare Integrity and Protection Data Bank—
Querying and user fees; opening date, 11589–11590

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See Minerals Management Service
See National Park Service
See Surface Mining Reclamation and Enforcement Office
NOTICES
Meetings:
Interagency Task Force to Improve Hydroelectric Licensing Processes Advisory Committee, 11596

Internal Revenue Service
RULES
Income taxes:
Corporations; treatment of distributions to foreign persons; correction, 11467–11468
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11634–11638
Meetings:
Citizen Advocacy Panels—
Brooklyn District, 11638–11639
Midwest District, 11639
Pacific-Northwest District, 11639

International Trade Administration
NOTICES
Antidumping:
Gray portland cement and cement clinker from—
Japan, 11549–11550
Tapered roller bearings and parts, finished and unfinished, from—
Hungary, 11552
Tapered roller bearings from—
China, 11550–11552
Uranium from—
Ukraine, 11552–11553
Countervailing duties:
Gray portland cement and cement clinker from—
Venezuela, 11554–11555

International Trade Commission
NOTICES
Import investigations:
Semiconductor memory devices and products containing same, 11604–11605

Labor Department
See Employment Standards Administration

Land Management Bureau
RULES
Minerals management:
Leasing of solid minerals other than coal and oil shale; correction, 11475–11476
NOTICES
Environmental statements; availability, etc.:
South Pipeline Project, NV, 11598
Realty actions; sales, leases, etc.:
Nevada, 11598–11599
Resource management plans, etc.:
Socorro County, NM, 11599–11600

Minerals Management Service
RULES
Royalty management:
Indian gas valuation regulations; training class, 11468
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11600–11601
Submission for OMB review; comment request, 11601–11602

National Archives and Records Administration
NOTICES
Electronic copies previously covered by General Records Schedule 20; records schedules availability and comment request, 11606–11607
Meetings:
National Industrial Security Program Policy Advisory Committee, 11608

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Economic Zone—
Pollock; mothership component in Bering sea subarea and Aleutian Islands management area, 11482
Northeastern United States fisheries—
Atlantic sea scallop et al., 11478–11480
West Coast States and Western Pacific fisheries—
Salmon, 11480–11481
PROPOSED RULES
Marine mammals:
Incidental taking—
Naval activities; USS Winston S. Churchill shock testing, 11542–11544
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11555–11556
Meetings:
Gulf of Mexico Fishery Management Council, 11556–11557
Mid-Atlantic Fishery Management Council; correction, 11557–11558
New England Fishery Management Council, 11558

National Park Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11603
National Register of Historic Places:
Pending nominations, 11603–11604

Nuclear Regulatory Commission
RULES
Spent nuclear fuel and high-level radioactive waste; independent storage; license requirements:
Approved spent fuel storage casks; list additions
Correction, 11458–11459
PROPOSED RULES
Production and utilization facilities; domestic licensing:
Risk-informed revisions; special treatment requirements, 11488–11505
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11608–11609
Environmental statements; availability, etc.:
PECO Energy Co., 11612
Radiation safety inspections of licensed activities on offshore facilities and laybarges in Federal jurisdiction; letter of agreement with MMS, 11612–11613
Reports and guidance documents; availability, etc.:
Strategic plan (2000-2005 FY); comment request, 11613–11614
Applications, hearings, determinations, etc.:
AmerGen Energy Co., LLC, 11609
Entergy Operations, Inc., 11609–11611
PP&L, Inc., 11611

Peace Corps
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 11614

Presidential Documents
PROCLAMATIONS
Special observances:
Irish-American Heritage Month (Proc. 7279),11733–11734
Red Cross Month, American (Proc. 7278),11455–11456

Public Health Service
See Agency for Healthcare Research and Quality
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Railroad Retirement Board
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11614–11615

Research and Special Programs Administration
PROPOSED RULES
Hazardous materials:
Hazardous materials safety; customer service and regulatory review; meeting, 11541–11542

Securities and Exchange Commission
PROPOSED RULES
Securities:
Electronic Data Gathering, Analysis, and Retrieval System (EDGAR)—
Modernization; filing requirements; changes, 11507–11525
NOTICES
Investment Company Act of 1940:
Deregistration applications—
Putnam High Quality Bond Fund et al., 11617–11618
Self-regulatory organizations; proposed rule changes:
American Stock Exchange Inc., 11618–11619
Chicago Stock Exchange, Inc., 11619–11620
New York Stock Exchange, Inc., et al., 11620–11628
Philadelphia Stock Exchange, Inc., 11628–11630
Applications, hearings, determinations, etc.:
Public utility holding company filings, 11615–11616
Safeguard Scientifics, Inc., 11616–11617

Social Security Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 11630–11631

State Department
NOTICES
Organization, functions, and authority delegations:
Director General of Foreign Service et al., 11631–11632

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Substance Abuse Prevention Center—
Centers for Application of Prevention Technologies, 11590–11592

Surface Mining Reclamation and Enforcement Office
NOTICES
Environmental statements; availability, etc.:
Fall Creek Falls State Park and Natural Area, TN; unsuitability for mining operations, 11604

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
South Orient Railroad Co., Ltd., 11632–11633

Transportation Department
See Federal Aviation Administration
See Research and Special Programs Administration
See Surface Transportation Board

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

Western Area Power Administration
NOTICES
Power rate adjustments:
Central Valley and California-Oregon Transmission Projects, 11569–11574

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 11641–11673

Part III
Department of Interior, Forest Service, 11675–11693

Part IV
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 11696–11703

Part V
Department of Agriculture, Agricultural Research Service, and Cooperative State Research, Education, and Extension Service, 11705–11709

Part VI
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 11711–11717

Part VII
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 11719–11726

Part VIII
Department of Education, 11727–11729

Part IX
The President, 11731–11734

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

7278 11455
7279 11733

7 CFR

457 11457

Proposed Rules:

20 11483

9 CFR

Proposed Rules:

71 11485
77 11485
78 11485
590 11486

10 CFR

72 11458

Proposed Rules:

21 11488
50 11488
52 11488
54 11488
100 11488

14 CFR

39 11459
71 11461

Proposed Rules:

39 11505

17 CFR

Proposed Rules:

228 11507
229 11507
230 11507
232 11507
239 11507
240 11507
249 11507
250 11507
259 11507
260 11507
269 11507
270 11507
274 11507

18 CFR

157 11461

21 CFR

868 11464
870 11465

24 CFR

Proposed Rules:

990 11525

26 CFR

1 11467

30 CFR

202 11467
206 11467

36 CFR

Proposed Rules:

212 11680
261 11680
295 11680

40 CFR

52 11468

Proposed Rules:

52 11525

43 CFR

3500 11475

47 CFR

73 (4 documents) 11476, 11477

Proposed Rules:

73 (13 documents) 11537, 11538, 11539, 11540, 11541

49 CFR

Proposed Rules:

Ch. I 11541

50 CFR

648 11478
660 11480
679 11481

Proposed Rules:

216 11542

Federal Register
Vol. 65, No. 43
Friday, March 3, 2000

Presidential Documents

Title 3—

The President

Proclamation 7278 of February 29, 2000

American Red Cross Month, 2000

By the President of the United States of America

A Proclamation

After the great San Francisco earthquake of 1906, President Theodore Roosevelt asked his fellow Americans to respond by contributing to the American Red Cross, ''the only organization chartered and authorized by Congress to act at times of great national calamity.'' Almost a century later, the American Red Cross continues to serve our Nation and the world, providing compassionate assistance to people suffering in the aftermath of personal, local, national, or international disasters.

As one of our country's premier humanitarian organizations, the Red Cross provides disaster relief to millions of people both at home and abroad. In the past year alone, the American Red Cross rose to meet many challenges—from Hurricane Floyd on the eastern seaboard to the Kosovo relief effort to the terrible earthquakes and floods that struck countries around the globe. Following the tragic shootings at Columbine High School and in other schools and places of work and worship, the American Red Cross sent in crisis counselors to support grieving families and friends of the victims. In Taiwan and in Turkey, the American Red Cross worked with other Red Cross affiliates to provide solace and support to earthquake survivors; after the crash of EgyptAir Flight 990, Red Cross grief counselors brought comfort to victims' families. In total, the American Red Cross responded to nearly 64,000 disaster incidents last year alone and helped provide information to thousands of families separated from loved ones by war or disaster.

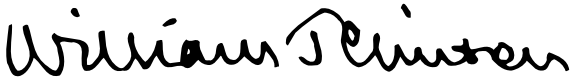
The services that the American Red Cross provides go beyond disaster relief. Its biomedical services program provides patients in more than 3,000 hospitals nationwide with the latest in high-quality, state-of-the-art blood and tissue services. Last year it provided more than 700,000 emergency and personal services for military personnel and their families, including relaying messages from their families to the three American servicemen held captive by Yugoslav forces. And in communities across the Nation, more than 12 million people received Red Cross instruction in lifesaving techniques last year, ranging from first aid and CPR to water safety and boat handling.

Forming the backbone of the American Red Cross is a vast network of nearly 4.5 million blood donors and 1.3 million dedicated volunteers who ensure that help will be there when and where it is needed. Virtually every community in the United States is served by an American Red Cross chapter, Blood Services region, or both; and as we have seen demonstrated so dramatically over time, no community is immune to the sudden and devastating disasters that require the services and stewardship of the American Red Cross. Each of us owes a lasting debt of gratitude to this extraordinary organization that has given so much to our people, our country, and our world.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2000 as American Red Cross Month.

I urge all the people of the United States to demonstrate support for their local Red Cross chapters and to become actively involved in furthering the humanitarian mission of the American Red Cross.

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



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Rules and Regulations

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Vol. 65, No. 43
Friday, March 3, 2000

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

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

Common Crop Insurance Regulations; Forage Production and Forage Seeding Crop Insurance Provisions; Correction

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulation which was published Tuesday, January 25, 2000 (65 FR 3782–3785). The regulation pertains to the insurance of Forage Production and Forage Seeding.

EFFECTIVE DATE: February 24, 2000.

FOR FURTHER INFORMATION CONTACT: Richard Brayton, Insurance Management Specialist, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction was intended to provide policy changes to better meet the needs of the insured.

Need for Correction

As published, the final regulations contained errors which may prove misleading and are in need of clarification. This rule is necessary to correct the Forage Production Regulations as follows: (1) The definitions of fall planted and spring planted were deleted in the proposed and final rules due to recommendations that they were not necessary in the Forage Production Crop Provisions because the initial year the forage is planted it is insured under the Forage Seeding Crop Provisions. Although the above is true, it was later determined that the definitions were still necessary in the Forage Production Crop Provisions to clarify the year of establishment for both fall and spring planted forage because forage is not insurable under the Forage Production Crop Provisions until after the year of establishment; (2) The dates contained in the insurance period section are corrected to specify separate dates that insurance attaches for spring and fall planted acreage in specific states and counties. This allows forage acreage to be insured continuously with no lapse, or overlap, in coverage between the insurance period under the Forage Seeding and Forage Production Crop Provisions. It was also discovered that since the final rule only referred to the calendar year following the year of establishment, there could be confusion regarding the dates insurance attaches for calendar years subsequent to the calendar year following the date of establishment so these dates have also been included; and (3) The date insurance ends under the Forage Production Crop Insurance Provisions for Lassen, Modoc, Mono Shasta and Siskiyou counties, California was corrected to November 30 to provide continuous coverage.

The proposed and final rules for the Forage Seeding Crop Provisions listed cancellation and termination dates for certain named states, but omitted the cancellation and termination dates for all other states. This corrected rule adds the cancellation and termination dates of March 15 for all other states.

Correction of Publication

Accordingly, the publication on January 25, 2000, of the final regulation at 65 FR 3782–3785 is corrected as follows:

PART 457—[CORRECTED]

§ 457.117 [Corrected]

* * * * *

On page 3783, in the third column in § 457.117, in the crop provisions section 1, add definitions for ''fall planted'' and ''spring planted'' to read as follows:

Fall planted. A forage crop seeded after June 30.

Spring planted. A forage crop seeded before July 1.

* * * * *

On page 3784, in the first column in § 457.117, in the crop provisions sections 7(a) and (b)(6) are corrected to read as follows:

(a) Insurance attaches on acreage with an adequate stand on the following dates:

(1) For the calendar year following the year of seeding for:

(i) Spring planted forage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, Colorado, Idaho, Nebraska, Nevada, Oregon, Utah and Washington—April 15;

(ii) Spring planted forage in Iowa, Minnesota, Montana, New Hampshire, New York, North Dakota, Pennsylvania, Wisconsin, Wyoming and all other states—May 22;

(iii) Fall planted forage in Lassen, Modoc, Mono, Shasta and Siskiyou Counties California, and all other states—October 16;

(iv) Fall planted forage in all California counties except Lassen, Modoc, Mono, Shasta, and Siskiyou—December 1.

(2) For the calendar year of seeding for spring planted acreage in all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—December 1.

(3) For calendar years subsequent to the calendar year following the year of seeding for:

(i) Lassen, Modoc, Mono, Shasta and Siskiyou California counties, and all other states—October 16;

(ii) All California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—December 1.

(b) * * *

(6) The following dates of the crop year:

(i) For Lassen, Modoc, Mono, Shasta, and Siskiyou Counties California and all other states—October 15;

(ii) For all California counties except Lassen, Modoc, Mono, Shasta and Siskiyou—November 30.

* * * * *

§ 457.151 [Corrected]

On page 3785, the first column in § 457.151, section 5 is corrected to read as follows:

In accordance with section 2 of the Basic Provisions, the cancellation and termination dates are:

State and county	Cancellation/termination dates
California, Nevada, New Hampshire, New York, Pennsylvania, and Vermont	July 31
All other states	March 15

Signed in Washington D.C. on February 28, 2000.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 00–5163 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–08–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN (3150–AG17)

Correction to Comments on the Final Rule ''List of Approved Spent Fuel Storage Casks: (HI–STAR 100) Addition''

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The Nuclear Regulatory Commission (NRC) is supplementing the administrative record of the final rule ''List of Approved Spent Fuel Storage Casks: (HI–STAR 100) Addition'' (64 FR 48259; September 3, 1999) to ensure a complete and accurate administrative record. This document corrects several comment responses that were inconsistent with the corresponding language contained in the NRC staff's Safety Evaluation Report (SER) or the Certificate of Compliance (CoC), or that needed additional clarification; corrects two pages in the CoC due to typographical errors; and corrects the CoC expiration date listed in the rule text.

EFFECTIVE DATE: This correction is effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail spt@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Discussion

The NRC issued a final rule amending 10 CFR 72.214 on September 3, 1999; (see 64 FR 48259), which approved the Holtec HI–STAR 100 spent fuel storage cask design. Subsequently, Holtec notified the NRC by letters dated September 28 and September 29, 1999, that several of the responses to public comments contained in the final rule required additional clarification. The NRC staff has reviewed Holtec's letters and agrees that some of the responses were not complete. Therefore, the staff is revising the responses to several public comments contained in the final rule. The changes are made to ensure a complete and accurate administrative record. Holtec also notified the NRC, in these letters, that the final CoC contained two typographical errors. Corrected CoC pages have been issued to Holtec and placed in the NRC Public Document Room. Additionally, the NRC staff identified that the CoC expiration date in § 72.214 of the final rule was incorrect (see 64 FR 48274). The Office of Federal Register subsequently published a correction notice in the **Federal Register** (64 FR 50872; September 20, 1999); however, the CoC expiration date in that notice was also in error. Therefore, this notice corrects the CoC expiration date in the rule text of § 72.214 to read as ''October 4, 2019.''

I. Correction of Response to Comments

Revised responses to Comment Nos. 23, 27, 30, 36, 54, and 70 are as follows:

Comment No. 23: One commenter asked how the pre-passivation or anodization of aluminum surfaces is checked? The commenter believes this activity should be checked and asked if there is criteria for this inspection.

Revised Response: A separate check or inspection of the pre-passivation of aluminum surfaces is not necessary. Aluminum is used in the MPC–24, MPC–68, and MPC–68F baskets for the Boral neutron absorbers and aluminum heat conduction elements that enhance heat transfer from the fuel basket to the MPC shell. When exposed to air or water, aluminum immediately forms a very thin, compact, and adherent film of aluminum oxide, which becomes thicker with increasing temperatures in the presence of water.[1] Holtec's fabrication procedures specify that both the Boral neutron absorbers and the heat conduction elements are immersed in water for a minimum of 72 hours before these components are installed in the MPC. During this fabrication step, the absence of any gas bubbles emanating from the water after 72 hours indicates that all exposed aluminum surfaces have been covered with aluminum oxide (*i.e.*, the aluminum surfaces have been passivated). These fabrication activities are accomplished under Holtec's approved Quality Assurance program. Therefore, a physical inspection of these aluminum components is not necessary to ensure that the surfaces have been properly passivated.

Comment No. 27: One commenter asked whether the design has been evaluated for a seismic event during loading and unloading.

Revised Response: The HI–STAR cask is designed to withstand seismic motions while in storage on the ISFSI pad without tipping over or sliding. The seismic accelerations used in the generic design basis for the HI–STAR 100 system are documented in the HI–STAR 100 CoC and TSAR. There are no cask seismic supports or restraints required during loading or unloading operations by the generic cask operating procedures in the TSAR. Seismic considerations are among the design bases that individual users must evaluate if using the HI–STAR 100 pursuant to the general licensing requirements of 10 CFR part 72. Each utility choosing to use the general license must perform an evaluation pursuant to 10 CFR 72.212 to determine whether its site-specific seismic accelerations at the locations where loading and unloading operations take place are bounded by the generic values in the CoC and TSAR. Based on this evaluation, users must determine whether any seismic support for the cask is required.

Comment No. 30: One commenter questioned the drain-down time and asked how frequently the water is checked. The commenter requested information on what happens if the MPC can't be vacuum dried successfully, and when the fuel needs to be put back in the pool.

Revised Response: The HI–STAR 100 cask design does not require any limitations on drain-down time (*i.e.*, how long it takes to drain water from the MPC during the vacuum drying process). Holtec's thermal analysis of the spent fuel's peak cladding temperature during the vacuum-drying process demonstrated that, regardless of the length of time necessary to complete the drain-down and vacuum drying, the peak cladding temperature would remain less than the 570 °C (1058 °F) ''short-term condition'' temperature limit. Therefore, a drain-down time limit is not necessary and is not specified in the Technical Specifications (TS). Because there is no limitation on drain-down time, there is also no requirement on how frequently the water draining from the cask should be checked. Furthermore, because a drain-down time limit is not contained

[1] Corrosion Resistance of Aluminum and Aluminum Alloys, Metals Handbook, Desk Edition, American Society for Metals, 1985.

in the TS, a corresponding time limit for corrective actions is also not required (*e.g.*, a requirement to unload a cask that cannot be successfully vacuum dried within a specified period of time). Limits on drain-down time and any corrective actions to be taken in response to exceeding these drain-down time limits may be voluntarily provided by the cask user as an operational aid in a site-specific vacuum-drying procedure. Separately, the NRC notes that the TS prohibit entry into the transport operation mode if LCO 2.1.1 is not met; and LCO 2.1.1 contains a vacuum drying pressure surveillance requirement.

Comment No. 36: One commenter asked whether shims are used and stated that shims or gaps were not acceptable.

Revised Response: The design and fabrication intent is that no shims be used in the closure weld of HI-STAR 100 casks. However, when the as-manufactured fit-up gap exceeds 1/16th inch between the lid and the shell, shims may be used, as shown on Design Drawing No. 1396, Sheet 1, for the MPC 24.

Comment No. 54: One commenter asked how lifting height should be verified and stated that the height should be recorded.

Revised Response: The maximum lifting height maintains the operating conditions of the Spent Fuel Storage Cask (SFSC) within the design and analysis basis. It is the general licensee's responsibility to limit the SFSC lifting height to allowable values. The lift height requirements are specified in TS LCO 2.1.3 for the vertical and horizontal orientations. Surveillance requirements require verification that SFSC lifting requirements are met after the SFSC is either suspended or secured in the transporter and prior to moving the SFSC within the ISFSI.

Comment No. 70: One commenter stated that the frequency of SR 2.1.3.1 should be revised because, as written, the frequency would apply only when a cask is being moved to or from the ISFSI and would not apply at other times, such as when moving casks within the ISFSI. However, the drop analysis applies any time the cask is suspended. The frequency should be revised similar to ''Prior to movement of an SFSC.''

Revised Response: The NRC agrees with the comment. The frequency of SR 2.1.3.1 has been revised.

II. Corrections to CoC No. 72–1008

The NRC is correcting CoC No. 72–1008 to address two typographical errors that occurred during final printing. First, on page 10 in Appendix B, item 2.c is corrected to refer to Table 1.1–3 instead of Table 2.1–3. Second, the definition of the term FUEL DEBRIS in Appendix A (p. 1.1–1) is corrected to match the definition of the same term contained in Appendix B (page 1).

The NRC considers these CoC changes to be administrative corrections, which remove confusion and do not change the substance of the CoC. No other changes to CoC No. 72–1008 are being made. Revised CoC pages have been sent to Holtec and placed in the NRC Public Document Room.

III. Correction of Rule Text

In the final rule published in the **Federal Register** on September 3, 1999 (see 64 FR 48274) first column, under § 72.214, the expiration date for CoC No. 1008 was listed as ''(20 years after the final rule effective date).'' This was incorrect. Instead of text, the CoC expiration date should have been listed as a date certain. The final rule was effective on October 4, 1999; therefore, the CoC expiration date should have been listed as October 4, 2019. To address this problem the Office of Federal Register published a correction notice on September 20, 1999, (64 FR 50872) second column, under § 72.214, which specified a date certain of September 20, 2019. However, this date was also in error. This notice corrects the expiration date for CoC No. 1008 to read as ''October 4, 2019.''

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. In § 72.214, Certificate of Compliance No. 1008, as published on September 3, 1999 on page 48274, first column, and corrected on September 20, 1999 on page 50872, second column, is further corrected to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1008

SAR Submitted by: Holtec International

SAR Title: HI-STAR 100 Cask System Topical Safety Analysis Report

Docket Number: 72–1008

Certification Expiration Date: October 4, 2019

Model Number: HI-STAR 100

* * * * *

Dated at Rockville, Maryland, this 9th day of February, 2000.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 00–5154 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–61–AD; Amendment 39–11610; AD 2000–05–01]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas MD–11 series airplanes. This action requires the deactivation of the forward and center cargo control units (CCU). This amendment is prompted by a report of failure of a CCU which produced overheating of the electrical pins inside the CCU; the subsequent release of hot gases and flames ignited an adjacent insulation blanket. The actions specified in this AD are intended to prevent such conditions, which could result in smoke and fire in the cargo compartment.

DATES: Effective March 20, 2000.

Comments for inclusion in the Rules Docket must be received on or before May 2, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–61–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Information pertaining to this amendment may be obtained from or examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California

90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident that occurred on a McDonnell Douglas Model MD–11 series airplane. This incident was a failure of the cargo control unit (CCU) assembly due to damage of the printed circuit board (PCB) in the CCU, as a result of an external short to ground on one or more of the power output lines of the alternating current. This failure resulted in overheating of the electrical pins inside the CCU, and the subsequent release of hot gases and flames through the external cover, which ignited a metallized mylar insulation blanket adjacent to the CCU. Such conditions, if not corrected, could result in smoke and fire in the cargo compartment.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other McDonnell Douglas MD–11 series airplanes of the same type design, this AD is being issued to prevent overheating of the electrical pins inside the CCU and subsequent release of hot gases and flames, which could result in smoke and fire in the cargo compartment. This AD requires the deactivation of the forward and center CCU's.

Interim Action

This is considered to be interim action. The FAA is currently considering requiring a modification of the CCU assembly would constitute terminating action for the requirements of this AD. However, the planned compliance time for the installation of the modification is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Determination of Rule's Effective Date

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–61–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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:

2000–05–01 McDonnell Douglas: Amendment 39–11610. Docket 2000–NM–61–AD.

Applicability: Model MD–11 series airplanes, certificated in any category, having the serial numbers listed below.

Group 1 Airplanes

48565	48566	48533	48549	48470	48406
48504	48602	48603	48571	48439	48605
48572	48471	48573	48600	48601	48633
48513	48574	48575	48542	48543	48576
48415	48631	48544	48632	48577	48545
48578	48546	48743	48744	48747	48748
48745	48746	48749	48579	48766	48768
48767	48679	48754	48623	48770	48753
48773	48774	48755	48758	48775-48779 inclusive	
48624	48756	48780	48532		

Group 2 Airplanes

48555	48556	48581	48630	48557	48539
48558	48559	48616	48560	48617	48618
48561	48629	48562	58563	48757	48540
48564	48634	48541	48798	48781-48792 inclusive	
48794	48799	48801	48800	48802-48806 inclusive	

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

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of the electrical pins inside the cargo control units (CCU) and subsequent release of hot gases and flames, which could result in smoke and fire in the cargo compartment, accomplish the following:

Deactivation

(a) For Group 1 airplanes: Within 15 days after the effective date of this AD, deactivate the forward and center CCU's in accordance with the following procedures:

Remove the access panel to the forward cargo compartment CCU circuit breaker panel located at fuselage station 1009.300 (right side looking aft). Pull and collar the following circuit breakers:

B1–506	B1–489	B1–488	B1–487	B1–486
B1–485	B1–480	B1–481	B1–498	B1–482
B1–500	B1–495	B1–499	B1–490	

Remove the access panel to the center cargo compartment CCU circuit breaker panel located at fuselage station 1701.000 (right side looking aft). Pull and collar the following circuit breakers:

B1–552	B1–762	B1–761	B1–760	B1–759
B1–758	B1–518	B1–519	B1–751	B1–520
B1–753	B1–764	B1–752	B1–763	

(b) For Group 2 airplanes: Within 15 days after the effective date of this AD; deactivate the forward and center CCU in accordance with the following procedures:

Remove the access panel to the forward cargo compartment CCU circuit breaker panel located at fuselage station 1009.300 (right side looking aft). Pull and collar the following circuit breakers:

B1–506	B1–489	B1–488	B1–487	B1–486
B1–485	B1–480	B1–481	B1–498	B1–482
B1–500	B1–495	B1–499	B1–490	

Remove the access panel to the center cargo compartment CCU circuit breaker panel located at fuselage station 1701.000 (right side looking aft). Pull and collar the following circuit breakers:

B1–552	B1–762	B1–761	B1–760	B1–759
B1–758	B1–518	B1–519	B1–751	B1–520
B1–753	B1–764	B1–752		

Alternative Methods of Compliance

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

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

Special Flight Permits

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

(e) This amendment becomes effective on March 20, 2000.

Issued in Renton, Washington, on February 28, 2000.

John J. Hickey,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–5133 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–48]

RIN 2120–AA66

Amendment to Jet Routes J–78 and J–112; Evansville, IN; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** on December 20, 1999. The legal description of Jet Route 78 (J–78) contained an inadvertent error that omitted Tulsa, OK, between Will Rogers, OK, and Farmington, MO. This action corrects that error.

EFFECTIVE DATE: March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Sheri Edgett Baron, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION: On December 20, 1999 (64 FR 71014), Airspace Docket No. 99–AGL–48, FR Doc. 99–32885, was published amending the legal description of J–78 and J–112 between the Farmington, MO, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Louisville, KY, VORTAC. This rule included a legal description of J–78, which inadvertently omitted Tulsa, OK, between Will Rogers, OK, and Farmington, MO. This action adds Tulsa, OK, to the legal description of J–78, thereby correcting this error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description for J–78 as published in the **Federal Register** on December 20, 1999 (64 FR 71014); FR Doc. 99–32885, and incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

On page 71015, in column 1, correct the legal description of J–78 to read as follows:

Paragraph 2004 Jet Routes

* * * * *

J–78 [Revised]

From Los Angeles, CA, via Seal Beach, CA; Thermal, CA; Parker, CA; Drake, AZ; Zuni, AZ; Albuquerque, NM; Tucumcari, NM; Panhandle, TX; Will Rogers, OK; **Tulsa, OK;** Farmington, MO; Pocket City, IN; Louisville, KY; Charleston, WV; Philipsburg, PA; to Milton, PA.

* * * * *

Issued in Washington, DC, on February 25, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–5057 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM98–9–002; Order No. 603–B]

Revision of Existing Regulations Under the Natural Gas Act

Issued February 28, 2000.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Order on rehearing.

SUMMARY: On rehearing, the Federal Energy Regulation Commission reaffirms its basic determinations in Order Nos. 603 and 603–A that its regulations only allow minor changes to storage field operations and that facilities constructed to interconnect transporters under the Natural Gas Act can be constructed under a pipeline's blanket certificate authorization.

DATES: The revision to the regulations in this order on rehearing become effective April 3, 2000.

ADDRESSES: Federal Energy Regulatory Commission 888 First Street, NE, Washington DC, 20426.

FOR FURTHER INFORMATION CONTACT:

Michael J. McGehee, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, (202) 208–2257

Carolyn Van Der Jagt, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, (202)208–2246

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

On April 29, 1999, the Commission issued a Final Rule in Order No. 603 amending its regulations governing the filing of applications for certificates of public convenience and necessity authorizing the construction and operation of facilities to provide service or to abandon facilities or services under 7 of the Natural Gas Act (NGA).[1] On September 29, 1999, the Commission issued Order No. 603–A in which it modified and clarified certain aspects of the Final Rule.[2] In this order, the Commission is clarifying that § 157.202(b)(2)(ii)(D) of its regulations allows only minor changes to storage field operations and that new injection and withdrawal wells cannot be drilled under the miscellaneous rearrangement provision of § 157.208. The Commission is also reiterating that facilities necessary to interconnect part 284 transporters can be constructed under the pipeline's blanket certificate.

II. Discussion

A. Miscellaneous Rearrangement of Storage Wells

In Order No. 603, the Commission modified § 157.202(b)(2)(ii)(D) to allow minor changes to storage field operations, but did not allow the drilling of storage injection/withdrawal wells as eligible facilities. In Order No. 603–A, the Commission clarified that § 157.202(b)(2)(ii)(D) only applies to the testing and developing of underground storage fields. It stated that drilling new injection/withdrawal wells in existing storage pools requires separate NGA 7(c) authority because such wells may inherently alter the daily and seasonal deliverability, volumetric capacity, or boundary of a storage field.

CNG Transmission Corporation (CNG) seeks further clarification of the Commission's interpretation of a company's ability to drill storage wells under its blanket certificate. Specifically, CNG contends that although new wells may not qualify as eligible facilities under § 157.202(b), under certain circumstances the drilling of such wells may qualify as a miscellaneous rearrangement of facilities under § 157.208(a). As an example, CNG states that the West Virginia Department of Transportation plans to build a highway through a portion of its storage field that would require that two active wells be capped and abandoned. It claims that in order to replace the deliverability of those wells it ''must drill an undetermined number of new wells in the same storage field,'' [3] which cannot be drilled in the same footprint as the original wells. It argues that it should be able to drill the new wells under the miscellaneous rearrangement provision in § 157.208. It requests that the Commission clarify that new wells may be drilled in a certificated storage field under the miscellaneous rearrangement provision if the purpose of the wells is to replace a well that been abandoned, and if the new well(s) does not exceed the certificated deliverability of the storage field.

Commission Response

As stated in Order No. 603–A and Order No. 609,[4] the Commission does not believe that blanket certificate authorization provides adequate oversight of the construction of new injection/withdrawal wells. Such wells may inherently alter the daily or seasonal deliverability, volumetric capacity, or boundary of a storage reservoir. Accordingly, drilling new injection/withdrawal wells in existing storage pools requires separate 7(c) authorization. Such wells are not contemplated under any provision of the blanket certificate, including the miscellaneous rearrangement provisions of § 157.208. For clarification, we will revise § 157.202(b)(6) to specifically exclude underground storage injection/withdrawal wells from the definition of miscellaneous rearrangement.

B. Interconnecting Points

In Order No. 603, the Commission limited interconnecting points to the tap, metering, metering and regulating (M&R) facilities, and minor related piping. It found that any related

[1] Revisions of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act, Order No. 603, 64 FR 26571 (May 14, 1999), FERC Stats. and Regs. ¶ 31,073 (Apr. 29, 1999).

[2] Revisions of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act, Order No. 603–A, 64 FR 54522 (Oct. 7, 1999), FERC Stats. and Regs. ¶ 31,081 (Sept. 29, 1999).

[3] CNG's request for clarification, at 2.

[4] Landowner Notification, Expanded Categorical Exclusions, and Other Environmental Filing Requirements, Order No. 609, 64 FR 57374, (Oct. 25, 1999), FERC Stats. and Regs. ¶ 31,082 (Oct.13, 1999).

pipeline connecting two interstate pipeline would function as a mainline facility and would not qualify as an eligible facility. However, on rehearing in Order No. 603–A, upon reconsideration, it determined that interconnecting pipelines between Part 284 transporters should be covered under the blanket certificate because they display more characteristics in common with lateral lines than with mainlines and do not alter mainline capacity. The Commission found that since the length of these segments would be governed by the cost limits of the blanket certificate, these facilities would have a minimal impact on the certificate holder's system. It also found that this is consistent with the intent of the blanket certificate, which authorizes pipelines to construct routine facilities that have relatively little impact on ratepayers or pipeline operations.

In their request for rehearing, Indicated Shippers contend that in Order No. 603 the Commission:

> recognized that facilities interconnecting interstate pipeline could affect the mainline capacity and thereby affect the rates and services for the respective pipelines' shippers. For these reasons, the Commission excluded these activities from the blanket certificate regulations.[5]

They argue that despite finding in Order No. 603 that interconnecting pipelines would expand mainline capacity, the Commission, in Order No. 603–A, subsequently found ''that such interconnects do not increase mainline capacity after all.''[6] They contend that the Commission's finding is arbitrary, capricious, not supported by substantial evidence and is erroneous. Indicated Shippers assert that interconnecting pipelines do increase mainline capacity and, therefore, the Commission should retain its authority to review such facilities individually prior to granting authorization. They argued that the Commission erred by relinquishing its authority to review these facilities prior to construction.

They further assert that the footnote in Order No. 603–A that states that an interconnecting facility that will alter mainline capacity will not be covered by the blanket certificate is impracticable and unenforceable. They contend that the Commission has not ''set forth any objective standards for ascertaining whether a pipeline interconnect could alter mainline capacity,''[7] and gives no indication of how it intends to enforce the limitation. They also argue that the regulatory text does not refer to the limitation.

Finally, Indicated Shippers state that the allowing pipelines to construct interconnecting pipeline under their blanket authority would enable pipelines to abuse their market power to control access to market. They argue that ''an after-the-fact rate case remedy is unlikely to deter or mitigate such conduct.''[8]

Commission Response

In Order No. 603, the Commission determined that interconnecting pipeline for new receipt and delivery points was not an eligible facility ''because it is a mainline connecting two interstate pipelines, and not a supply or delivery lateral,''[9] and mainline facilities are not eligible facilities. The Commission did not specifically find that such pipelines would necessarily increase mainline capacity as Indicated Shippers incorrectly argues.

On rehearing of Order No. 603, several parties argued that an interconnecting pipeline between two transporters does not function differently than a lateral line. Specifically, they contended that both facilities are designed to receive and/or deliver gas supplies. They asserted that the only difference between a lateral and interconnecting pipeline is that a lateral generally connects a pipeline to a production field, gathering system or customer delivery point, whereas interconnecting pipeline connects a pipeline to another pipeline.

On rehearing, the Commission determined that interconnecting pipelines display more characteristics in common with lateral lines than with mainlines. Therefore, the Commission found that it was appropriate to allow pipelines to construct such facilities under their blanket authorization. However, as with all facilities constructed under a pipeline's blanket authorization, the interconnecting pipeline cannot alter or increase the capacity of the mainline. If it does, it is excluded from the definition of eligible facility.[10] Accordingly, pipelines can only construct interconnecting pipelines if they do not increase the capacity of their mainline system. If Indicated Shippers believes that a pipeline has used it blanket authorization to construct facilities that increase mainline capacity, it should file a complaint and the Commission will investigate. Indicated Shippers request for rehearing is denied.

C. Reporting Requirements

In Order No. 603, the Commission redefined § 157.211 to provide for automatic and prior notice authority for the construction of new delivery points. Section 157.211(c) requires that the pipeline identify facilities constructed under § 157.211 in their annual report. Consistent with the reporting requirements in § 157.208(e), § 157.211(c) should have included reporting requirements for both automatic and prior notice activities. However, the Commission inadvertently limited the reporting requirements to only facilities constructed under the automatic authorization.[11] Accordingly, we will modify § 157.211(c) to require that prior notice activities be included in the pipeline's annual report. However, we note that because the prior notice application fulfills the requirements of §§ 157.211(1), (2), and (4), the pipeline only needs to refer to the docket number of the prior notice filing and report the actual cost and completion date of the delivery in the annual report.

III. Document Availability

In addition to publishing the full text of this document in the **Federal Register**, the Commission 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 in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, NE, Room 2A, Washington, DC 20426.

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

—CIPS provides access to the 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 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images of documents submitted to and issued by the Commission after November 16, 1981.

[5] Indicated Shippers' request for rehearing, at 4.

[6] *Id.,* at 5.

[7] *Id.,* at 8.

[8] *Id.,* at 9.

[9] Order No. 603, at 30,795.

[10] *See* 18 CFR § 157.202(b)(2)(ii)(C), eligible facility does not include a facility that alters the capacity of a mainline.

[11] We note that the Commission took into consideration both automatic and prior notice situations in its burden estimates listed in the Final Rule.

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 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.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

David P. Boergers,

Secretary.

In consideration of the foregoing, the Commission amends Part 157, Chapter I, Title 18, *Code of Federal Regulations,* as follows.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. The authority for Part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

2. In § 157.202, the introductory text in paragraph (b)(6) is revised to read as follows:

§ 157.202 Definitions.

* * * * *

(b) * * *

(6) *Miscellaneous rearrangement* of any facility means any rearrangement of a facility, excluding underground storage injection/withdrawal wells, that does not result in any change of service rendered by means of the facilities involved, including changes in existing field operations or relocation of existing facilities:

* * * * *

§ 157.211 [Amended]

3. In § 157.211(c) the reference to ''(a)(1)'' is removed and a reference to ''(a)'' is added in its place.

[FR Doc. 00–5116 Filed 3–2–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 868

[Docket No. 96P–0436]

Medical Devices; Anesthesiology Devices; Classification of Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying the nitric oxide administration apparatus, nitric oxide analyzer, and nitrogen dioxide analyzer into class II (special controls). The special control that will apply to these devices is a guidance document. The agency is taking this action in response to a petition submitted under the Federal, Food, Drug, and Cosmetic Act (the act) as amended by the Medical Device Amendments of 1976 (the amendments), the Safe Medical Devices Act of 1990, and the Food and Drug Administration Modernization Act of 1997. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of the safety and effectiveness of the devices.

DATES: This rule is effective April 3, 2000.

FOR FURTHER INFORMATION CONTACT: Joanna H. Weitershausen, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8609, ext. 164.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the amendments, generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or class II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification.

In accordance with section 513(f)(1) of the act, FDA issued an order on January 6, 2000, classifying the device in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On January 7, 2000, Datex-Ohmeda submitted a petition requesting classification of the nitric oxide administration apparatus, nitric oxide analyzer, and nitrogen dioxide analyzer under section 513(f)(2) of the act. This petition incorporated by reference a reclassification petition that Datex-Ohmeda had submitted previously. The manufacturer recommended that the device be classified into class II.

After review of the information submitted in the original reclassification petition, the premarket notification submission (K974562), the panel recommendation of November 22, 1996, on the original reclassification petition, the automatic evaluation of class III designation petition, and the information developed by FDA to address concerns about delivery and monitoring of this drug, FDA determined that the INOvent Delivery System intended for use in administering nitric oxide, measuring nitric oxide, and measuring nitrogen dioxide can be classified in class II with

the establishment of special controls. FDA believes that class II special controls, in addition to the general controls, provide reasonable assurance of the safety and effectiveness of the device.

The delivery system consists of three devices to which FDA assigns the generic names ''nitric oxide administration apparatus,'' ''nitric oxide analyzer,'' and ''nitrogen dioxide analyzer.'' The devices are identified as follows:

1. Nitric oxide administration apparatus is a device used to add nitric oxide to gases that are to be breathed by a patient. The nitric oxide administration apparatus is to be used in conjunction with a ventilator or other breathing gas administration system.

2. Nitric oxide analyzer is a device intended to measure the concentration of nitric oxide in respiratory gas mixtures during administration of nitric oxide.

3. Nitrogen dioxide analyzer is a device intended to measure the concentration of nitrogen dioxide in respiratory gas mixtures during administration of nitric oxide.

On January 11, 2000, FDA issued an order to the petitioner classifying the nitric oxide administration apparatus, nitric oxide analyzer, and nitrogen dioxide analyzer described previously into class II subject to the special controls described below. Additionally, FDA is codifying the classification of these devices by adding §§ 868.2380, 868.2385, and 868.5165. In addition to the general controls of the act, the special control developed by the agency is a guidance document entitled ''Guidance Document for Premarket Notification Submissions for Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer.'' This guidance document identifies the risks associated with these types of devices and contains information that will help manufacturers address those risks. This document is available on the Internet at http://www.fda.gov/cdrh/ode/1157.pdf.

II. Environmental Impact

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

III. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of these devices from class III to class II will relieve manufacturers of the device of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e), and may permit small potential competitors to enter the marketplace by lowering their costs. The agency, therefore, certifies that the final rule will not have a significant impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate and, therefore, a summary statement of analysis under section 202(a) of the Unfunded Mandates Reform Act is not required.

IV. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 868

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 868 is amended as follows:

PART 868—ANESTHESIOLOGY DEVICES

1. The authority citation for 21 CFR part 868 continues to read as follows:

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

2. Section 868.2380 is added to subpart C to read as follows:

§ 868.2380 Nitric oxide analyzer.

(a) *Identification*. The nitric oxide analyzer is a device intended to measure the concentration of nitric oxide in respiratory gas mixtures during administration of nitric oxide.

(b) *Classification*. Class II. The special control for this device is FDA's ''Guidance Document for Premarket Notification Submissions for Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer.''

3. Section 868.2385 is added to subpart C to read as follows:

§ 868.2385 Nitrogen dioxide analyzer.

(a) *Identification*. The nitrogen dioxide analyzer is a device intended to measure the concentration of nitrogen dioxide in respiratory gas mixtures during administration of nitric oxide.

(b) *Classification*. Class II. The special control for this device is FDA's ''Guidance Document for Premarket Notification Submissions for Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer.''

4. Section 868.5165 is added to subpart F to read as follows:

§ 868.5165 Nitric oxide administration apparatus.

(a) *Identification*. The nitric oxide administration apparatus is a device used to add nitric oxide to gases that are to be breathed by a patient. The nitric oxide administration apparatus is to be used in conjunction with a ventilator or other breathing gas administration system.

(b) *Classification*. Class II. The special control for this device is FDA's ''Guidance Document for Premarket Notification Submissions for Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer.''

Dated: February 24, 2000.

Linda S. Kahan,

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

[FR Doc. 00–5160 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. 99P–4064]

Medical Devices; Exemptions From Premarket Notification; Class II Devices; Vascular Tunnelers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is publishing an order granting in part a petition requesting exemption from the premarket notification requirements for vascular tunnelers with certain limitations. This rule will exempt from premarket notification stainless steel vascular tunnelers of single unit construction. FDA is publishing this order in accordance with procedures established by the Food and Drug Administration Modernization Act of 1997 (FDAMA).

DATES: This rule is effective March 3, 2000.

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

SUPPLEMENTARY INFORMATION:

I. Statutory Background

Under section 513 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c), FDA must classify devices into one of three regulatory classes: Class I, class II, or class III. FDA classification of a device is determined by the amount of regulation necessary to provide a reasonable assurance of safety and effectiveness. Under the Medical Device Amendments of 1976 (the 1976 amendments (Public Law 94–295)), as amended by the Safe Medical Devices Act of 1990 (the SMDA (Public Law 101–629)), devices are to be classified into class I (general controls) if there is information showing that the general controls of the act are sufficient to ensure safety and effectiveness; into class II (special controls), if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide such assurance; and into class III (premarket approval), if there is insufficient information to support classifying a device into class I or class II and the device is a life-sustaining or life-supporting device or is for a use that is of substantial importance in preventing impairment of human health, or presents a potential unreasonable risk of illness or injury.

Most generic types of devices that were on the market before the date of the 1976 amendments (May 28, 1976) (generally referred to as preamendments devices) have been classified by FDA under the procedures set forth in section 513(c) and (d) of the act through the issuance of classification regulations into one of these three regulatory classes. Devices introduced into interstate commerce for the first time on or after May 28, 1976, (generally referred to as postamendments devices) are classified through the premarket notification process under section 510(k) of the act (21 U.S.C. 360(k)). Section 510(k) of the act and the implementing regulations, 21 CFR part 807, require persons who intend to market a new device to submit a premarket notification report (510(k)) containing information that allows FDA to determine whether the new device is ''substantially equivalent'' within the meaning of section 513(i) of the act to a legally marketed device that does not require premarket approval.

On November 21, 1997, the President signed into law FDAMA (Public Law 105–115). Section 206 of FDAMA, in part, added a new section 510(m) to the act. Section 510(m)(1) of the act requires FDA, within 60 days after enactment of FDAMA, to publish in the **Federal Register** a list of each type of class II device that does not require a report under section 510(k) of the act to provide reasonable assurance of safety and effectiveness. Section 510(m) of the act further provides that a 510(k) will no longer be required for these devices upon the date of publication of the list in the **Federal Register**. FDA published that list in the **Federal Register** of January 21, 1998 (63 FR 3142).

Section 510(m)(2) of the act provides that 1 day after date of publication of the list under section 510(m)(1) of the act, FDA may exempt a device on its own initiative or upon petition of an interested person, if FDA determines that a 510(k) is not necessary to provide reasonable assurance of the safety and effectiveness of the device. This section requires FDA to publish in the **Federal Register** a notice of intent to exempt a device, or of the petition, and to provide a 30-day comment period. Within 120 days of publication of this document, FDA must publish in the **Federal Register** its final determination regarding the exemption of the device that was the subject of the notice. If FDA fails to respond to a petition under this section within 180 days of receiving it, the petition shall be deemed granted.

II. Criteria for Exemption

There are a number of factors FDA may consider to determine whether a 510(k) is necessary to provide reasonable assurance of the safety and effectiveness of a class II device. These factors are discussed in the guidance the agency issued on February 19, 1998, entitled ''Procedures for Class II Device Exemptions from Premarket Notification, Guidance for Industry and CDRH Staff.'' That guidance can be obtained through the Internet on the CDRH home page at http://www.fda.gov/cdrh or by facsimile through CDRH Facts-on-Demand at 1–800–899–0381 or 301–827–0111. Specify ''159'' when prompted for the document shelf number.

III. Petition

On September 14, 1999, FDA received a petition requesting an exemption from premarket notification for the vascular tunneler. Vascular tunnelers are currently classified under 21 CFR 870.3460 as an accessory. In the **Federal Register** of November 17, 1999 (64 FR 62678), FDA published a notice announcing that this petition had been received and providing an opportunity for interested persons to submit comments on the petition by December 17, 1999. FDA has reviewed the petition and has determined that stainless steel vascular tunnelers of single unit construction to be used to place tunnels for vascular grafts meet the criteria for exemption from the notification requirements. This is the only type of vascular tunneler of which FDA presently has any knowledge. The exemption is limited to vascular tunnelers of the type described and is also subject to the general limitations on exemptions from premarket notification for cardiovascular devices as described in 21 CFR 870.9. For example, the exemption will not apply to devices of this type that present new indications, novel designs, or alternative materials.

IV. Environmental Impact

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

V. Analysis of Impacts

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

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because this rule will relieve a burden and simplify the marketing of these devices, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VI. Paperwork Reduction Act of 1995

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

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

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

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

2. Section 870.3460 is amended by revising paragraph (b) to read as follows:

§ 870.3460 Vascular graft prosthesis of 6 millimeters and greater diameter.

* * * * *

(b) *Classification.* Class II. The stainless steel vascular tunneler of single unit construction to be used to place tunnels for vascular grafts, included as an accessory to the device described in paragraph (a) of this section, is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to the limitations in § 870.9. All other devices classified in this section are subject to the premarket notification procedures.

Dated: February 24, 2000.

Linda S. Kahan,

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

[FR Doc. 00–5159 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8834]

RIN 1545–AU22 and 1545–AX30

Treatment of Distributions to Foreign Persons Under Sections 367(e)(1) and 367(e)(2); Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations which were published in the **Federal Register** on Monday, August 9, 1999 (64 FR 43072), relating to the treatment of distributions to foreign persons under section 367(e)(1) and (2) as added to the Internal Revenue Code by the Tax Reform Act of 1986, which affects U.S. corporations.

DATES: This correction is effective August 9, 1999.

FOR FURTHER INFORMATION CONTACT: Guy A. Bracuti, 202–622–3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are subject to these corrections are under section 367(e)(1) and (2) of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 8834) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations (TD 8834), which was the subject of FR Doc. 99–20092, is corrected as follows:

§ 1.367(e)–1 [Corrected]

1. On page 43076, column 2, § 1.367(e)–1(b)(2), lines 19, 20 and 21 from the bottom of the column, the language ''entity (disregarded entity) under § 1.7701–3(b)(1)(ii) or (b)(2)(i)(C) are'' is corrected to read ''entity separate from its owner (disregarded entity) under § 301.7701–3 of this chapter are''.

2. On page 43076, column 3, § 1.367(e)–1(d)(1), lines 2 and 3 from the bottom of the column, the language ''described in paragraph (b)(1) of this section are'' is corrected to read ''described in section 355 in which the distributing corporation is domestic and the controlled corporation is foreign are''.

§ 1.367(e)–2 [Corrected]

3. On page 43078, column 1, § 1.367(e)–2(b)(1)(ii)(B)(*2*), lines 7, 8 and 9 from the bottom of the *Example,* the language ''allocate $45 (60×.75) of the recognized capital loss to Asset B and will allocate the remaining $15 (60 × .25) of'' is corrected to read ''allocate $15 (60×.25) of the recognized capital loss to Asset B and will allocate the remaining $45 (60×.75) of''.

4. On page 43078, column 1, § 1.367(e)–2(b)(1)(ii)(C), lines 16 and 17, the language ''shall not offset loss'' is corrected to read ''shall not be offset by a loss''.

5. On page 43081, column 1, § 1.367(e)–2(b)(2)(iii)(A)(*2*), line 2, the language ''(directly)'' is corrected to read ''(directly and without regard to paragraph (b)(1)(iii) of this section)''.

6. On page 43081, column 1, § 1.367(e)–2(b)(2)(iii)(A)(*3*), line 2, the language ''(directly)'' is corrected to read ''(directly and without regard to paragraph (b)(1)(iii) of this section)''.

7. On page 43081, column 1, § 1.367(e)–2(b)(2)(iii)(B), lines 7 through 11, the language ''(or was a U.S. real property holding corporation with respect to the foreign distributee corporation during the five year period ending on the date of liquidation)'' is corrected to read ''(or is a former U.S. real property holding corporation the stock of which is treated as a U.S. real property interest for five years under section 897(c)(1)(A)(ii))''.

8. On page 43081, column 1, § 1.367(e)–2(b)(2)(iii)(C)(*2*), line 8 from the bottom of the paragraph, the language ''disposes of'' is corrected to read ''disposes of (whether in a recognition or nonrecognition transaction)''.

9. On page 43081, column 1, § 1.367(e)–2(b)(2)(iii)(C)(*2*), the last three

lines of the paragraph, the language ''that a principal purpose of the liquidation was not the avoidance of U.S. tax'' is corrected to read ''that the avoidance of U.S. tax was not a principal purpose of the liquidation''.

10. On page 43081, column 2, § 1.367(e)–2(b)(2)(iii)(D), line 10 from the bottom of the paragraph, the language ''to such stock'' is corrected to read ''to the distributed stock''.

11. On page 43081, column 2, § 1.367(e)–2(b)(3)(i), the last sentence of the paragraph is removed.

12. On page 43081, column 3, § 1.367(e)–2(c)(2)(i)(A), line 7, the language ''gain on the'' is corrected to read ''gain (or loss in accordance with principles contained in paragraph (b)(1)(ii) of this section) on the''.

13. On page 43082, column 2, § 1.367(e)–2(c)(3)(i), the last sentence of the paragraph is removed.

14. On page 43082, column 2, § 1.367(e)–2(e), lines 2 and 3, the language ''occurring 30 days after August 9, 1999 or'' is corrected to read ''occurring on or after September 7, 1999 or''.

Dale D. Goode,

Federal Register Liaison, Assistant Chief Counsel (Corporate).

[FR Doc. 00–3564 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Parts 202 and 206

RIN 1010–AB57

Training Class on the New Indian Gas Valuation Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of training.

SUMMARY: The Minerals Management Service (MMS) is providing training on the new Indian Gas Valuation Regulations published in the **Federal Register** on August 10, 1999 (64 FR 43506). MMS is offering this class at no cost to oil and gas industry representatives and members of the public who have an interest in the valuation of gas produced from Indian lands.

DATES: The training class will be held on Wednesday, March 29, 2000, 8:30 a.m. to 4:00 p.m., Mountain Standard Time.

ADDRESSES: The training class will be held at the Sheraton Billings Hotel, 27 North 27th Street, Billings, Montana 59101, telephone number (406) 252–7400.

FOR FURTHER INFORMATION CONTACT: Theresa Walsh Bayani, Royalty Valuation Division, Royalty Management Program, Minerals Management Service, P.O. Box 25165, MS 3152, Denver, Colorado 80225–0165, telephone number (303) 275–7247 or fax number (303) 275–7227.

SUPPLEMENTARY INFORMATION: The revised regulations, which became effective on January 1, 2000, add alternative valuation methods to the March 1, 1988, regulations to ensure that Indian lessors receive maximum revenues from their mineral resources as required by the unique terms of Indian leases and MMS's trust responsibility to Indian lessors. The revised regulations will also improve the accuracy of royalty payments at the time those royalties are due.

If you produce gas from Indian lands, the new regulations affect you, and we strongly encourage you to attend this training class. Some of the topics include:

- How do you value gas in an index zone using the index-based formula?
- How do you value gas not in an index zone?
- How do you make a dual accounting election?
- What are the changes to transportation and processing allowances?

If you plan to attend this training class, please register by calling or sending a fax to Ms. Anna Hooker at telephone number (303) 275–7241, or fax number (303) 275–7227. Seating is limited and we need to know the number in your party. You must make your own travel and hotel reservations for the training. MMS will not reserve blocks of rooms.

Dated: February 25, 2000.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 00–5094 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–102–1–7440; FRL–6543–1]

Approval and Promulgation of Implementation Plans: Texas; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is conditionally approving a revision to the Texas State Implementation Plan (SIP). The revisions concern Reasonably Available Control Technology (RACT) at stationary sources of nitrogen oxides (NO_X) in the Houston/Galveston (H/G), and the Beaumont/Port Arthur (B/PA) ozone nonattainment areas. The EPA is approving these revisions to regulate emissions of NO_X in accordance with the NO_X RACT requirements of the Federal Clean Air Act (the Act).

EFFECTIVE DATE: This rule is effective on April 3, 2000.

ADDRESSES: Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, TX 75202–2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, TX 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, P.E., Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733; telephone (214) 665–6691.

I. Table of Contents

1. What Are We approving?
2. Did EPA Receive Comments on the Proposed Conditional Approval Action?
3. What Are Nitrogen Oxides?
4. What Is Reasonably Available Control Technology?
5. What Are the Clean Air Act's RACT Requirements for NO_X Emissions?
6. What Are Definitions of Major Sources for NO_X?
7. What Are Alternative Control Techniques (ACTs)?
8. What Is a State Implementation Plan?

9. What Is the Federal Approval Process for a SIP?
10. What Does Federal Approval of a SIP Mean to Me?
11. What Is a Nonattainment Area?
12. What Counties in Texas Will This Rule Affect?
13. What Are the Rule Revisions We Are Approving?
14. What Kind of Major Source Categories Will This Rule Affect?
15. Are NO_X Emission Specifications in Texas Rule Comparable With Federal Guidelines?
16. Why Is This a Conditional Approval?

SUPPLEMENTARY INFORMATION:

Throughout this document ''we,'' ''us,'' or ''our'' means EPA.

1. What Are We Approving?

We are finalizing our conditional approval of revisions to the Texas Rule 30 TAC Chapter 117 for the control of air pollution from nitrogen compounds. These measures will reduce NO_X emissions in the H/G and B/PA ozone nonattainment areas. By this approval we are agreeing that the State of Texas will be implementing the RACT on sources listed in section 13 of this document. Specifically, we are finalizing our conditional approval of the revisions submitted on June 15, 1993; August 31, 1993; June 9, 1994; August 3, 1994; September 21, 1994; December 29, 1994; March 6, 1996; August 9, 1996; May 21, 1997; and May 20, 1998. For detailed listing of each one of these revisions, please refer to our document of proposed rulemaking (64 FR 58011), that we published on October 28, 1999. As proposed, our approval is conditioned on Texas revising Regulation 117.570 to remove the ability to add one standard deviation to the emissions baseline for trading purposes. Furthermore, the Texas Accelerated Vehicle Retirement (AVR) program is not a part of the approved SIP (see 62 FR 66576, December 19, 1997, and 63 FR 41756, August 5, 1998); consequently, if a source plans to rely upon any emission reduction credits generated or claimed through the AVR program, for interim compliance with Chapter 117, the State will have to submit a separate source specific SIP revision to us for approval.

Texas must submit the approvals of the alternative case-specific specifications under sections 117.121, 117.221, 117.321 and 117.426 to the EPA for approval as source-specific SIP revisions. Texas must also submit approvals of a petition for phased RACT under section 117.540 to the EPA for approval as source-specific SIP revision. Otherwise, a source operating under such a State approval is subject to Federal enforcement action for violation of the required specifications and/or compliance deadline.

2. Did EPA Receive Comments on the Proposed Conditional Approval Action?

No, we did not receive comments on our proposed conditional approval action. We proposed conditional approval of these SIP revisions on October 28, 1999. The public comment period for our action ended on November 28, 1999. As a result, we are finalizing our proposed conditional approval without changes. For more details on these submittals, please refer to the proposed rulemaking action.

3. What Are Nitrogen Oxides?

Nitrogen oxides belong to the group of criteria air pollutants. The NO_X are produced from burning fuels, including gasoline and coal. Nitrogen oxides react with volatile organic compounds (VOC) to form ozone or smog, and are also major components of acid rain.

4. What Is Reasonably Available Control Technology?

Reasonably Available Control Technology is defined as the lowest emission limitation that a particular source can meet by applying a control technique that is reasonably available considering technological and economic feasibility. *See* 44 FR 53761, September 17, 1979. This requirement is established by sections 182(b)(2) and 182(f) of the Act. These sections, taken together, establish the requirements for Texas to submit a NO_X RACT regulation for all major stationary sources of NO_X in ozone nonattainment areas classified as moderate and above. A State may choose to develop its own RACT requirements on a case by case basis, considering the economic and technical circumstances of an individual source.

5. What Are the Clean Air Act's RACT Requirements for NO_X Emissions?

Section 182(b)(2) requires States, with areas classified as moderate ozone nonattainment, to implement RACT with respect to all major sources of VOCs. Section 182(f) states that, ''The plan provisions required under this subpart for major stationary sources of VOCs shall also apply to major stationary sources (as defined in section 302 and subsections (c), (d), and (e) of the section) of oxides of nitrogen.'' This NO_X RACT requirement also applies to all major sources in ozone nonattainment areas with higher than moderate nonattainment classifications.

On November 25, 1992 (57 FR 55620), we published a document of proposed rulemaking entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_X Supplement). The NO_X Supplement describes and provides preliminary guidance on the requirements of section 182(f) of the Act. You should refer to the NO_X supplement for further information on the NO_X requirements. The EPA's mandatory Economic Incentive Program (EIP) rules for criteria pollutants appear in 40 CFR part 51, Subpart U (59 FR 16710). The EPA's discretionary EIP rules concerning emission trading appear in the 1994 EIP guidance document (59 FR 16690). In addition, other EPA guidance memoranda, such as those included in the ''NO_X Policy Document for the Clean Air Act of 1990,'' (EPA–452/R96–005, March 1996), should also be referred to for more information about NO_X requirements.

On August 17, 1994, the Texas Natural Resource Conservation Commission (TNRCC) petitioned us under section 182(b) to temporarily exempt the B/PA and H/G ozone nonattainment areas from the NO_X requirements of the Act. The TNRCC asked for the exemption based on air quality modeling that indicated that the control of NO_X would not contribute to attainment of the National Ambient Air Quality Standards (NAAQS). We approved the petition on April 19, 1995.

The temporary exemption was to expire on December 31, 1996, with RACT compliance no later than May 31, 1997. On March 6, 1996, the TNRCC asked us to extend the temporary waiver. The TNRCC asked for an extension of the temporary waiver based on section 182(f) of the Act. Section 182(f) allows for a waiver of certain federally required NO_X control measures, if the State demonstrates that NO_X reductions do not contribute to ozone attainment in moderate or above areas. The State submitted modeling information with a petition predicting that the NO_X reductions would be counterproductive to ozone attainment in portions of H/G and B/PA areas. The EPA approved the petition and granted an extension until December 31, 1997, to allow time for carrying out further modeling. Based on this further modeling, TNRCC allowed the waiver to expire. We provided notice that the waiver had expired in the **Federal Register** on February 12, 1998 (63 FR 7071). The NO_X RACT compliance date was extended to no later than November 15, 1999.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO_X) emissions not

covered by either a pre or post-enactment control techniques guideline (CTG) document. There were no NO_X CTGs issued before enactment and we have not issued a CTG document for any NO_X sources since enactment of the Act. However, we published ACTs documents for several industrial categories. *See* section 7 of this document. States can use the information contained in the ACTs to develop their RACT rules. The Texas rules covering NO_X sources and submitted as SIP revisions require final installation of the actual NO_X controls as expeditiously as practicable, but no later than November 15, 1999.

6. What Are Definitions of Major Sources for NO_X?

Section 302 of the Act generally defines ''major stationary source'' as a facility or source of air pollution which emits, when uncontrolled, 100 tons per year (tpy) or more of air pollution. This general definition applies unless another specific provision of the Act explicitly defines major source differently. Therefore, for NO_X, a major source is one which emits, when uncontrolled, 100 tpy or more of NO_X in marginal and moderate areas. According to section 182(c) of the Act, a major source in a serious nonattainment area is a source that emits, when uncontrolled, 50 tpy or more of NO_X.

According to section 182(d) of the Act, a major source in a severe nonattainment area is a source that emits, when uncontrolled, 25 tpy or more of NO_X.

Houston is a severe ozone nonattainment area, so the major source size for Houston is 25 tpy or more, when uncontrolled. Beaumont is a moderate ozone nonattainment area, so the major source size for Beaumont is 100 tpy or more, when uncontrolled.

7. What Are Alternative Control Techniques (ACTs)?

Section 183(c) of the Act provides that we will issue technical documents which identify alternative controls for stationary sources of oxides of nitrogen which emit, when uncontrolled, 25 tpy or more of this pollutant. These ACT documents are to be subsequently revised and updated by us. The information in the ACT documents is generated from EPA papers, literature sources and contacts, control equipment vendors, engineering firms, and Federal, State, and local regulatory agencies. States can use information in the ACT to develop their RACT regulations. The following table contains a list of ACT documents for various source categories of NO_X with their corresponding EPA publication numbers.

TABLE I.—ACT DOCUMENTS FOR SOURCE CATEGORIES OF NO_X AND THEIR EPA PUBLICATION NUMBERS

Source category	EPA Publication No.
Nitric/Adipic Acid Plants.	EPA–450/3–91–026
Gas Turbines ...	EPA–453/R–93–007
Process Heaters.	EPA–453/R–93–034
Internal Combustion Engines.	EPA–453/R–93–032
Cement Plants	EPA–453/R–94–004
Non-Utility Boilers.	EPA–453/R–94–022
Utility Boilers	EPA–453/R–94–023
Glass Manufacturing.	EPA–453/R–94–037
Iron and Steel Manufacturing.	EPA–453/R–94–065

8. What Is a State Implementation Plan?

Section 110 of the Act requires States to develop air pollution regulations and control strategies to ensure that State air quality meets the NAAQS that EPA has established. Under section 109 of the Act, EPA established the NAAQS to protect public health. The NAAQS address six criteria pollutants. These criteria pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each State must submit these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. Each State has a SIP designed to protect air quality. These SIPs can be extensive, containing State regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

9. What Is the Federal Approval Process for a SIP?

When a State wants to incorporate its regulations into the federally enforceable SIP, the State must formally adopt the regulations and control strategies consistent with State and Federal requirements. This process includes a public notice, a pubic hearing, a public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a State adopts a rule, regulation, or control strategy, the State may submit the adopted provisions to us and request that we include these provisions in the federally enforceable SIP. We must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If we receive adverse comments, we must address them prior to a final action.

Under section 110 of the Act, when we approve all State regulations and supporting information, those State regulations and supporting information become a part of the federally approved SIP. You can find records of these SIP actions in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual State regulations that we approved are not reproduced in their entirety in the CFR but are ''incorporated by reference,'' which means that we have approved a given State regulation with a specific effective date.

10. What Does Federal Approval of a SIP Mean to Me?

It is primarily the function of a State to enforce State regulations before and after we incorporate those regulations into a federally approved SIP. After we incorporate those regulations into a federally approved SIP, both EPA and the public may also take enforcement action against violators of these regulations, if the State fails to do so.

11. What Is a Nonattainment Area?

A nonattainment area is a geographic area in which the level of a criteria air pollutant is higher than the level allowed by Federal standards. A single geographic area may have acceptable levels of one criteria air pollutant but unacceptable levels of one or more other criteria air pollutants; thus, a geographic area can be attainment for one criteria pollutant and nonattainment for another criteria pollutant at the same time. It has been estimated that 60 percent of Americans live in nonattainment areas. The H/G and B/PA are nonattainment areas for ozone.

12. What Counties in Texas Will This Rule Affect?

This rule affects the H/G and B/PA ozone nonattainment areas. The B/PA area is classified as moderate ozone nonattainment and includes the following counties: Hardin, Jefferson, and Orange. The H/G is classified as severe ozone nonattainment and includes the following counties: Brazoria, Chambers, Fort Bend, Harris, Galveston, Liberty, Montgomery, and Waller. If you are in one of these counties, you should refer to the rules to determine if and how this rule will affect you.

13. What Texas Rule Revisions Is EPA Approving?

The State of Texas submitted the NO_X RACT program Chapter 117, ''Control of Air Pollution From Nitrogen Compounds,'' as a number of revisions to the SIP. This rulemaking will approve those ten revisions submitted to us dating from June 15, 1993, to May 20, 1998. For detailed address of these revisions, refer to our document of proposed rulemaking (64 FR 58014), dated October 28, 1999.

14. What Kind of Major Source Categories Will This Rule Affect?

This rule will affect NO_X emissions from the following existing source categories in Texas: (a) Utility boilers, steam generators, auxiliary steam boilers, and gas turbines used to generate electricity in H/G and B/PA ozone nonattainment areas (See section 117.101 of this rule); (b) commercial, institutional, or industrial boiler (non-utility boiler) and process heaters in H/G and B/PA with a maximum rated capacity of 40 million British thermal units (Btu) per hour or greater, stationary gas turbines in H/G and B/PA with a megawatt (mW) rating of 1.0 mW or higher; (c) stationery rich burn internal combustion engines of 150 horsepower (hp) or greater in the H/G ozone nonattainment area, and stationary internal combustion engines of 300 hp or greater in the B/PA ozone nonattainment area (See section 117.3210 of this rule); and (d) nitric acid manufacturing (See section 117.401 of this rule) and adipic acid manufacturing (See section 117.301 of this rule) plants in H/G and B/PA ozone nonattainment areas.

15. Are NO_X Emissions Specifications in Texas Rule Consistent With Federal Guidelines?

The emission specifications in the Texas rule are consistent with Federal guidelines. For detailed comparison of these emission specifications refer to 64 FR 58015, October 28, 1999. The following table contains a summary of the type of affected sources, their corresponding emission limit, and relevant applicability information for these sources in the H/G and B/PA nonattainment areas.

TABLE II.—SUMMARY OF THE TEXAS NO_X RACT RULE FOR SOURCES IN THE H/G AND B/PA NON-ATTAINMENT AREAS

Source	NO_X limit	Additional information
Utility Boilers	0.26 lb/MMBtu	Natural gas or a combination of natural gas and waste oil, 24-hour rolling average.
Utility Boilers	0.20 lb/MMBtu	Natural gas or a combination of natural gas and waste oil, 30-day rolling average.
Utility Boilers	0.38 lb/MMBtu	Coal, tangentially-fired, 24-hour rolling average.
Utility Boilers	0.43 lb/MMBtu	Coal, wall-fired, 24-hour rolling average.
Utility Boilers	0.30 lb/MMBtu	Fuel oil only, 24-hour rolling average.
Utility Boilers	[a(0.26)+b(0.30)]/(a+b)	Oil and gas mixture, 24-hour rolling average, where a = percent natural gas heat input b = percent fuel oil heat input.
Stationary Gas Turbines	42 parts per million volume dry (ppmvd) basis.	@ 15% 0_2, natural gas, ≥30 Mega Watt (mW) annual electric output ≥2500 hour × mW rating.
Stationary Gas Turbines	65 parts per million volume dry (ppmvd).	@ 15% 0_2, fuel oil.
Stationary Gas Turbines	0.20 lb/MMBtu	Natural gas, peaking units, annual electric output <2500 hour × mW rating.
Stationary Gas Turbines	0.30 lb/MMBtu	Fuel oil, peaking units, annual electric output <2500 hour × mW rating.
Non-utility Boilers	0.10 lb/MMBtu	Natural gas, low heat release and T < 200 °F, capacity ≥ 100 MMBtu/hr.
Non-utility Boilers	0.15 lb/MMBtu	Natural gas, low heat release, preheated air 200 ≤T < 400 °F, capacity ≥ 100 MMBtu/hr.
Non-utility Boiler	0.20 lb/MMBtu	Natural gas, low heat release, preheated air T ≥ 400 °F, capacity ≥ 100 MMBtu/hr.
Non-utility Boilers	0.20 lb/MMBtu	Natural gas, high heat release, without air or preheated air T < 250 °F, capacity ≥ 100 MMBtu/hr.
Non-utility Boilers	0.24 lb/MMBtu	Natural gas, high heat release, preheated air 250 ≤T < 500 °F, capacity ≥ 100 MMBtu/hr.
Non-utility Boilers	0.28 lb/MMBtu	Natural gas, high heat release, preheated air T ≥ 500 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.10 lb/MMBtu	Natural gas, preheated air T, < 200 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.13 lb/MMBtu	Natural gas, preheated air 200 ≤T < 400 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.18 lb/MMBtu	Natural gas, low heat release, preheated air T ≥ 400 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.10 lb/MMBtu	Natural gas, firebox T < 1400 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.125 lb/MMBtu	Natural gas, firebox 1400 ≤T <1800 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters	0.15 lb/MMBtu	Natural gas, firebox T ≥ 1800 °F, capacity ≥ 100 MMBtu/hr.
Process Heaters and Non-utility Boilers.	0.30 lb/MMBtu	Liquid fuel, capacity ≥100 MMBtu/hr.
Process Heaters and Non-utility Boilers.	0.30 lb/MMBtu	Wood fuel, capacity ≥100 MMBtu/hr.
Stationary Gas Turbines	42 parts per million volume dry (ppmvd) basis.	@ 15% 0_2, rating ≥10 mW.
Reciprocating Internal Combustion Engines.	2.0 gram/hp-hr	Natural gas, rich burn, stationary, capacity ≥150 hp in H/G, capacity ≥300 hp in B/PA.
Absorbers of Adipic Acid Production Units.	2.5 lb/ton of acid produced	24-hr rolling average.

TABLE II.—SUMMARY OF THE TEXAS NO_X RACT RULE FOR SOURCES IN THE H/G AND B/PA NON-ATTAINMENT AREAS—Continued

Source	NO_X limit	Additional information
Absorbers of Nitric Acid Production Units.	2.0 lb/ton of acid produced	24-hr rolling average.

16. Why Is This a Conditional Approval?

The allowable NO_X emission rates are calculated based on a rolling 30-day average method (see equation 117.223(b)(1) of this rule) and based on a maximum daily cap method (see equation 117.223(b)(2) of this rule). The definition of actual daily heat input in 117.570(b)(2), and the definition of actual historical average of the daily heat input in 117.223(b)(1) allow sources to add one standard deviation to their baseline heat input or emission rate to establish the baseline for generating emission credits. Adding one standard deviation to the baseline in equation 117.570(b)(2) could generate ''paper credits.''

We understood from Texas that this allowance was an inadvertent oversight and they committed in the July 19, 1999, letter to change the rule and submit it as a SIP revision to our office by November 15, 1999. We are conditionally approving the rule based on their commitment. *See* 64 FR 58011, October 28, 1999. We have received a SIP revision submitted to us on November 15, 1999, that modifies the NO_X RACT for the B/PA ozone nonattainment area. The November 15, 1999, submittal addresses the inadvertent oversight, in equation 117.570(b)(2), mentioned above, and should avoid generation of ''paper credits'' in the ozone nonattainment areas. In this document, we are not acting on the Texas November 15, 1999, SIP revision. In this document, we are only finalizing our conditional approval of the Texas NO_X RACT rules that appeared in the 64 FR 58011, October 28, 1999. We will address the correction in a future rulemaking action.

II. Final Action

Pursuant to sections 110 and 302 and Part D of the Act, we are finalizing the conditional approval of revisions to the Texas Rule 30 TAC Chapter 117 for the control of air pollution from nitrogen compounds. Please refer to section 16 of this document for the terms and description of this condition. These measures will reduce NO_X emissions in the H/G and B/PA ozone nonattainment areas. In this final action we are agreeing that the State of Texas will be implementing the RACT in the H/G and B/PA on sources listed in section 13 of this document.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled 'Regulatory Planning and Review.''

B. Executive Order 13132

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) revokes and replaces Executive Order 12612, ''Federalism,'' and Executive Order 12875, ''Enhancing the Intergovernmental Partnership.'' Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866; and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This final rule is not subject to Executive Order 13045 because it approves a State program.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature

of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any new requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule can not take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major'' rule as defined by 5 U.S.C. 804(2). This rule will be effective April 3, 2000.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 2, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon Monoxide, Hydrocarbons, Nitrogen dioxide, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 15, 2000.

Gregg A. Cooke,

Regional Administrator, Region 6.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

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

Subpart SS—Texas

2. In § 52.2270 the table in paragraph (c) is amended under Chapter 117 by:

a. Removing existing entries ''Section 117. Rule 701'' through ''Section 117. Rule 703''.

b. Adding new headings and entries 117.10 through 117.601 in numerical order.

The additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State submittal/approval date	EPA approval date	Explanation
*	*	*	*	*
CHAPTER 117 (Reg 7)—CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS Subchapter A				
Section 117.10	Definitions	May 25, 1994	March 3, 2000 [Federal Register cite].	
Subchapter B: Division 1—Utility Electric Generation				
Section 117.101	Applicability	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.103	Exemptions	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.105	Emission Specifications	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.107	Alternative System-Wide Emission Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.109	Initial Control Plan Procedures	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.111	Initial Demonstration of Compliance	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.113	Continuous Demonstration of Compliance.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.115	Final Control Plan Procedures	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.117	Revision of Final Control Plan	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.119	Notification, Recordkeeping, and Reporting Requirements.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.121	Alternative Case Specific Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Division 2—Commercial, Institutional, and Industrial Sources				
Section 117.201	Applicability	May 11, 1993	March 3, 2000 [Federal Register cite].	
Section 117.203	Exemptions	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.205	Emission Specifications	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.207	Alternative Plant-Wide Emission Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.208	Operating Requirements	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.209	Initial Control Plan Procedures	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.211	Initial Demonstration of Compliance	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.213	Continuous Demonstration of Compliance.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.215	Final Control Plan Procedures	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.217	Revision of Final Control Plan	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.219	Notification, Recordkeeping, and Reporting Requirements.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.221	Alternative Case Specific Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.223	Source Cap	May 20, 1998	March 3, 2000 [Federal Register cite].	
Subchapter C: Division 1—Adipic Acid Manufacturing				
Section 117.301	Applicability	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.309	Control Plan Procedures	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.311	Initial Demonstration of Compliance	May 25, 1994	March 3, 2000 [Federal Register cite].	

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State submittal/approval date	EPA approval date	Explanation
Section 117.313	Continuous Demonstration of Compliance.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.319	Notification, Recordkeeping, and Reporting Requirements.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.321	Alternative Case Specific Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Division 2—Nitric Acid Manufacturing—Ozone Nonattainment Areas				
Section 117.401	Applicability	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.409	Control Plan Procedures	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.411	Initial Demonstration of Compliance	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.413	Continuous Demonstration of Compliance.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.421	Alternative Case Specific Specifications.	May 25, 1994	March 3, 2000 [Federal Register cite].	
Division 2—Nitric Acid Manufacturing—General				
Section 117.451	Applicability	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.458	Applicability of Federal New Source Performance Standards.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Subchapter D Administrative Provisions				
Section 117.510	Compliance Schedule for Utility Electric Generation.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.520	Compliance Schedule for Commercial, Institutional, and Industrial Combustion Sources.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.530	Compliance Schedule for Nitric Acid and Adipic Acid Manufacturing Sources.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.540	Phased Reasonably Available Control Technology.	May 20, 1998	March 3, 2000 [Federal Register cite].	
Section 117.560	Rescission	May 25, 1994	March 3, 2000 [Federal Register cite].	
Section 117.570	Trading	May 25, 1994	March 3, 2000 [Federal Register cite].	
Subchapter E Gas-Fired Steam Generation				
Section 117.601	Gas-Fired Steam Generation	May 20, 1998	March 3, 2000 [Federal Register cite].	

* * * * * * *

[FR Doc. 00–5039 Filed 3–2–00; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

43 CFR Part 3500

[WO–320–1330–PB–24 A]

RIN 1004–AC49

Leasing of Solid Minerals Other Than Coal and Oil Shale; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations for leasing of solid minerals other than coal and oil shale published in the **Federal Register** on October 1, 1999 (64 FR 53512).

DATES: Effective on November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Philip Allard, (202) 452–5195, or Chris Fontecchio, (202) 452–5012.

SUPPLEMENTARY INFORMATION:

Need for Correction

The final regulations as published contained several errors which may

confuse or mislead the public. We need to correct these errors to clarify the regulations.

In paragraph (b) of § 3504.15, we have a table that has alphabetic identifiers. This results in citations such as § 3504.15(b)(b) which could be confusing. Therefore, we are changing the alphabetic identifiers in the table from (a), (b), (c), (d), (e), (f), and (g) to the identifiers (1), (2), (3), (4), (5), (6), and (7) respectively.

In the newly redesignated paragraph (b)(3) of § 3504.15 we are changing the word ''Potash'' to the word ''Potassium'' to be consistent with the use of the word ''potassium'' in other parts of the rule.

In § 3506.14(a) we used the word ''form'' instead of the word ''from''. Therefore we are changing the word ''form'' to the word ''from'.

In one case we have two sections of the rule that address the same issue but contradict each other. The second sentence of § 3504.12(a)(1) states that no filing fee is required with preference right lease applications; however, § 3507.16 states that one must include a $25 nonrefundable filing fee with a preference right lease application. This is clearly contradictory. We did not intend to create any new filing fees when we issued this rule. In our previous rule we did not require a filing fee with preference right lease applications. See for example §§ 3513.1–1, 3523.1–1, 3533.1–1, 3543.1–1, 3553.1–1, and 3563.1–1 of the previous rule. Therefore, we are correcting § 3507.16 to state that no filing fee is required when one applies for a preference right lease.

In § 3508.21 we have a subsection (b) but we have no subsection (a). We intended subsection (a) to begin at the first sentence. Therefore we are inserting the identifier ''(a)'' at the beginning of the first sentence of the section.

List of Subjects in 43 CFR Part 3500

Government contracts, Mineral royalties, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Dated: February 25, 2000.

Carson W. Culp,

Assistant Director, Energy and Mineral Resources.

Accordingly, BLM makes the following correcting amendments to 43 CFR Part 3500:

PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

1. The authority citation for part 3500 continues to read as follows:

Authority: 5 U.S.C. 552; 30 U.S.C. 189 and 192c; 43 U.S.C. 1733 and 1740; and sec. 402, Reorganization Plan No. 3 of 1946 (5 U.S.C. app.).

2. Correct paragraph (b) of § 3504.15 to read as follows:

§ 3504.15 How does BLM determine my rent?

* * * * *

(b) Annual rental rates for leases for each commodity are shown in the table below. The rate shown is for each acre or fraction of an acre in the lease.

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6 to end
(1) Phosphate	$0.25	$0.50	$0.50	$1.00	$1.00	$1.00
(2) Sodium	0.25	0.50	0.50	0.50	0.50	1.00
(3) Potassium	0.25	0.50	0.50	0.50	0.50	1.00
(4) Sulphur	0.50	0.50	0.50	0.50	0.50	0.50
(5) Gilsonite	0.50	0.50	0.50	0.50	0.50	0.50
(6) Hardrock	1.00	1.00	1.00	1.00	1.00	1.00
(7) Asphalt	0.25	0.50	0.50	0.50	0.50	1.00

3. Correct § 3506.14(a) to read as follows:

§ 3506.14 May others participate in the exploration program?

(a) If any person wants to participate in the exploration program, you and BLM must receive written notice from that person within 30 days after the later of the final newspaper publication or the end of the BLM 30-day posting period.

* * * * *

4. Correct § 3507.16 to read as follows:

§ 3507.16 Is there a fee or payment required with my application?

Yes. You must submit the first year's rent with your application. Determine the first year's rent from the provisions in § 3504.15 of this part. There is no filing fee.

5. Correct the first sentence of § 3508.21 to read as follows:

§ 3508.21 What happens if I am the successful bidder?

(a) If you are the highest qualified bidder and we determine that your bid meets or exceeds fair market value, we will send you copies of the lease on the form attached to the detailed statement. * * *

* * * * *

[FR Doc. 00–5052 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–300; MM Docket No. 99–190; RM–9631; RM–9689]

Radio Broadcasting Services; Colony and Weatherford, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission dismisses the request of Suelou, Inc. to allot Channel 286A to Colony, OK, for: (1) Failure to file comments expressing a continuing interest in the allotment; and (2) provide the requested information to support a finding that it is a community for allotment purposes. *See* 64 FR 29977, June 4, 1999. The Commission grants the mutually exclusive proposal of Fred R. Morton, Jr. to allot Channel 286A to Weatherford, OK, as the community's second local commercial FM service. Channel 286A can be allotted to Weatherford in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.2 kilometers (2.0 miles) northwest, at coordinates 35–33–02 NL; 98–43–59 WL. A filing window for Channel 286A at Weatherford 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.

DATE: Effective April 3, 2000.

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. 99–190, adopted February 9, 2000, and released February 18, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Channel 286A at Weatherford.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5098 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–304; MM Docket No. 99–159; RM–9616; MM Docket 99–160; RM–9617; MM Docket No. 99–161; RM–9565; MM Docket 99–162; RM–9566; MM Docket No. 99–192; RM–9633]

Radio Broadcasting Services; Paxton, Overton, Hershey, Sutherland and Ravenna, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Mountain West Broadcasting, allots Channel 228C1 to Paxton, NE, Channel 257C2 to Overton, NE, Channel 297C1 to Hershey, NE, Channel 264C1 to Sutherland, NE, and 276C2 to Ravenna, NE, as each community's first local aural service. Each of the allotments can be made in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The allotment coordinates are: Paxton, NE, 41–06–48 NL; 101–21–12 WL; Overton, NE, 40–44–24 NL; 99–42–06 WL; Hershey, NE, 41–09–30 NL; 101–00–00 WL; Sutherland, NE, 41–09–30 NL; 101–07–36 WL; Ravenna, NE, 41–01–36 NL; 98–54–48 WL. *See* 64 FR 27132, May 25, 1999, 64 FR 28424, May 26, 1999, 64 FR 28425, May 26, 1999, and 64 FR 29978, June 4, 1999. A filing window for these channels will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

DATES: Effective April 3, 2000.

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 Nos. 99–159, 99–160, 99–161, 99–162, 99–192, adopted February 9, 2000, and released February 18, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by adding Hershey, Channel 297C1; Overton, Channel 257C2; Paxton, Channel 228C1, Ravenna, Channel 276C2; and Sutherland, Channel 264C1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5149 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–392; MM Docket No. 95–108; RM–8631]

Radio Broadcasting Services; Ankeny and West Des Moines, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Fuller-Jeffrey Broadcasting Corporation, reallots Channel 223C2 from Ankeny, Iowa and modifies Station KJJY–FM's license accordingly. *See* 60 FR 37042 (July 19, 1995). Channel 232C2 can be allotted to West Des Moines in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's authorized site. The coordinates for Channel 223C2 at West Des Moines are North Latitude 41–39–53 and West Longitude 93–45–24. With this action, this proceeding is terminated.

DATES: Effective April 10, 2000.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95–108, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center (Room CY–A257) at its headquarters, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73 [AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa is amended by

removing Channel 223C2 from Ankeny and adding Channel 223C2 at West Des Moines.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5143 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–371; MM Docket No. 99–245; RM–9680]

Radio Broadcasting Services; Johnson City and Owego, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WEBO Radio, Inc., reallots Channel 269A from Owego to Johnson City, NY, as the community's first local aural service, and modifies the license of Station WLTB to specify Johnson City as its community of license. *See* 64 FR 37924, July 14, 1999. Channel 269A can be allotted to Johnson City in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.4 kilometers (4.0 miles) south, at coordinates 42–03–44 North Latitude and 75–56–37 West Longitude, to avoid a short-spacing to Station WXHC, Channel 268A, Homer, NY, and to accommodate petitioner's desired transmitter site. Canadian concurrence in the allotment has been obtained since Johnson City is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Effective April 10, 2000.

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. 99–245, adopted February 16, 2000, and released February 24, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New York, is amended by removing Channel 269A at Owego, and adding Johnson City, Channel 269A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5136 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000223050–0050–01; I.D. 013100C]

RIN 0648–AN18

Fisheries of the Northeastern United States; Framework 12 to the Atlantic Sea Scallop Fishery Management Plan; Technical Amendment to the Monkfish Landing Restrictions and Application/Renewal Permit Restrictions

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement measures contained in Framework Adjustment 12 to the Atlantic Sea Scallop Fishery Management Plan (FMP). The intent of Framework Adjustment 12 and these final regulations is to adjust the limited access scallop days-at-sea (DAS) allocations for the fishing year March 1, 2000, through February 28, 2001. This final rule also corrects and clarifies the final rule implementing the Monkfish FMP by providing clarification on how the 5–percent and 25–percent incidental catch criteria are to be calculated for the purpose of determining the allowable incidental catch level of monkfish and monkfish tails compared to the total weight of fish on board. In addition, this final rule clarifies the monkfish permit application/renewal deadlines.

DATES: This rule is effective March 1, 2000, except that amendments to § 648.4(a)(9)(i)(B) and § 648.94(b)(4)(i), (b)(4)(ii), (c)(1)(i), and (c)(3)(i) are effective March 3, 2000.

ADDRESSES: Copies of the supporting documents for Framework Adjustment 12 are available from Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273, fax 978-281-9135, e-mail paul.h.jones@noaa.gov

SUPPLEMENTARY INFORMATION:

Background

Regulations implementing Amendment 7 to the FMP (64 FR 14835, March 29, 1999) redefined overfishing; revised the existing fishing mortality (F) reduction schedule through fishing year 2008 to reduce the allowable DAS for Atlantic sea scallop vessels in order to rebuild the scallop stock within 10 years; and established an annual monitoring and review process to adjust management measures to meet the stock rebuilding objectives.

The New England Fishery Management Council (Council) developed Framework 12 to the Sea Scallop FMP to adjust the fishing year 2000 DAS allocations for limited access scallop vessels. This action increases the fishing year 2000 annual DAS allocations from the level specified in the FMP as follows: Full-time from 51 DAS to 120 DAS, Part-time from 20 to 48 DAS, and Occasional from 4 to 10 DAS. The adjustment is needed to make the DAS allocations for fishing year 2000 consistent with current resource conditions.

When the Council developed Amendment 7, survey data and stock assessment information were current through July 1997. The multispecies area closures had just recently been implemented on Georges Bank and in Southern New England, and the closure to protect scallops had not yet been implemented in the Mid-Atlantic. The effect of rebuilding stock in the closed areas could not be predicted very precisely. Therefore, Amendment 7 relied on large cuts in DAS allocations to achieve the F targets needed to stop overfishing and rebuild the stock. Amendment 7 recognized the large reduction in DAS would have significant economic and social effects on the industry, the economy, and small

communities that depend on the scallop fishery.

Based on an updated assessment from the 29th Northeast Regional Stock Assessment Workshop (September 1999) and the 1999 Stock Assessment and Fishery Evaluation (SAFE) Report, the Scallop Plan Development Team (PDT) determined that increasing the Amendment 7 DAS allocations for each of three permit categories to the same amounts as in the 1999 fishing year would meet the 2000 F target. This is contingent on scallops in the closed areas remaining protected or that access by scallop vessels to the closed areas is conservation neutral. The SAFE Report dated September 1, 1999, included new biological projections that indicate that scallop rebuilding is ahead of the schedule anticipated in the Amendment 7 analysis. The accelerated rebuilding has occurred primarily because of a strong year class of scallops in 1998 and because of rapidly accumulating biomass in the Georges Bank and Southern New England multispecies closed areas. More importantly, the Amendment 7 F targets are now expected to rebuild stock biomass to target levels for Georges Bank by 2005 and in the Mid-Atlantic by 2003. No recommendations were made by the Scallop PDT for subsequent years.

Abbreviated Rulemaking

The Council requested publication of the management measures as a final rule after considering the required factors stipulated in the regulations governing the Atlantic sea scallop fishery (§ 648.55(g)) and providing supporting analysis for each factor considered. The Administrator, Northeast Region, NMFS, concurred with the Council's recommendation and has determined that Framework Adjustment 12 should be published as a final rule.

NMFS is adjusting the scallop regulations following the procedure for framework adjustments established by Amendment 4 and codified in 50 CFR part 648, subpart D. The Council followed this procedure when making adjustments to the FMP by developing and analyzing the actions over the span of two Council meetings held on September 22, 1999, and November 17, 1999.

Public Comments Received and Response

The September 22, 1999, Council meeting was the first of two meetings that provided an opportunity for public comment on Framework Adjustment 12. A draft document containing the proposed management measures and their rationale was available to the public during the second week in November 1999 and notification of the initial and final Council meetings were mailed to people on the Council's extensive interested party mailing list and published in the **Federal Register**. The final public hearing was held on November 17, 1999. Testimony provided by industry members at the public meetings favored the increase in DAS allocation; there were no negative comments. NMFS agrees and approved Framework 12 on February 22, 2000.

Monkfish Technical Amendment

This final rule also implements a technical change to clarify the Council's intent concerning the 5-percent and 25-percent incidental catch criteria implemented in regulations under the Monkfish FMP. This final rule adds language that will clarify how the 5-percent and 25-percent incidental catch criteria will be calculated for the purpose of determining the allowable incidental catch of monkfish and monkfish tails. The monkfish regulations specify that any vessel issued a monkfish Category C or D permit that is fishing under a multispecies DAS and not under a monkfish DAS, may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS, or 25 percent of the total weight of fish on board, whichever is less. As currently written in the regulations, in order to comply with the 25-percent incidental catch criterion, vessels that possess whole monkfish must retain more fish overall than vessels that retain monkfish tails. For example, if a vessel landed 250 lb (113.4 kg) of monkfish tails, its total fish landings must equal at least 830 lb (376.5 kg) to fulfill the 25-percent rule. Conversely, if a vessel landed the whole weight equivalent of the tails, i.e., 830 lb (376.5 kg), the vessel must land at least 3,320 lb (1505.9 kg) of total fish.

A similar rule also exists for any vessel issued a monkfish incidental catch permit and fishing with large mesh while not on a monkfish, multispecies, or scallop DAS. Vessels fishing under this scenario may land monkfish (whole or tails) only up to 5 percent of the total weight of fish on board. As stated earlier, in order to comply with the 5-percent criterion vessels that possess whole monkfish are required to retain more fish than vessels that retain monkfish tails.

To address this, the Council, at its November 17, 1999, meeting, clarified its intent and voted to recommend a technical change to the final rule implementing the Monkfish FMP. A review of the Monkfish FMP text and background material germane to the issue shows that a technical amendment is warranted by the record. Therefore, this final rule adds language to clarify this measure by specifying that for the purpose of determining compliance with the 5-percent and 25-percent incidental catch criteria, monkfish landed as whole weight will be converted to tail weight by dividing the amount of whole weight possessed or landed by 3.32. The converted tail weight will then be used to determine the appropriate 5-percent or 25-percent threshold.

In addition, this final rule clarifies the permit application/renewal requirements for the monkfish fishery. The current regulations (§ 648.4(a)(9)((i)(B)) indicate that the Regional Administrator must receive a completed application by the last day of the fishing year for which the permit is required (April 30, 2000). However, § 648.4(a)(9)(i)(M) indicates that vessel owners must apply for a limited access permit within 12 months of the effective date of the regulations implementing the Monkfish FMP, which became effective on November 8, 1999. This rule clarifies that applications for limited access monkfish permits must be received no later than November 7, 2000, rather than the end of the monkfish fishing year (April 30, 2000).

Classification

This final rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA), finds that because public meetings held by the Council to discuss the management measure implemented by this rule provided adequate prior notice and opportunity for public comment, further notice and opportunity to comment on this rule is unnecessary. Also, because the technical amendments to the monkfish final rule merely clarify Council intent regarding conversions of weights and an application deadline without affecting a substantive change to the existing regulations, prior notice and opportunity for public comment are unnecessary. Therefore, the AA, under 5 U.S.C. 553(b)(B), finds that good cause exists to waive prior notice and opportunity for comment.

Increasing DAS allocations for fishing year 2000 for scallop limited access vessels relieves restrictions. Accordingly, under 5 U.S.C. 553(d)(1), the 30-day delay in effectiveness is not required. Technical amendments to § 648.4(a)(9)(i)(B) and § 648.94(b)(4)(i), (b)(4)(ii), (c)(1)(i), and (c)(3)(i) merely clarifies the existing regulations. They do not make any substantive change to

the regulations. Thus, these amendments do not constitute a substantive rule subject to the requirement for a 30-day delay in effective date contained in 5 U.S.C. 553(d).

Because a general notice of proposed rulemaking is not required under 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable. While a regulatory flexibility analysis is not required and none has been prepared, the economic impacts on affected fishers and alternatives to the rule were considered by the Council and NMFS. Copies of the analysis for Framework 12 may be obtained from the Council (see **ADDRESSES**).

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 29, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

2. In § 648.4, paragraph (a)(9)(i)(B) is revised to read as follows:

§ 648.4 Vessel and individual commercial permits.

(a) * * *

(9) * * *

(i) * * *

(B) *Application/renewal restrictions.* No one may apply for an initial limited access monkfish permit for a vessel after November 7, 2000.

* * * * *

3. In § 648.53, paragraph (b) is amended by revising the table to read as follows:

§ 648.53 DAS allocations.

* * * * *

(b) *DAS allocations.* * * *

DAS category	1999–2000	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007	2007–2008	2008+
Full-time	120	120	49	46	45	34	35	38	36	60
Part-time	48	48	19	18	18	14	14	15	17	24
Occasional	10	10	4	4	4	3	3	3	4	5

* * * * *

4. In § 648.94, paragraphs (b)(4)(i), (b)(4)(ii), (c)(1)(i), and (c)(3)(i) are revised to read as follows:

§ 648.94 Monkfish possession and landing restrictions.

* * * * *

(b) * * *

(4) * * *

(i) *NFMA.* Any Category C or D vessel that is fishing under a multispecies DAS in the NFMA may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less. For the purposes of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

(ii) *SFMA.* If any portion of a trip is fished only under a multispecies DAS and not under a monkfish DAS in the SFMA, a vessel issued a Category C or D permit may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less, if trawl gear is used exclusively during the trip, or 50 lb (23 kg) tail weight or 166 lb (75 kg) whole weight if gear other than trawl gear is used during the trip. For the purposes of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

* * * * *

(c) * * *

(1) * * *

(i) *NFMA.* Vessels issued a monkfish incidental catch permit fishing under a multispecies DAS exclusively in the NFMA may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less. For the purposes of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

* * * * *

(c) * * *

(3) * * *

(i) *Vessels fishing in the GOM/GB, SNE and MA Regulated Mesh Areas with large mesh.* A vessel issued a valid monkfish incidental catch permit and fishing in the GOM/GB or SNE RMAs with large mesh as defined in § 648.80(a)(2)(i) and (b)(2)(i), respectively, or fishing in the MA RMA with mesh no smaller than specified at § 648.104(a)(1), while not on a monkfish, multispecies, or scallop DAS, may possess, retain, and land monkfish (whole or tails) only up to 5 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board. For the purposes of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

* * * * *

[FR Doc. 00–5195 Filed 3–1–00; 9:50 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 990430113–913–01; I.D. 022200E]

Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Adjustment in the Opening Date of the Recreational Seasons from Point Arena to the U.S.-Mexico Border

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS announces that recreational salmon fisheries will open on April 1, 2000, in the area from Pigeon Point, CA, to the U.S.-Mexico Border, and will open on April 15, 2000, in the area from Point Arena to Pigeon Point, CA. This action is consistent with the recommendations of the Pacific Fishery Management Council (Council) and actions taken by the California Fish

and Game Commission (Commission) to delay the recreational fisheries opening south of Point Arena by approximately 2 weeks from the opening dates identified in the 1999 ocean salmon fishery management measures. This action is intended to provide additional protection to Central Valley spring chinook and ensure congruency between state and Federal management measures.

DATES: Effective March 17, 2000, until the effective date of the 2000 management measures, which will be published in the **Federal Register** for the west coast salmon fisheries. Comments will be accepted through March 20, 2000.

ADDRESSES: Comments on this action must be mailed to William Stelle, Jr., Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070; or faxed to 206–526–6736; or mailed to Rodney R. McInnis, Acting Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4132; or faxed to 808–973–2941. Comments will not be accepted if submitted via e-mail or the Internet. Information relevant to this notice is available for public review during business hours at the offices of the Regional Administrators for the Northwest and Southwest Regions, NMFS.

FOR FURTHER INFORMATION CONTACT: William Robinson (NWR), 206–526–6140, or Svein Fougner (SWR), 562–980–4030.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR 660.409(b)(1)(i) state that the Regional Director, in consultation with the Council Chairman and the appropriate State Directors, may, under the flexible inseason management provisions, modify quotas and/or fishing seasons. In adopting the 1999 annual management measures for the ocean salmon fishery (64 FR 24078, May 5, 1999), NMFS concurred with the Council's recommendation to open a recreational salmon fishery from Point Arena to Pigeon Point, CA on April 1, 2000, and a tentative recommendation, which was to be reviewed at the Council's November 1999 meeting, to open a recreational salmon fishery from Pigeon Point, CA to the U.S.-Mexico Border on March 18, 2000. On September 16, 1999 (64 FR 50394), NMFS listed Central Valley spring chinook salmon as threatened under the Endangered Species Act (ESA). In an October 15, 1999, letter to the Council Chairman, NMFS recommended that the existing ESA requirements for Sacramento River winter chinook be implemented as much as possible through a delay in the opening of recreational seasons south of Point Arena rather than through increases in the minimum size limits, in order to provide additional protection to Central Valley spring chinook. The Council, at its November meeting, reviewed the year 2000 opening dates for California recreational fisheries south of Point Arena and concurred that the openings could be delayed through inseason management action by NMFS prior to the March 2000 Council meeting if the Commission voted to delay the recreational season. The Commission, on February 4, 2000, took action to delay the scheduled opening of the recreational fisheries in state waters south of Point Arena by approximately 2 weeks in order to provide additional protection for Central Valley spring chinook, which are listed as threatened under the California ESA. The Commission's action effectively delays by 2 weeks the opening of recreational fisheries in Federal waters. The Federal action announced in this document will ensure consistency between state and Federal management measures.

Maturing spring chinook leave the ocean in March and April to spawn and are likely harvested at relatively high rates in fishing seasons occurring prior to May. The majority of recreational recoveries of tagged Feather River Hatchery adult spring chinook occur prior to May. Delaying the opening of the recreational season will provide additional protection to spring chinook by reducing the take of maturing adults.

The Regional Administrator consulted with representatives of the Council and the Commission regarding these adjustments on February 8, 2000. NMFS, by an inseason action issued under 50 CFR 660.411, is delaying the opening dates of the following recreational fisheries south of Point Arena, CA. The size limits and gear restrictions remain unchanged from the Council's recommendations for the 1999 management measures. The State of California will manage these recreational fisheries in state waters adjacent to these areas of the exclusive economic zone in accordance with this Federal action.

As provided by the inseason notification procedures at 50 CFR 660.411, actual notice to fishermen of these actions has been given by telephone hotline number 206–526–6667 or 800–662–9825 on February 8, 2000, and notice will be provided by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 kHz on March 25 through April 15 for the area from Point Arena to Pigeon Point, California, and March 11 through April 1 for the area from Pigeon Point, California, to U.S.-Mexico Border.

This action is consistent with fishery regimes established by the U.S.-Canada Pacific Salmon Commission, ocean escapement goals, conservation of the salmon resource, adjudicated Indian fishing rights, and the ocean allocation scheme in the Pacific Coast Salmon Plan.

NMFS has determined that good cause exists for this action to be issued without affording a prior opportunity for public comment. This action must be effective before the previously scheduled opening dates in order to protect Central Valley spring chinook and to be consistent with the State of California management measures. This document does not apply to other fisheries that may be operating in other areas.

Pigeon Point to U.S.-Mexico Border

The season will open April 1, 2000. All salmon except coho will be limited to two fish per day, with a minimum size limit of 24 in (61 cm). North of Point Conception, special gear restrictions C.3. (circle hooks when mooching) and C.2. (one rod per angler), specified in the 1999 management measures, continue to apply.

Point Arena to Pigeon Point

The season will open April 15, 2000. All salmon except coho will be limited to two fish per day, with a minimum size limit of 24 in (61 cm). Special gear restrictions C.3. (circle hooks when mooching) and C.2. (one rod per angler), specified in the 1999 management measures, continue to apply.

Classification

This action is authorized by 50 CFR 660.409 and 660.411 and is exempt from review under Executive Order 12866.

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

Dated: February 29, 2000.

Bruce Morehead,

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

[FR Doc. 00–5196 Filed 3–1–00; 9:50 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211040–0040–01; I.D. 022800C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component in the Steller sea lion conservation area (SCA) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the A season limit of pollock total allowable catch specified to the mothership component for harvest within the SCA has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 28, 2000, until 1200 hrs, A.l.t., April 1, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

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

In accordance with § 679.20(a)(5)(i)(D)(2)(iii), and the final 2000 TAC amounts for pollock in the Bering Sea Subarea (65 FR 8282, February 18, 2000) the A season limit of pollock total allowable catch specified to the mothership component for harvest within the Steller sea lion conservation area (SCA) is 14,607 metric tons.

In accordance with § 679.22(a)(11)(iv)(A)&(C) the Administrator, Alaska Region, NMFS, has determined that the A season limit of pollock total allowable catch specified to the mothership component for harvest within the SCA has been reached.

Consequently, in accordance with § 679.22(a)(11)(iv)(D) NMFS is prohibiting directed fishing for pollock by vessels catching pollock for processing by the mothership component within the SCA in the Bering Sea subarea of the BSAI.

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

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent exceeding the A season limit of pollock total allowable catch specified to the mothership component for harvest within the SCA. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in jeopardizing the recovery of the endangered Steller sea lion. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.22 and is exempt from review under E.O. 12866.

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

Dated: February 28, 2000.

Bruce Morehead,

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

[FR Doc. 00–5121 Filed 2–29–00; 9:56 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 43
Friday, March 3, 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

Office of the Secretary

7 CFR Part 20

RIN 0551–AA51

Export Sales Reporting Requirements

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Export Sales Reporting Requirements Regulation to add certain beef and pork to the list of commodities subject to this Regulation. Under this proposed rule, exporters would be required to report on a weekly basis information concerning the quantity, country of destination, and marketing period of shipment for their export sales. Information collected would be aggregated and included in the weekly ''U.S. Export Sales'' report published by the Foreign Agricultural Service (FAS).

DATE: Comments on the proposed rule should be received on or before May 2, 2000, to be assured of consideration.

ADDRESSES: Comments should be submitted in writing to the Export Sales Reporting Staff, Stop 1025, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250–1025 or e-mailed to WilliamsDJ@fas.usda.gov. All comments received will be available for public inspection in room 5965-S during normal business hours.

FOR FURTHER INFORMATION CONTACT: David Williams, Import Policies and Programs Division, Stop 1021, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Washington, D.C. 20250–1021, or telephone at(202) 720–3273, or e-mail at WilliamsDJ@fas.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12372

This program is not subject to the provision of Executive Order 12372, which requires intergovernmental consultation with State or local officials (See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983).

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988. The provisions of this proposed rule would not have preemptive effect with respect to any state or local laws, regulations, or policies which conflict with such provisions or which otherwise impede their full implementation. The proposed rule would not have retroactive effect. Administrative proceedings are not required before parties may seek judicial review.

Executive Order 12866

This proposed rule is issued in conformance with Executive Order 12866. It has been determined significant for the purposes of E.O. 12866 and, therefore, has been reviewed by the Office of Management and Budget (OMB).

Regulatory Flexibility Act

The proposed rule should not have a significant economic impact on a substantial number of small entities. Although numerous exporters of meat and meat products operate small businesses, the data required under the proposed rule are routinely maintained during the normal course of export sales contracting business activity. A copy of this proposed rule has been sent to the Chief Counsel, Office of Advocacy, U.S. Small Business Administration.

Paperwork Reduction Act

In accordance with provisions of the Paperwork Reduction Act of 1995, the Department revised the information collection approved by the Office of Management and Budget (OMB) to support this proposed rule. The expiration date for OMB approval of this information collection, under OMB control number 0551–0007, is September 30, 2001. The information collection requirements contained in 7 CFR part 20 (the Regulation) are necessary to implement the mandatory export sales reporting requirements of 602 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 7512). The proposed rule would amend the Regulation to require weekly reporting of export sales contracts for muscle cuts of fresh, chilled, or frozen beef and pork. All data reported are aggregated and published in compilation form to protect business confidential information. It was estimated that the proposed rule would add an additional 125 exporting firms to the reporting requirements, increasing the total to 424 firms. The inclusion of certain meat products under the Regulation was estimated to increase the annual burden by 8,963 hours (from 21,723 hours to 30,686 hours) for collecting and submitting the weekly reports and recordkeeping activities. Copies of the current information collection may be obtained from Kimberly Chisley, the Agency Information Collection Coordinator, at (202) 720–2568 or e-mail at Chisley@fas.usda.gov. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of collection of information to those who are to respond, including through use of appropriate automated, electronic, mechanical or other technological collection techniques or other form of information technology. Comments on the information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503. Attention: Desk Officer for USDA/FAS. Comments on the issues covered by the Paperwork Reduction Act should be submitted no later than 60 days from the date of publication to be assured of consideration.

Section 913(b)(1) of Pub. L. 106–78 (the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000) requires that the Secretary implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products, and develop a data-reporting program to disseminate summary information in a timely manner. The adoption of electronic collection techniques should

facilitate information collection and reduce the annual reporting burden. The Department is working on developing electronic reporting forms for submission of information on fresh, chilled, or frozen muscle cuts of beef and pork products covered by this proposed rule. Prior to implementing electronic reporting, the Department would request OMB approval of the electronic forms developed and issue a **Federal Register** notice soliciting public comments. All comments will be considered in developing the final rule, and will also become a matter of public record.

Background

Authority

Section 602 of the Agricultural Trade Act of 1978, as amended, requires the weekly reporting of information pertaining to the contract for export sale of certain specified agricultural commodities and other commodities that may be designated by the Secretary. Individual weekly reports submitted shall remain confidential in accordance with § 602, and shall be compiled and published in compilation form each week following the week of reporting. Any person who knowingly fails to make a report shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both. Regulations at 7 CFR part 20 implement the weekly reporting requirements, and prescribe a system for reporting information pertaining to contracts for export sales. Appendix 1 to the Regulation lists all commodities that are subject to the export sales reporting requirements.

Proposed Export Sales Reporting Requirement for Meat

An Advance Notice of Proposed Rulemaking (ANPR) was published on November 14, 1996 (61 FR 58343–58345) requesting public comments on a proposal to amend 7 CFR part 20 to require weekly export sales reporting for meat and meat products. In response to the ANPR, public comments were received from 57 entities, including firms, trade associations, and individuals. The majority of the comments (36) were from the domestic poultry industry which, with the exception of one commentor, opposed reporting. The poultry industry's opposition was based on the high degree of vertical integration in the industry, the widespread use of grower contracts, and concerns about possible disclosure of sensitive proprietary business information related to market price and buyer identification. Comments received from beef and pork producers supported more timely reporting and release of export data. Export sales were viewed as an important indicator of future demand for cattle and hogs that meet beef and pork export specifications, and certain commentors favored reporting of contract sales prices. Other commentors recommended collection of information on aggregate export sales of selected categories of meat and meat products. One commentor recommended that monthly outstanding export sales for 6 months forward be updated weekly. Certain processors and packers commented that reporting of export sales data would not be as great a benefit to producers as collecting export data by country of destination from export inspection certificates on broad categories of meat. Most commentors opposed disclosure of information on sales contract prices because of market sensitivity.

Subsequent to the ANPR, 921 of Pub. L. 106–78 amended 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) by adding ''beef'' to the list of specified commodities for which all exporters shall report weekly export sales reporting information. The proposed rule would provide that beef reporting under 602 of the Agricultural Trade Act of 1978, as amended, be limited to fresh, chilled, or frozen muscle cuts of beef. This information would provide key market data to producers on meat cuts which constitute the bulk of U.S. exports and provide relevant foreign market demand information. Limiting reporting to muscle cuts would impose the least burdensome level of reporting on exporters while achieving the objectives of the export sales reporting requirements program.

As stated above, 913(b)(1) of Pub. L. 106–78 requires that the Secretary also implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products, and develop a data-reporting program to disseminate summary information in a timely manner. This proposed rule would include the reporting of fresh, chilled, and frozen muscle cuts of meat required by 913(b)(1) of Pub. L. 106–78 under 7 CFR part 20. Under this regulation, data related to the quantity, destination, and marketing year of shipments are collected and released on a weekly basis reflecting the ''outstanding commitments'' of the specified commodities for export. New outstanding quantities are established each week by adding the new export sales activity to the previous outstanding balances and subtracting the current week's shipments plus downward contract adjustments. Although this is not the official U.S. trade data, it is widely used as an early indicator of export activity and is available the week following the week of reporting. The addition of fresh, chilled, or frozen muscle cuts of beef and pork to the reporting program would provide the livestock sector with quality up-to-date information that should result in more accurate evaluations of changing market conditions. These timely reports would benefit the private sector as well as the Department in making economic decisions and forecasts on the flow of these U.S. agricultural commodities in domestic and export markets.

The proposed rule would not require reporting information for meats other than beef and pork. Reporting pertaining to pork, which together with the requirement pertaining to beef, would constitute the most valuable information regarding meat export sales activity.

Lists of Subjects in 7 CFR Part 20

Agricultural commodities, Exports, Reporting.

Proposed Rule

Accordingly, it is proposed to amend 7 CFR part 20, Export Sales Reporting Requirements as follows:

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

Authority: 7 U.S.C. 5712.

2. Amend Appendix 1 to add the following lines, under the indicated column headings, after the line for ''Cattle, calf, and kip, wet blues—splits, excluding grain splits.'':

APPENDIX 1 TO PART 20.—COMMODITIES SUBJECT TO REPORTING, UNITS OF MEASURE TO BE USED IN REPORTING, AND BEGINNING AND ENDING DATES OF MARKETING YEARS

Commodity to be reported	Units of measure to be used in reporting	Beginning of marketing year	End of marketing year
* * * *	*	*	*
Beef, fresh, chilled or frozen: muscle cuts of beef	Metric tons	Jan. 1	Dec. 31.
Pork, fresh chilled or frozen: muscle cuts of pork	Metric tons	Jan. 1	Dec. 31.

Signed at Washington, D.C. on February 28, 2000.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service.

[FR Doc. 00–5162 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 71, 77, and 78

[Docket No. 99–090–1]

Livestock Identification; American Identification Numbering System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: We are soliciting public comment on our intent to recognize the American Identification Numbering System as a means of providing unique identification for livestock on official eartags. The American Identification Numbering System is a universal numbering system. It can be used to identify an animal for many purposes, including interstate and international movements, food safety, genetic evaluation, and animal health purposes, thus reducing the need for multiple identification numbers and devices. Recognizing this system would allow producers to use it for interstate movement of livestock under our domestic regulations for disease control and eradication.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by May 2, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–090–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–090–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. John F. Wiemers, National Animal Identification Director, APHIS Animal Health Programs Staff, VS, APHIS, 2100 S. Lake Storey Road, Galesburg, IL 61401; (309) 344–1942.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) regulates the interstate movement of certain animals to prevent the spread of livestock and poultry diseases within the United States. The regulations are contained in 9 CFR chapter I, subchapter C. Among other things, the regulations contain requirements for the official identification of animals moved interstate. One means of official identification is an official eartag. As defined in the regulations, an official eartag is an APHIS-approved, tamper-resistant eartag that provides unique identification for each animal. To provide unique identification for each animal, the regulations specify that the eartag must either conform to the alpha-numeric National Uniform Eartagging System or bear a valid premises identification number that is used in conjunction with the producer's livestock production numbering system. We are soliciting comment through this advance notice of proposed rulemaking on our intent to adopt another eartag numbering system— the American Identification Numbering (AIN) System—as an alternative means of providing a unique identification for livestock.

The official eartag currently in use under 9 CFR chapter I, subchapter C, as well as other official means of identification such as official tattoos, have been vital to disease control and eradication programs, but they do not meet other identification needs. For example, many animals have separate identification numbers and devices for on-farm production purposes, animal data recording, genetic evaluation, and breed registration. Furthermore, as diseases such as tuberculosis, brucellosis, and pseudorabies are eradicated from the United States, fewer animals will be required to be officially identified under 9 CFR chapter I, subchapter C. As a result, our ability to trace diseased animals back to their herds of origin may be compromised in the future unless we provide producers with an identification system that will be useful for other purposes and easy to apply on the farm.

The AIN System is a universal livestock identification system that can provide identification for many purposes, including interstate and international trade, food safety, genetic evaluation, and animal health purposes, thus reducing the need for multiple identification numbers and devices. It is an alpha-numeric numbering system that uses 12 characters, in addition to a 3-character country code, to provide a unique identification number for individual livestock. In contrast to current official animal identification numbering systems, it does not have a State prefix, but that could be remedied by the establishment of a national database, where anyone could find an individual animal's State of origin from its identification number.

If we recognized the AIN System as an official method of providing identification on eartags, it would be administered by a designated nonprofit organization. The administering organization would allocate blocks of numbers to other groups or organizations, such as breed associations, industry groups, and States, which would, in turn, assign identification administrators to provide identification eartags to producers.

Identification administrators would request additional blocks of numbers from the designated nonprofit organization when their allocated blocks were all assigned. Identification numbers would be marked on eartags with easy to read numbers and, potentially, machine readable codes. It would be the identification administrators' responsibility to prevent duplication of numbers and to maintain records of animals that are identified. They would also cooperate with APHIS for disease control purposes.

Participation in using the AIN System would be voluntary. Producers who wished to continue using their current systems of identification could continue to do so. Many producers already use official eartags to identify their livestock. Although switching to the AIN system could result in a small increase in costs associated with the new eartags, those costs could be offset by a reduced need for multiple identification devices.

We recognize that the AIN System may be used to identify livestock on forms and devices other than eartags, such as registration papers. Our regulations do not preclude such uses. The only change to our regulations that we believe is necessary to allow use of the AIN System is to our definition of *official eartag.*

The AIN System is compatible with current U.S. methods of livestock identification and with universal identification systems in other countries, including Canada and the European Union. APHIS' regulatory records could be adapted to accept the AIN System for all recordkeeping related to the interstate and international movement of animals, semen, embryos, and related animal products.

The AIN System has been demonstrated in the United States under a dairy industry initiative called the National Farm Animal Identification and Records (F.A.I.R.) pilot project. Under the National F.A.I.R. pilot project, which began in the spring of 1998, 60,000 to 70,000 dairy cattle have been identified using the AIN system. The Council on Dairy Cattle Breeding (CDBC) administers the system.

We invite comments concerning the implementation and use of the AIN System on official eartags. In particular, we are soliciting comments from all livestock industries, including the beef, dairy, equine, sheep, swine, and goat industries, concerning the system's lack of a State prefix, the administration of the AIN System, and the concept of a universal identification system, in general, as opposed to multiple systems of identification.

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 115–117, 120–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 28th day of February 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–5164 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 590

[Docket No. 99–012P]

RIN 0583–AC71

Fee Increase for Egg Products Inspection—Year 2000

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to increase the fees FSIS charges egg products plants for providing overtime and holiday inspection services. These proposed fee increases reflect the total cost of inspection, including the national and locality pay raise for Federal employees, applicable overhead costs, and other inspection costs. FSIS is proposing to make the fee increases effective thirty days after the final rule is published. The Agency is also proposing to delete the reference to regulations governing the voluntary grading of eggs.

DATES: Comments must be received by May 2, 2000.

ADDRESSES: Submit one original and two copies of written comments to FSIS Docket Clerk, Docket #99–012P, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102, Cotton Annex, 300 12th Street, SW., Washington, DC 20250–3700. All comments submitted in response to this proposal will be available for public inspection in the Docket Clerk's Office between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For information concerning policy issues, contact Daniel Engeljohn, Ph.D., Director, Regulations Development and Analysis Division, Office of Policy, Program Development, and Evaluation, FSIS, U.S. Department of Agriculture, Room 112, Cotton Annex, 300 12th Street, SW., Washington, DC 20250, (202) 720–5627, fax number (202) 690–0486.

For information concerning fee development, contact Michael B. Zimmerer, Director, Financial Management Division, Office of Management, FSIS, U.S. Department of Agriculture, Room 2130–S, 1400 Independence Avenue, SW., Washington, DC 20250, (202) 720–3552.

SUPPLEMENTARY INFORMATION:

Background

The Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 *et seq.*), provides for the inspection of egg products by Federal inspectors at official plants. Federal inspection protects the health and welfare of consumers by assuring that egg products are wholesome, not adulterated, and properly labeled and packaged.

The Agricultural Marketing Service (AMS) was responsible for administering the EPIA from its enactment in 1970 until 1995. At that time, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354; 7 U.S.C. 6981) delegated food safety responsibilities to the Under Secretary of Agriculture for Food Safety. The Department subsequently revised its regulations to transfer egg product inspection functions under the EPIA to FSIS. AMS retained those functions related to the shell egg surveillance program. The regulations governing the inspection of eggs and egg products (9 CFR part 590) were transferred to Part 9 of the Code of Federal Regulations on December 31, 1998 (63 FR 72352).

The cost of mandatory inspection (excluding such services performed on holidays or on an overtime basis) is borne by FSIS. However, plants pay for inspection services performed on holidays or on an overtime basis. There has not been a change in overtime and holiday fees for egg products inspection services since the transfer of program functions from AMS to FSIS in May 1995. AMS established and implemented the current fees in November 1994. These fees reflect only the direct costs of inspection at that time and are insufficient to recover FSIS's current costs for delivery of inspection service.

In order to recover the full cost of inspection, FSIS is proposing overtime and holiday fees for egg products inspection services that are the same as overtime and holiday fees for meat and poultry inspection.

In its analysis of projected costs for January 1, 2000 to September 30, 2000, FSIS has identified increases in the

costs that it will incur in providing overtime and holiday inspection services. Based on its analysis, FSIS is proposing to amend § 590.126 of 9 CFR to increase the fee for providing overtime inspection services from $26.16 per hour per program employee to $39.76 per hour per program employee. For holiday services, FSIS proposes to amend § 590.128(a) to increase the fee from $17.44 per hour per program employee to $39.76 per hour per program employee. Although these proposed fee increases are large, they reflect the total cost of inspection, including national and locality pay raises for Federal employees, applicable overhead costs, and other inspection costs. The current fees and the proposed increases are reported in Table 1.

TABLE 1.—CURRENT AND PROPOSED FEES FOR OVERTIME AND HOLIDAY INSPECTION SERVICES

Service ($/hr.)	Current	Proposed
Overtime Inspection Services	26.16	39.76
Holiday Inspection Services	17.44	39.76

The proposed fees are based on the full Agency cost for meat, poultry and egg products inspection services (Table 2). These costs are then divided by the total hours of inspection to obtain the hourly rate. FSIS intends to charge egg products establishments requesting overtime and holiday inspection services the same rate charged meat and poultry establishments for these services. Table 2 shows salary, overhead, and other inspections costs for FY 98 and the added inflation and Federal pay increase used to obtain the total amount from which the proposed rates are derived. Overhead costs are the indirect costs for administration and management associated with providing inspection services. Other inspection costs include direct costs for travel and laboratory support costs associated with inspection services.

TABLE 2.—COMPONENTS OF PROPOSED FEE—AGENCY INSPECTION COSTS

Component	$Thousand	Percent
Direct Salaries	57,242	56.86
Inflation and Pay Increase	7,951	7.91
Overhead	22,197	22.05
Other Inspection Costs (Travel and Laboratory Support	13,282	13.17
Total	100,671	100

Beginning with the Federal fiscal year 2001, which starts October 1, 2000, FSIS intends to review annually its fees for overtime and holiday egg products inspection services to allow for necessary adjustments on a fiscal year basis. The fiscal year approach is an accepted accounting principle and will facilitate more consistent and timely proposals to adjust fees and assist the Agency and affected industry to plan for these fee adjustments.

The Agricultural Marketing Act of 1946, as amended, provides the authority for collection of fees approximately equal to the cost of voluntary egg grading programs. Therefore, AMS retains the responsibility of changing the fees set out in the regulations governing the grading of eggs (7 CFR Part 55). FSIS is proposing to amend 9 CFR 590.130 to delete the reference to regulations governing the collection of fees associated with the voluntary grading of eggs.

Executive Order 12866 and Regulatory Flexibility Act

Because this proposed rule has been determined to be not significant, the Office of Management and Budget (OMB) did not review it under Executive Order 12866.

The Administrator, FSIS, has determined that this action will not have a significant economic impact, as defined by the Regulatory Flexibility Act (5 U.S.C. 601), on a substantial number of small entities. There are 73 egg products firms, and all but 5 would be classified as small on the basis of the Small Business Administration size definitions (having under 100 employees in a stand-alone establishment or under 500 employees in an in-line establishment).

FSIS believes that the small plants in the egg products industry would not be affected adversely by the fee increases provided for because they reflect only a small increase in the costs currently borne by those entities that elect to use overtime and holiday inspection services. These holiday and overtime inspection services are generally sought by plants with larger production volume, greater complexity and diversity in the products they produce, and the need for on time delivery of large volumes of product by their clients—generally large commercial or institutional establishments. Plants with smaller production are unlikely to use a significant amount of overtime and holiday inspection services. FSIS expects that plants seeking FSIS services are likely to have calculated that the incremental costs of overtime and holiday inspection services would be less than the incremental expected benefits of additional revenues they would realize from additional production.

Economic Effects

Under the proposed fees, the Agency expects to collect nearly $2.5 million in revenues for FY 2000, compared to the $1.5 million under current fees. The total volume of U.S. egg product production in 1998 was 3.2 billion pounds. The increase in cost per pound of product associated with the overtime and holiday fee increase is $0.0003. Even in a competitive industry like egg products, this amount of increase in annual production costs, if firms choose to use the service, would have an insignificant impact on profits and prices. The increase in costs per firm would be about $13,700. On average, this would not be a significant increase in annual production costs given the volume of production. Egg product

firms produce an average of 44.3 million pounds of product annually.

TABLE 3.—REVENUES FOR INSPECTION SERVICES

Current	Proposed
$Thousand	
1,482	2,460

The industry is also likely to pass through a significant portion of the fee increase to consumers because of the inelastic nature of the demand curve facing these firms. Research has shown that consumers are unlikely to significantly reduce demand for meat and poultry products, including egg products, when prices increase. Huang estimates that demand would fall by .36 percent for a one percent increase in price (Huang, Kao S., A Complete System of U.S. Demand for Food. USDA/ERS Technical Bulletin No. 1821, 1993, p.24). Because of this inelastic nature of demand and the competitive nature of the industry, individual firms are not likely to experience any change in market share due to an increase in inspection fees.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule. However, the administrative procedures specified in 9 CFR 590.320 through 590.370 must be exhausted prior to any judicial challenge of the application of the provisions of this proposed rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the EPIA.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. FSIS provides a weekly *FSIS Constituent Update* via fax to over 300 organizations and individuals. In addition, the update is available on line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience than would be otherwise possible. For more information or to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

List of Subjects in 9 CFR Part 590

Eggs and egg products, Exports, Food labeling, Imports.

Accordingly, FSIS proposes to amend 9 CFR Part 590 as follows:

PART 590—INSPECTION OF EGGS AND EGG PRODUCTS (EGG PRODUCTS INSPECTION ACT)

1. The authority citation for part 590 continues to read as follows:

Authority: 21 U.S.C. 1031–1056.

2. Section 590.126 is revised to read as follows:

§ 590.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day or on a day outside the established schedule, such services are considered as overtime work. The official plant must give reasonable advance notice to the inspector of any overtime service necessary and must pay the Agency for such overtime at an hourly rate of $39.76.

3. Section 590.128(a) is revised to read as follows:

§ 590.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant must, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and must pay the Agency for such holiday work at an hourly rate of $39.76.

* * * * *

§ 590.130 [Amended]

4. Section 590.130 is amended by removing the last sentence.

Done in Washington, DC on: February 28, 2000.

Thomas J. Billy,

Administrator.

[FR Doc. 00–5166 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 21, 50, 52, 54 and 100

RIN 3150–AG42

Risk-Informing Special Treatment Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is considering promulgating new regulations that would provide an alternative risk-informed approach for special treatment requirements in the current regulations. This action is a result of the Commission's continuing efforts to risk-inform its regulations. The NRC invites comments, advice, and recommendations from interested parties on the contemplated approach for this rulemaking.

DATES: Comment period expires May 17, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website through the NRC's home page (*http://ruleforum.llnl.gov*). This site provides the capability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905; e-mail cag@nrc.gov.

Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas A. Bergman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: (301) 415–1021; e-mail: tab@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Background
II. Rulemaking Plan
A. Vision.
B. Strategies.
C. Objectives.
D. Selection of Candidate Rules.

E. Rulemaking Alternatives.
1. Define New Term.
2. Redefine Current Terms.
3. Issue New Rule.
4. Comprehensive vs. Phased Rulemaking.
F. Implementation.
1. New Appendix vs. Regulatory Guide.
2. Additional Guidance.
G. Pilot Plant Program.
H. South Texas Exemption Request.
I. Schedule.
III. Specific Proposal
A. Approach.
B. New Rule for Part 50.
C. New Appendix to Part 50.
IV. Issues
A. Selective Implementation.
B. Impact on Other Regulations.
C. Need for Prior NRC Review.
D. Identification and Control of Attributes Requiring Special Treatment.
V. Specific Questions
A. Approach.
B. Screening.
C. Categorization Methodology.
D. Pilot Plant Program.
E. Identification and Control of Special Treatment Attributes.
F. Selective Implementation.
G. Impact on Other Regulations.
H. Need for Prior NRC Review.

I. Background

On August 16, 1995 (60 FR 42622), the Commission published a policy statement entitled ''Use of Probabilistic Risk Assessment (PRA) Methods in Nuclear Regulatory Activities.'' Since then, the Commission has issued guidance [1] on the use of risk information for reactor license amendments. This guidance is currently being used in processing license amendment applications that use risk information as part of their technical justification. However, fundamental reactor regulations remain largely deterministic. In addition, in meetings between the Commission and various stakeholders, a concern was expressed that the NRC is not placing enough emphasis on risk-informing its reactor requirements with the results of risk assessments. The Commission's current reactor regulatory framework (based largely upon design-basis events rather than on core-damage-accident scenarios) results in reasonable assurance of adequate protection to public health and safety but, in some cases, also results in unnecessary regulatory burden. In a staff requirements memorandum (SRM) dated September 14, 1998, the Commission requested the NRC staff to present a set of options to make the requirements in the Commission's regulations risk-informed. The Commission expects that making the regulations risk-informed would result in a reduction of unnecessary regulatory burden while maintaining safety because there will be a better focus of the NRC's and industry's resources on the more safety significant structures, systems, and components (SSCs) and, therefore, address the expressed concern.

In SECY–98–300, ''Options for Risk-Informed Revisions to 10 CFR part 50—''Domestic Licensing of Production and Utilization Facilities,''' dated December 23, 1998, the NRC staff proposed three high-level options for making the NRC's regulations risk-informed. In an SRM dated June 8, 1999, the Commission approved the NRC staff's recommendations.

One of the options presented in SECY–98–300 was to make special treatment requirements (*e.g.*, quality assurance, environmental qualifications, technical specifications, reporting) risk-informed. Special treatment as used here may be defined as—

> Current requirements imposed on structures, systems, and components (SSCs) that go beyond industry-established requirements for equipment classified as ''commercial grade'' that provide additional confidence that the equipment is capable of meeting its functional requirements under design basis conditions. These additional special treatment requirements include additional design considerations, qualification, change control, documentation, reporting, maintenance, testing, surveillance, and quality assurance requirements.

This definition does not encompass functional design requirements; that is, an SSCs functional design requirement is *not* considered a special treatment requirement. This definition applies, hereafter, when the term ''special treatment'' is used.

This advance notice of proposed rulemaking presents the approaches that the Commission is contemplating to risk-inform special treatment requirements. Several public meetings have been held to obtain comments on the NRC's efforts related to this task. Comments and suggestions obtained from these meetings have been incorporated, to the extent possible, into these approaches.

II. Rulemaking Plan

A. Vision

Develop alternative regulations in 10 CFR part 50 (and other applicable parts) that would modify the requirements for special treatment to focus on those SSCs that have been identified as important to protect public health and safety by using a risk-informed approach.

B. Strategies

Increase the use of risk-informed approaches to modify the special treatment requirements imposed on SSCs under existing Part 50 requirements (and those of other applicable parts).

Maintain overall safety provided by the existing Part 50 while reducing unnecessary burden associated with these requirements for licensee operational and licensing activities and for NRC oversight and licensing activities.

Risk-inform the special treatment requirements imposed on SSCs under Part 50 (and other applicable parts) in a manner that encourages public participation and results in public confidence in the product and process.

C. Objectives

Establish the criteria for acceptable methods for determining the SSCs that require special treatment in the regulations of Part 50. These criteria should be sufficiently clear and robust such that if a licensee's program meets the criteria there is not a need for prior NRC review and approval of the plant-specific program.

Assign priorities to the rules to be modified, taking into consideration the maintenance of safety, the reduction of unnecessary burden for industry, the effect on NRC efficiency and effectiveness, public confidence, and the complexity of modifying each rule.

Ensure that the categorization process has been evaluated under a pilot program to verify that the requirements and their associated guidance can be implemented by industry, and that the results of licensee implementation provide reasonable assurance that public health and safety is maintained.

Issue a proposed rule for the initial set of rules to be modified within 1 year of the Commission's approval of the rulemaking plan, and a final rule within 1 year of the completion of the associated pilot program.

The proposed risk-informed regulatory alternatives should reduce unnecessary burden so that licensees with more than 10 years remaining on their license would find it beneficial to voluntarily implement the risk-informed alternative requirements.

D. Selection of Candidate Rules

The Commission believes that the set of rules to be considered in this effort must be identified early so that rule-specific issues can be identified and

[1] To date, this guidance includes Standard Review Plan (SRP) Chapter 19 and related Regulatory Guide (RG) 1.174 on risk-informed decision making; SRP Section 3.9.7 and related RG 1.175 on risk-informed inservice testing; SRP Section 16.1 and related RG 1.177 on risk-informed technical specifications; RG 1.176 on risk-informed graded quality assurance; and SRP Section 3.9.8 and related RG 1.178 on risk-informed inservice inspection.

addressed. Also, because implementation of any rules resulting from this effort is optional, the Commission does not intend to expend resources to modify rules that industry does not expect to implement, unless the modifications are necessary to maintain safety. However, the Commission notes that the set of rules included in this effort should be chosen such that implementation of the rules will require little or no exemptions. Therefore, rules that may require exemptions before a licensee can implement changes in other rules (*e.g.*, 10 CFR 50.59) should be considered in this rulemaking effort.

The NRC has developed and applied a systematic approach to identify the rules that should be included in this rulemaking effort. A scoping review of all the regulations in 10 CFR parts 21, 50, 52, 54, and 100 identified a set of potential candidate rules that could be included. Screening criteria and a logic for applying these criteria were then developed to identify the subset of rules to which risk-informed changes can be made consistent with the intent of this effort. The screening criteria were based on the following elements: Maintaining safety, improving NRC staff efficiency and effectiveness, reducing unnecessary regulatory burden, and increasing public confidence. In addition, and because this effort is focused solely on special treatment requirements, the NRC limited its selection to those rules that include special treatment requirements. Rules which would have to be modified in order to efficiently implement other rules included this effort were also included. The criteria and logic were then applied to the set of potential candidate rules identified by the scoping review. The screening process and results are illustrated in Figure 2. The results of the evaluations of the rules against each of the screening criteria are presented in the attached Table. As a result of this screening process, the NRC has identified the following candidate rules for inclusion in this effort:

10 CFR part 50—Sections 50.34, 50.36, 50.44, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.65, 50.71, 50.72, and 50.73

10 CFR part 50—Appendix A (GDCs 1, 2, 3, 4, 37, 40, 42, 43, 45, and 46), Appendix B, Appendix J, Appendix R, and Appendix S

10 CFR part 21, 52, 54, 100, and Appendix A to Part 100

E. Rulemaking Alternatives

The NRC has evaluated alternatives to rulemaking and has concluded that, if sufficient industry interest exists, rulemaking is the most effective tool for implementing the type of generic changes encompassed by this effort. If sufficient interest does not exist, review and approval of a limited number of exemptions under 10 CFR 50.12 would be more efficient. Assuming industry interest does exist as has been indicated in public meetings, the NRC has evaluated several rulemaking alternatives to accomplish this task. These alternatives are discussed below.

1. Define New Term

This alternative would entail the definition of a new term in 10 CFR 50.2 (*e.g.*, ''safety-significant'') that describes, for the purposes of special treatment requirements, which SSCs are safety-significant and, therefore, need to be within the scope of the special treatment requirements. This new term would then be incorporated into each rule that contains special treatment requirements to allow licensees to voluntarily revise the scope of SSCs that are subject to special treatment requirements. To determine which SSCs are safety significant, the Commission would issue a new Part 50 appendix that contains the requirements governing the categorization of SSCs consistent with the new term defined in § 50.2. Alternatively, the Commission could issue a regulatory guide that contains the SSC categorization guidance.

Regulatory treatment requirements in addition to the special treatment requirements currently in the regulations may be necessary as a result of the risk categorization processes. These additional requirements would have to be added to the regulations and, therefore, additional changes to each affected rule may be required to ensure that the new regulatory treatment requirements are appropriately captured in the regulations. Because this alternative would result in duplicate changes to multiple rules, the NRC did not choose this alternative.

2. Redefine Current Terms

This alternative would expand the definition of the term ''safety-related'' in 10 CFR 50.2, or as an alternative, define the term ''important to safety'' such that the redefined term would contain a portion that allows special treatment requirements to be risk-informed. Licensees could then elect to risk-inform the scope of SSCs that are subject to special treatment in all the applicable rules. This approach would expand the definitions of the current terms (which reside in the existing rules) so there is no need to add new terms to the governing regulations. However, a significant effort would be required to review all the regulations to ensure that the Commission has not unintentionally revised any non-special treatment rules and to make appropriate changes to preclude such occurrences. In a similar fashion to the ''new term'' approach, this approach would also need to be supplemented with either a new Part 50 appendix that contains the requirements governing the risk-informed categorization of SSCs, or a regulatory guide that contains the SSC categorization guidance.

This alternative would introduce unnecessary complications and confusion in the application of the terms at plants that choose to implement the new scope for a subset of the special treatment requirements covered in this effort, or for some systems and not others. Such a situation would result in the use of similar language with different meanings in the licensee's licensing basis documents and in the associated plant implementation documents. Furthermore, regulatory treatment requirements, in addition to those currently in the regulations, may be necessary as a result of the risk categorization processes. These requirements would have to be added to the regulations. Therefore, changes to other rules may still be required. The NRC did not choose this alternative.

3. Issue New Rule

This approach entails the development of a new rule that would be added to Part 50. The rule would ''list'' the provisions that contain special treatment requirements that may have their scope risk-informed in accordance with the methodology requirements contained in either a new appendix that would also be added to Part 50, or in guidance contained in a regulatory guide (similar to above two alternatives in this respect). In addition to identifying which rules can be risk-informed for special treatment, the new rule would address rule specific issues resulting from this effort and contain new requirements concerning the type of regulatory treatment that SSCs would receive.

The NRC believes that this alternative is the simplest and most efficient regulatory approach because it appears to not require defining new terms which in turn requires subsequent revisions to each affected rule. In addition, this alternative has the benefit of integrating all the affected special treatment requirements into one rule which would make it easier for licensees and the NRC to implement. Therefore, the NRC has decided to proceed with this alternative.

4. Comprehensive vs. Phased Rulemaking

The NRC considered whether it should proceed with a comprehensive rulemaking covering all special treatment requirements or a phased approach. The NRC's objective is to proceed with a comprehensive rulemaking. However, the NRC recognizes that this approach may prove problematic. Because of the uniqueness of the special treatment requirements, the potentially different effects that may result from modifying these requirements, and the inconsistencies that currently exist between the various special treatment requirements, the NRC notes that the comprehensive rulemaking approach would be a large and complex task. The comprehensive rulemaking approach appears to have a greater potential for delay because of the time required to review each of the affected requirements and the potential for issues to arise that can have impacts on the schedule. A comprehensive rulemaking must address all affected requirements and issues before the rulemaking may be completed. Consequently, this might delay implementation of some rules due to complications with others. If complications do arise, the NRC may elect to proceed with a phased approach that allows the NRC to issue some revised rules while continuing to address issues that arise on others.

F. Implementation

1. New Appendix vs. Regulatory Guide

Each of the alternatives discussed in Section E include either the development of a new Appendix to Part 50 or the issuance of a regulatory guide that would contain the requirements governing the categorization of SSCs. The NRC has considered these two alternatives (a new appendix vs. a regulatory guide) and concluded that a new appendix approach is preferred because it would provide a more stable and predictable regulatory framework. Such a framework should result in the least burden on NRC and industry resources both from the standpoint of any prior NRC review that is required and from the standpoint of the staff's inspection of this task. If an appendix can be constructed that when implemented by licensees yields consistent, objective, enforceable, and inspectable results, then this regulatory approach should allow for implementation of the resulting risk-informed special treatment requirements with little or no NRC review. On the other hand, putting categorization guidance into a regulatory guide would require that the staff review and approve licensee submittals prior to implementation because of the flexibility inherent in a regulatory guide. The NRC expects the pilot plant program to enable it to determine if development of an appendix in lieu of a regulatory guide is sufficient to support a no prior NRC review regulatory approach. If the pilot plant program reveals that development of the appendix does not minimize the need for NRC review, the NRC will reconsider whether an appendix remains the best approach.

2. Additional Guidance

In addition to either an appendix or a regulatory guide, the Nuclear Energy Institutes (NEI) has indicated that it will submit an implementing document for this effort. The NRC intends to review this implementing document. The objective of this review will be to reach agreement with NEI concerning the implementation of risk-informed special treatment, and to be able to endorse the NEI guidance in a regulatory guide. Consequently, the Commission does not currently plan to develop draft regulatory guidance to implement this rulemaking. Additional NRC efforts would be required to update current regulatory guides that address the current SSC categorization approach, as appropriate.

G. Pilot Plant Program

The Commission believes that the pilot plant program is an essential component of this rulemaking effort. The purpose of this program would be to demonstrate the viability of the requirements contained in the resulting rule and appendix before final rulemaking and the viability of the proposed NEI guidance for the implementation of the resulting rule and appendix. The program will also help the NRC identify the special treatment requirements that industry believes should be addressed.

The most important aspect of the pilot plant program will be to demonstrate the viability of risk categorization processes to establish alternative risk-informed special treatment requirements. These processes must be based on the requirements in the resulting rule and appendix in order to provide meaningful feedback on the rulemaking effort. In addition, the categorization processes must be evaluated against the set of special treatment requirements they are applied to so that critical attributes are appropriately evaluated. The categorization processes must also be applied to a variety of plant systems, including mechanical (active and passive), fluid, and electrical systems, and safety-related and nonsafety-related systems, so that technical aspects of the categorization processes and their implementation can be thoroughly exercised. The Commission may explicitly exclude any attributes that are not exercised by the pilot plant program from consideration in this effort.

The pilot plant program must be integrated with the rulemaking plan. It must agree on overall and plant-specific schedules and the rules to be piloted. Pilot plant program participants must commit to meet the resulting rulemaking requirements and proposed NEI guidance for categorization and implementation. In addition, pilot program submittals should address how design basis functions will be preserved when special treatment for safety-related SSCs is reduced as a result of the risk categorization processes. The discussion should address how these SSCs will be treated by the licensee's design control and corrective action programs. Similarly, licensees should discuss how critical attributes identified by the risk categorization processes will be identified and controlled. This applies to safety-related and non-safety-related SSCs that are found to be significant as a result of the risk categorization processes. The processes established should be capable of reflecting changes to the facility and categorizing new and modified equipment as these changes are made.

H. South Texas Exemption Request

In addition to the pilot plant program, the Commission notes that South Texas Project Nuclear Operating Company has submitted an extensive exemption request related to a number of special treatment requirements. This submittal was developed before initiation of this effort, and so was not coordinated with the development of the rulemaking plan. Presently, the NRC expects to complete review of this submittal before the proposed rulemaking stage of the effort would begin. The NRC believes that, if approved, the South Texas exemption request will serve as a proof-of-concept prototype which will provide useful information and experience when the rulemaking for this effort is developed.

I. Schedule

The NRC has developed a schedule covering the following activities which influence this rulemaking: (1) The South Texas exemption request, (2) development and issuance of this advanced notice of proposed rulemaking, (3) the pilot plant program,

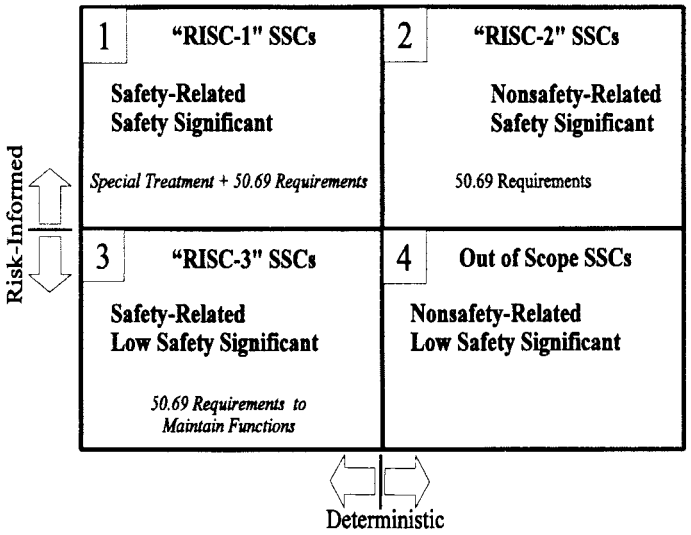
(4) NRC review of the NEI implementation guidance, (5) development and issuance of the proposed rulemaking, and (6) development and issuance of the final rulemaking. The NRC estimates that a final rule can be issued by March of 2002. This rulemaking includes milestones that depend significantly on NEI to develop implementation guidance and pilot plant program participants to develop and implement categorization processes.

III. Specific Proposal

A. Approach

To effect the described changes, the Commission is considering an approach that consists of issuing a new rule (10 CFR 50.69) and a new appendix (Appendix T to 10 CFR part 50). The new rule and appendix would allow licensees, for purposes of special treatment requirements, to categorize SSCs with regard to their importance to plant safety. The result of such a rulemaking, when combined with the current deterministic design basis, would result in SSCs being classified in two different manners. One would be consistent with the safety-related/non-safety-related philosophy that exists today for the deterministic design basis. The other would be consistent with a risk-informed philosophy. A graphical depiction of the results of the contemplated changes is illustrated in Figure 1. The figure is only intended to provide a conceptual understanding of the new SSC categorization process. The NRC's thinking on this matter is continuing to evolve. The NRC will explore the idea of more than two levels of safety significance. The NRC is requesting stakeholder feedback on the safety significance categories in question C.3 of Section V of this notice. The figure depicts the current safety-related versus nonsafety-related SSC categorization scheme on the horizontal axis with an overlay of the new risk-informed categorization on the vertical axis. The risk-informed categorization would group SSCs into one of the four boxes.

Figure 1: Diagram of Categorization and Treatment



Box 1 of Figure 1 contains safety-related SSCs that a risk-informed categorization process concludes are significant contributors to plant safety. These SSCs are termed risk-informed safety class 1 (RISC–1) SSCs. SSCs in this box would continue to be subject to the current special treatment requirements. In addition, it is possible that some of these SSCs may have some additional requirements concerning reliability and availability if attributes that cause the SSC to be safety significant are not sufficiently controlled by current special treatment requirements. However, the NRC is not currently aware of any examples of this situation.

Box 2 of Figure 1 depicts the SSCs that are nonsafety-related, and that the risk-informed categorization concludes make a significant contribution to plant safety. These SSCs are termed RISC–2 SSCs. Examples of RISC–2 SSCs could include the station blackout emergency diesel generator, the startup feedwater pump for pressurized water reactors (PWRs), and SSCs used for ''feed and bleed'' operations at PWRs. For RISC–2 SSCs, there will probably need to be requirements to maintain the reliability and availability of the SSCs consistent with the PRA. It is currently envisioned that the new rule would contain the requirements regarding reliability and availability of RISC–1 and RISC–2 SSCs.

Box 3 of Figure 1 depicts the currently safety-related SSCs that a risk-informed categorization process determines are not significant contributors to plant safety. These SSCs are termed RISC–3 SSCs. The rulemaking effort would revise 10 CFR part 50 to contain alternative requirements such that RISC–3 SSCs would no longer be subject to the current special treatment requirements. For RISC–3 SSCs, it is not the intent of this rulemaking to allow such SSCs to be removed from the facility or to have their functional capability lost. Instead, the RISC–3 SSCs will need to receive sufficient regulatory treatment such that these SSCs are still expected to meet functional requirements, albeit at a reduced level of assurance. The NRC may determine that this level of assurance can be provided by licensees' commercial grade treatment programs. It is envisioned that the new rule would contain the regulatory treatments requirements for RISC–3 SSCs (*e.g.*, the new rule may require commercial treatment for RISC–3 SSCs).

Box 4 of Figure 1 depicts SSCs that are nonsafety-related and continue to be categorized as not being significant contributors to plant safety. These SSCs are out of scope of both the current special treatment regulations and of the new rule. The functional performance of these SSCs would be controlled under

the licensee's commercial grade program (no change from the current requirements).

B. New Rule for Part 50

The Commission expects that the new rule that would (1) identify the special treatment requirements in the current regulations whose scope could be modified consistent with the requirements resulting from this effort, (2) address rule-specific issues that arise as a result of the new scope by, for example, specifying, on a rule-by-rule basis, the applicability of the new scope, (3) specify all additional regulatory requirements that would result from this effort, and (4) reference the new appendix as providing the requirements governing the categorization of SSCs.

C. New Appendix to Part 50

The Commission expects that the new appendix would contain the elements discussed below. The discussion consists of NRC expectations of the SSC categorization process and is not presented as proposed rule language. When finalized, the appendix would establish minimum requirements for the process and decision criteria for use in the categorization of SSCs into two groups—those that have safety significance and those that have low safety significance. This is consistent with the process to categorize SSCs into RISC classes as discussed above in which the safety significant and low safety significant categorization in used in the vertical axis.

Appendix T to Part 50

Categorization of SSCs Into Risk-Informed Safety Classes

The principal activity required for the categorization of structures, systems and components (SSCs) into risk-informed safety classes is the categorization of the SSCs according to safety significance. Treatment requirements for SSCs will be dependent on this safety classification. This appendix establishes minimum requirements for the process and decision criteria for use in the categorization of SSCs.

Process for Categorization

The determination of safety significance of SSCs must be performed as part of an integrated decision-making process which uses both risk insights and traditional engineering insights. In categorizing SSCs, it must be demonstrated that the defense-in-depth philosophy is maintained, that sufficient safety margin is maintained, and that increases in risk (if any) are small.

To accomplish these objectives, the process to categorize SSCs should consist of the following elements:

(1) Identification of current treatment requirements for SSCs.

(2) Assessment of the capability of the plant-specific Probabilistic Risk Assessment (PRA) to support the categorization process.

(3) Use of the PRA to determine the relative importance of modeled SSCs to accident prevention and mitigation.

(4) Use of an integrated decision-making panel (IDP) to determine the safety significance of SSCs. The categorization of SSCs as either safety significant or low safety significant must include considerations of:

a. Results of the PRA importance evaluation.

b. Deterministic and other traditional engineering analyses.

c. Maintenance of the defense-in-depth philosophy.

d. Maintenance of safety margins.

(5) Evaluation of the change in risk resulting from reclassifying SSCs.

a. Determination of treatment requirements for SSCs based on their initial safety significance categorization.

b. Evaluation of the overall change in plant risk as a result of changes in treatment requirements, and readjustment (if necessary) of the categorization of SSCs based on this estimation of change in risk.

(6) Documentation of the process and the decision criteria used for the categorization of SSCs.

(7) Monitoring of the impact of the change in treatment requirements.

The remainder of this appendix discusses requirements and decision criteria for the above elements in more detail.

Requirements and Decision Criteria

Element (1): Identification of Current Treatment Requirements for SSCs

All safety-related as well as non-safety-related SSCs in the plant are within the scope of this categorization process. For each SSC where changes to the treatment requirements are considered, current requirements must be identified and documented so that the effect of the changes can be more easily understood.

Element (2): Assessment of the Capability of the PRA to Support the Categorization Process

PRA scope. At a minimum, a PRA modeling the internal initiating events at full power operations must be used for SSC importance analysis and determination of change in risk from the application. The PRA must be capable of quantifying core damage frequency (CDF) and large early release frequency (LERF). When categorizing SSCs, the licensee shall also consider external event initiators, as well as the shutdown and low-power modes of operation, either by PRA modeling or by the integrated decision-making process. Element (4)(b) discusses the requirements for cases when PRA modeling is not available.

PRA quality. The PRA should conform to the consensus ASME/ANS PRA Standard documents as endorsed by the NRC. In addition to the technical requirements, the PRA shall conform to the requirements in the areas of documentation, configuration control, quality assurance, and peer review. Where elements of the Standard are not met, justification of why these elements are not important to the results must be documented and available for NRC review.

PRA updates. The PRA must reflect the as-built and as-operated plant. When used for SSC categorization, and as long as regulatory requirements are being dictated by this categorization, the PRA must be updated on a periodic basis, that is, annually or within six months after each refueling outage provided the interval between successive updates does not exceed 24 months. These updates are mandatory before implementation of changes to plant design or procedures if these changes affect the categorization of SSCs. A PRA update is also required upon receipt of new PRA information which would invalidate the results of the categorization process. Upon the completion of the PRA update, the SSC categorization shall be revisited in accordance with Elements 3 through 5 of this process with a focus on the impact of the changes on SSC categorization.

Element (3): Determination of Relative Importance of SSCs Using the PRA

Relative importances of SSCs modeled in the PRA should be determined using PRA importance measures. The results of this process together with results of sensitivity studies will be used as inputs to the integrated decision-making process for the categorization of SSCs.

Risk metrics and importance measures. SSC importances must be determined based on both CDF and LERF. Importance measures should be chosen such that results can provide the IDP with information on the relative contribution of an SSC to total risk. Examples of importance measures that can accomplish this are the Fussell-Vesely (F–V) importance and the Risk Reduction Worth (RRW) importance. Importance measures should also be used to provide the IDP with information on the safety margin available should an SSC fail to function. The Risk Achievement Worth (RAW) importance and the Birnbaum importance are example measures that are suitable for this purpose.

Screening criteria. Importance measures do not directly relate to changes in the absolute value of risk. Therefore, the criteria for categorizing SSCs into the safety significant and the low safety significant categories shall be based on an assessment of the overall impact of SSC re-categorization and a comparison of this impact to the acceptance criteria for changes in CDF and LERF, see Element (5)(b). However, in the initial screening stages, an SSC with F–V <0.005 based on either CDF or LERF, and RAW <2 based on either CDF or LERF can be considered as potentially low safety significant. Elements 4 and 5 must be carried out to confirm the low safety significance of these SSCs.

Truncation limit. The truncation value used for PRA model quantification must be set to a value that is sufficiently low so that the resultant minimal cutsets contain the significant contributors to risk and that at least 95 percent of the CDF and LERF is captured in the final solution.

Sensitivity analyses. The sensitivity of SSC importances to uncertainties in the parameter values for component availability/reliability and human error probabilities should be

evaluated. Results of these sensitivity analyses should be provided to the IDP for deliberation.

Combining models for different initiating events and plant operating modes. The PRA models for external initiating events (*e.g.*, events initiated by fires or earthquakes), and for low power and shutdown plant operating modes may be conservative with respect to those for internal initiating events. Use of conservative models can influence the calculation of importance measures by moving more SSCs into the low safety significance category. Therefore, when PRA models for external event initiators and for the low power and shutdown modes of operation are available, the importance measures shall be evaluated for each analysis separately, as well as integrally. Results of the analyses should be provided to the IDP for deliberation.

Element (4): SSC Categorization by the Integrated Decision-Making Panel

An integrated decision-making panel, for example, an Expert Panel similar to the one used in implementing 10 CFR 50.65, must be used to determine the safety significance of SSCs. The categorization of SSCs as either safety significant or low safety significant must consider: results of the PRA importance analysis; deterministic and other traditional engineering analyses; maintenance of the defense-in-depth philosophy; and maintenance of safety margins. Elements (4)(a) through (4)(d) describe these requirements in more detail. Element (6) describes the requirements of the IDP process, and the documentation required of this process.

Element (4)(a): Use of PRA Insights

Results of the PRA importance analysis, including results from sensitivity studies, and results from the external initiating events and the low power and shutdown modes of operation when available, should form the initial inputs to the categorization process:

(i) For screening, an SSC with F-V < 0.005 based on either CDF or LERF, and RAW < 2 based on either CDF or LERF can be considered as potentially low safety significant.

(ii) Results of sensitivity analyses shall be used to show that SSC categorization will not change for the expected range of values of SSC reliability/availability and human error probabilities.

(iii) When PRA models are available, the importance measures for external event initiators and for the low power and shutdown mode of operation shall be evaluated for each analysis separately, as well as integrally, and only when an SSC is low safety significant for each of these analyses will it be assigned to the low safety significant category.

Application of the above guidelines will yield a list of SSCs that are determined to be safety significant by the PRA. These SSCs shall not be re-categorized as low safety significant by the IDP process.

Verification of Low Safety Significance for SSCs Implicitly Modeled in the PRA

For SSCs which have not been identified as safety significant by PRA importance measures, the IDP must verify that these SSCs are not implicitly depended upon in the PRA. The IDP must determine if:

(i) Failure of the SSC will significantly increase the frequency of an initiating event, including those initiating events originally screened out in the PRA.

(ii) Failure of the SSC will fail a safety function, including SSCs that are assumed to be inherently reliable in the PRA (*e.g.*, piping and tanks) and those that may not be explicitly modeled (*e.g.*, room cooling systems, and instrumentation and control systems).

(iii) The SSC supports operator actions credited in the PRA.

(iv) Failure of the SSC will result in failure of safety significant SSCs (*e.g.*, through spatial interactions).

If any of the above conditions are true, the IDP should use a qualitative evaluation process to determine the impact of relaxing requirements on SSC reliability and performance. This evaluation should include identifying those failure modes for which the failure rate may increase, and those for which detection could become more difficult. The IDP can justify low safety significance of the SSC by demonstrating one or more of the following:

- The reclassification is consistent with the defense-in-depth philosophy and sufficient safety margin is maintained.
- Relaxing the requirements will have minimal impact on the failure rate increase.
- Historical data show that these failure modes are unlikely to occur.
- Such failure modes can be detected in a timely fashion.

Element (4)(b): Use of Deterministic and Other Engineering Analyses

For SSCs identified in Element (4)(a) as low safety significant by the PRA as well as those SSCs outside the scope of the PRA, the IDP must verify low safety significance based on deterministic and other engineering analyses and insights, operational experience, and information from licensing basis documents and design basis accident analyses.

Initiating Events and Plant Operating Modes not Modeled in the PRA

When initiating events with frequencies of greater than 10^{-6} per year are not modeled in the PRA, or when the low power and shutdown plant operating modes are not modeled, the IDP shall demonstrate that the relaxation of regulatory requirements will not unacceptably degrade plant response capability and will not introduce risk vulnerabilities for the unmodeled initiating events or plant operating modes. For these unmodeled events, the IDP assessment must consider whether an SSC has an impact on the plant's capability to:

(i) Prevent or mitigate accident conditions;

(ii) Reach and/or maintain safe shutdown conditions;

(iii) Preserve the reactor coolant system pressure boundary integrity;

(iv) Maintain containment integrity; and

(v) Allow monitoring of post-accident conditions.

In determining the importance of SSCs for each of these functions, the following factors must be considered:

- Safety function being satisfied by SSC operation.
- Level of redundancy existing at the plant to fulfill the SSC's function.
- Ability to recover from a failure of the SSC.

sbull Performance history of the SSC.

- Use of the SSC in the Emergency Operating Procedures or Severe Accident Management Guidelines.
- Cumulative impacts of combinations of SSC unavailability which could impact an entire system or critical safety function.

Risk Indices Outside the Scope of the PRA

In addition to being safety significant in terms of CDF and LERF, SSCs can also be safety significant in terms of other risk metrics. Therefore, when an SSC is not identified as safety significant by the PRA, the IDP must verify low safety significance by determining if:

(i) The SSC is a part of a system that acts as a barrier to fission product release during severe accidents;

(ii) The SSC is depended upon in the Emergency Operating Procedures or the Severe Accident Management Guidelines; and

(iii) Failure of the SSC will result in unintentional releases of radioactive material even in the absence of severe accident conditions.

If any of the above conditions are true, the IDP should use a qualitative evaluation process to determine the impact of relaxing requirements on SSC reliability and performance. This evaluation should include identifying those failure modes for which the failure rate may increase, and those for which detection could become more difficult. The IDP can justify low safety significance of the SSC by demonstrating one or more of the following:

- The reclassification is consistent with the defense-in-depth philosophy and sufficient safety margin is maintained.
- Relaxing the requirements will have minimal impact on the failure rate increase.
- Historical data show that these failure modes are unlikely to occur.
- Such failure modes can be detected in a timely fashion.

Element (4)(c): Maintaining the Defense-in-Depth Philosophy

When categorizing SSCs as low safety significant, the IDP must demonstrate that the defense-in-depth philosophy is maintained. Defense-in-depth is considered adequate if the overall redundancy and diversity among the plant's systems and barriers is sufficient to ensure the risk acceptance guidelines provided in Element (5)(b) are met, and that:

- Reasonable balance is preserved among prevention of core damage, prevention of containment failure or bypass, and mitigation of consequences of an offsite release;
- System redundancy, independence, and diversity is preserved commensurate with the expected frequency of challenges, consequences of failure of the system, and

associated uncertainties in determining these parameters;

- There is no over-reliance on programmatic activities and operator actions to compensate for weaknesses in the plant design; and
- Potential for common cause failures is taken into account.

Element (4)(d): Maintenance of Safety Margins

When categorizing SSCs as low safety significant, the IDP shall demonstrate that there is sufficient safety margins to account for uncertainty in the engineering analysis and in the supporting data. Safety margin shall be incorporated when determining performance characteristics and parameters (e.g., component, system, and plant capability) or when defining mission success criteria (e.g., the number of system trains required to mitigate an initiating event or the ability of an SSC to perform in a certain environment). The amount of margin should depend on the uncertainty associated with the performance parameters in question, the availability of alternatives to compensate for adverse performance, and the consequences of failure to meet the performance goals. Demonstration of available safety margins shall be accomplished by use of data from plant operations or research studies, or by use of analyses using established engineering codes and standards or NRC-approved alternatives.

Element (5): Evaluation of the Change in Risk Resulting from Reclassifying SSCs

The change in risk from reclassifying SSCs shall be quantified. Elements (5)(a) and (5)(b) provide the requirements for this quantification.

Element (5)(a): Determination of Treatment Requirements Based on Safety Significance

Where regulatory requirements are to be relaxed for SSCs categorized as low safety significant or where regulatory requirements are increased for SSCs categorized as safety significant, the IDP must document the functional requirements for the SSCs and describe the process to assure that these requirements are preserved. Based on the revised requirements, the IDP must document and justify the target SSC reliability and availability.

Element (5)(b): Assessment of the Change in Risk

The potential impact of relaxing treatment requirements on SSCs must be evaluated in an integrated manner. Changes in CDF and LERF must be estimated by calculations where the failure likelihood of SSCs is changed to the level corresponding to the failure likelihood for the revised treatment requirements.

Changes to CDF and LERF must be small. Plants with total baseline CDFs of 10^{-4} per year or less will be permitted CDF increases of 10^{-5} per year, and plants with total baseline CDFs greater than 10^{-4} per year will be permitted CDF increases of 10^{-6} per year. Plants with total baseline LERFs of 10^{-5} per year or less will be permitted LERF increases of 10^{-6} per year, and plants with total baseline LERFs greater than 10^{-5} per year will be permitted LERF increases of 10^{-7} per year.

If a PRA model is not available to evaluate the change in risk from an external initiating event or plant operating mode, the IDP must provide justification, on the basis of bounding analyses or qualitative considerations, that the risk will not be significantly impacted.

Subsequent changes to the categorization of SSCs for the purpose of further modifying regulatory requirements must be performed in such a manner where plant performance and previous changes to the licensing basis are taken into account. There must not be a pattern of systematic increases in risk as a result of repeated applications of the SSC categorization process.

Element (6): Documentation of the Integrated Decision-Making Process and the Decision Criteria Used

Requirements of the Integrated Decision-Making Panel

Plant procedure: The IDP shall be described in a formal plant procedure which includes:

(i) The designated chairman, panel members, and panel alternates;

(ii) Required training and qualifications for the chairman, members and alternates;

(iii) Requirements for a quorum, attendance records, agendas, and meeting minutes;

(iv) The decision-making process;

(v) Documentation and resolution of differing opinions; and

(vi) Implementation of feedback/corrective actions.

Membership: There shall be at least five experts designated as members of the IDP. Expertise in the following fields shall be represented on the IDP: plant operations, design engineering, systems engineering, safety analysis engineering, quality assurance, plant licensing, and probabilistic risk assessment. Members may be experts in more than one field, however excessive reliance on any one member's judgement should be avoided.

Expertise: The licensee shall establish and document specific requirements for ensuing adequate expertise levels of IDP members, and shall ensure that expertise levels are maintained. There shall be at least three members of the IDP with a minimum of five years experience at the plant, and there shall be at least one member of the IDP who has worked on the modeling and updating of the plant-specific PRA for a minimum of five years.

Training: The IDP shall be trained in the specific technical aspects and requirements related to the categorization process. Training shall address, at a minimum—

(i) The purpose of the categorization;

(ii) Present treatment requirements for SSCs including requirements for design basis events;

(iii) PRA fundamentals;

(iv) Details of the plant-specific PRA including the modeling scope and assumptions;

(v) The role risk importance measures including the use of sensitivity studies;

(vi) The assessment of SSC failure modes and effects;

(vii) The role of and the use of risk thresholds; and

(viii) The defense-in-depth philosophy and requirements to maintain this philosophy. Each of these topics must be covered to the extent necessary to provide the IDP with a level of knowledge sufficient to evaluate and approve SSC categorization using both probabilistic and deterministic information.

Decision-making: IDP decision criteria for categorizing SSCs as safety significant or low safety significant shall be documented. Decisions of the IDP shall be arrived at by consensus. Differing opinions shall be documented and resolved, if possible. If a resolution cannot be achieved concerning the safety significance of an SSC, then the SSC shall be classified as safety significant.

Feedback and corrective actions: SSC categorization shall be revisited by the IDP when the PRA is updated or when the other criteria used by the IDP are affected by changes in plant operational data or changes in plant design or plant procedures.

Documentation of the IDP Process

The following shall be documented and available for NRC review:

- Results of the relative risk importance of SSCs modeled in the PRA including the results of sensitivity analyses. This should include separate SSC importances for the external events initiators and for low power and shutdown operations when these events are modeled in the PRA.
- Results of the final SSC categorization including a summary of IDP deliberations for each SSC classified as low safety significant and each non-safety-related SSC classified as safety significant. Decision criteria in terms of qualitative assessments, assessments for initiating events and plant operating modes not modeled in the PRA, defense-in-depth, and safety margins must be included. Technical basis documents used to support the categorization shall also be available.
- Functional requirements for each SSC receiving revised treatment, the original treatment requirements for these SSCs, the revised requirements for these SSCs, target values for SSC reliability and availability, and the process that will be used to assure these functional requirements and target values will be preserved/met.
- The overall change in plant risk as a result of changes in treatment requirements, including the baseline CDF and LERF and the change in this CDF and LERF. Changes to plant risk from all previous changes to treatment requirements shall also be included.
- Requirements for the IDP including, the plant procedure, expertise, membership, training, and decision-making guidelines. Meeting minutes should also be included.
- The PRA used and the supporting analyses, together with a description of conformance of this PRA to the PRA Standards documents.

Element (7): Monitoring of the Impact of the Change in Requirements

A performance monitoring and corrective action program must be implemented so that

early indication of SSC degradation can be obtained, and corrective actions can be implemented. This program shall include safety significant SSCs and safety-related SSCs classified as low safety-significant. A mechanism for changing SSC categorization based on operating experience must be included in the program. SSC performance must be consistent with the level of performance allocated in the risk analysis or credited in the integrated decision-making process. Monitoring of the safety-significant SSCs is expected to be addressed by the Maintenance Rule as described in 10 CFR 50.65.

Results of the monitoring program must be documented and available for NRC review. Results of the monitoring program must also be incorporated into the PRA update process described in Element (2).

IV. Issues

A. Selective Implementation

''Selective implementation'' is defined as implementing the changes resulting from this effort for a subset of the affected special treatment requirements or implementing the changes for a subset of SSCs at a facility, or both. The NRC is considering the argument that selective implementation would tend only to reduce unnecessary regulatory burden and would not yield safety benefits where the risk importance of SSCs had not been recognized by the current regulatory framework. However, selective implementation may be possible and even necessary to some degree.

The South Texas Project experience with the Graded Quality Assurance program has demonstrated that implementation of the resulting changes for only 10 CFR part 50, Appendix B, is not beneficial from a burden reduction perspective without exemptions from other regulations. The South Texas Project experience has further shown that implementation for a minimum set of rules, in combination with 10 CFR part 50, Appendix B, must occur before sufficient benefits are realized. The NRC believes that this feedback applies to most of the current set of regulations. However, even with the experience that South Texas Project had with 10 CFR part 50, Appendix B, the licensee did not request exemption from the full set of regulations identified as candidates for this effort. In addition, none of the potential pilot plant program participants have expressed interest in implementing the full set of rules being considered. As a result, the NRC currently believes that a sufficient amount of burden reduction can be achieved with selective implementation.

The NRC intends to make rule changes so that exemptions will not be required for licensees wishing to implement the risk-informed regulatory regime that would result from this effort. Therefore, the NRC currently believes that it should not issue exemptions to allow for selective implementation after final rulemaking.

With regard to safety, the NRC believes that, if the exemption request submitted by South Texas Project can be found acceptable, the NRC would have, in effect, determined that an adequate level of safety could be preserved without having to adopt all changes resulting from this effort. Therefore, the NRC will depend, in part, on the results of the South Texas exemption effort to decide this issue.

Selective implementation of alternative regulatory treatment requirements would introduce additional complexity into the regulatory process and the NRC will need to assess the practicality of the approach. In addressing this issue, the NRC will need to establish an implementation approach which recognizes all of the NRC's outcome oriented goals, not just reducing unnecessary regulatory burden. The NRC is continuing to evaluate this issue and is seeking stakeholder feedback in Section V.F. of this advance notice of proposed rulemaking.

Another selective implementation issue is whether licensees should be allowed to implement the alternative for certain systems and not others. The NRC expects that licensees would look at a comprehensive set of systems and components as it applies any individual risk-informed regulation. If a comprehensive scope of equipment is not considered, the NRC does not believe that licensees can develop an appropriate risk-ranking process or identify risk-significant characteristics of equipment which may warrant additional control. For example, licensees would be expected to review systems and components outside current safety-related boundaries to identify the need for additional equipment qualification for risk-significant SSCs at the same time that it reviews the current equipment qualification scope for relaxation opportunities. The NRC does recognize, however, that implementation would take place through a phased approach by licensees.

The NRC recognizes that licensees may elect to exclude certain systems from the detailed risk-ranking process based on their prior understanding of the importance of those systems to overall safety. Some systems, such as the reactor protection system, can be shown to be very important without an extensive risk evaluation. Other systems may not be relevant to facility safety at all. Licensees may determine that there is little benefit from a detailed risk categorization process for such systems. However, to ensure that this effort is implemented correctly, such systems may still need evaluation to assess the risk-significant attributes from a risk-informed perspective.

The Commission is continuing to evaluate this issue and is seeking stakeholder feedback on this issue in Section V.F. of this advance notice of proposed rulemaking.

B. Impact on Other Regulations

The NRC has determined that implementation of risk-informed alternatives in Part 50 may affect implementation of other regulations. For example, the NRC has determined that changes to Part 54 may be required to accommodate license renewal for a facility that had implemented risk-informed changes encompassed by this effort. The scope of Part 54 is explicitly defined using the traditional deterministic approach. Therefore, Part 54 does not, without change, accommodate the alternative the risk-informed scope that would result from this effort. The goal of the license renewal program is to establish a stable, predictable, and efficient license renewal process. The NRC believes that a revision to Part 54 at this time would have a significant effect on the stability and consistency of the processes being established for preparation of license renewal applications and for NRC review. Allowing a voluntary alternate scoping criteria would necessitate the development of an alternate license renewal process. Guidance would need to be developed regarding format and content of a renewal application, NRC review criteria, and inspection guidance for conducting onsite scoping inspections.

In other cases, such as operator licensing (Part 55), rule changes may not be necessary. Nevertheless, licensees may need to make changes to programs implementing these regulations in order to ensure compliance.

The Commission would like to identify all such impacts early in this effort and is, therefore, seeking stakeholder input on this issue in Section V.G. of this advance notice of proposed rulemaking.

C. Need For Prior NRC Review

The preferred approach for this effort is to avoid the need for prior NRC review and approval of either the licensee's categorization process or the results of that process. The Commission intends on achieving this by issuing a

detailed and enforceable appendix which would yield consistent, objective, and inspectable results. This appendix is being developed, in part, from existing guidance such as RG 1.174 and from experience gained by review of the South Texas Graded Quality Assurance methodology. Several significant aspects of the proposed categorization technique rely upon subjective and qualitative judgement. For example, it is expected that an expert panel will consider defense-in-depth and margin of safety as part of the assessment of the significance of SSCs. However, these terms are often defined only in a qualitative, not quantitative, sense. These terms are difficult to translate into enforceable regulations yielding consistent, objective, and inspectable results. Therefore, use of these concepts within an appendix creates a significant challenge to the NRC. If the NRC cannot develop criteria which result in consistent, objective, and enforceable results, some level of NRC review and approval will be necessary.

No prior NRC review of a licensee's categorization process may affect the public participation process concerning the implementation. With no prior NRC review, public participation would be limited to the rulemaking process. For example, the public could participate by providing input on this advanced notice of proposed rulemaking, on the notice of proposed rulemaking, in public meetings, *etc.* However, public participation allowed by the licensing amendment process (*i.e.*, for implementation), including hearing rights on the licensing action, would not be part of the implementation of this effort because no licensing action would need to take place.

The Commission is seeking comment on this issue in Section V.H. of this advance notice of proposed rulemaking.

D. Identification and Control of Attributes Requiring Special Treatment

The NRC anticipates some SSCs that are not presently subject to special treatment requirements to be identified as significant to plant safety (*i.e*, RISC–2 SSCs). The NRC further anticipates to find that the existing special treatment requirements do not fully address some risk-significant characteristics of SSCs that are significant to plant safety (RISC–1 and RISC–2 SSCs). This is anticipated to occur because the risk-informed categorization processes will address some severe accident concerns that are not currently addressed by the special treatment requirements. The Commission expects to develop regulatory controls for RISC–1 and RISC–2 SSCs to ensure risk-significant characteristics of these SSCs are adequately preserved.

The Commission expects some SSCs that are presently subject to special treatment requirements to be identified as being of low significance to plant safety (*i.e*, RISC–3 SSCs). However, it is not the intent of this effort to redefine the design basis events that a plant must analyze to demonstrate compliance with the regulations. Therefore, this effort will not allow for elimination of these components from the plant. In addition, these components must remain functional to meet the design basis. Accordingly, the Commission expects to develop regulatory controls for RISC–3 to ensure that they would be maintained functional.

The Commission is considering how to identify the risk-significant attributes for RISC–1 and RISC–2 SSCs and what regulatory controls to establish for them to ensure that they are adequately preserved. The Commission is also considering what regulatory controls to establish for RISC–3 SSCs to ensure that they would be maintained functional. The Commission is seeking comment on this issue in Section V.E. of this advance notice of proposed rulemaking.

V. Specific Questions

Comments, advice, and recommendations on a proposed rule reflecting the features presented above and any other pertinent points are invited from all interested persons. Particularly, comments and supporting reasons are requested on the following questions arranged by topic:

A. Approach

A.1. If the NRC elects to pursue a phased rulemaking approach, how should the rules identified be prioritized/phased?

A.2. Proceeding with changes to special treatment requirements before establishing a risk-informed design basis (establishment of a risk-informed design basis is being addressed by a separate task) may create inconsistencies between the treatment of SSCs and the functions they serve for the deterministic design basis. Are there any detrimental effects (licensing or otherwise) associated with changing the special treatment requirements before changing the design basis? Please provide a discussion of the detrimental effects that you believe would result.

A.3. (a) What should the proposed rule state in order to clearly identify the scope of SSCs in each special treatment requirement for which the rule provides a regulatory alternative? (b) If the Commission should decide to impose alternative requirements to the special treatment requirements and/or if the Commission should decide to impose risk requirements on RISC–1, RISC–2, and/or RISC–3 SSCs, how should the proposed rule be constructed in order to clearly identify the scope of SSCs for which the alternative requirements apply?

A.4. If the Commission should decide to impose alternative requirements to the special treatment requirements and/or if the Commission should decide to impose risk requirements on RISC–1, RISC–2, and/or RISC–3 SSCs, how should the alternative requirements be expressed to ensure clarity (please provide examples of how the requirements should be phrased)? Should the alternative requirements be expressed prescriptively or in a performance-based approach? Should the alternative requirements be placed in each specific special treatment regulation for which an alternative is being provided, or should the alternative requirements be included in the proposed new rule?

A.5. Please provide an estimate of the expected costs and benefits of implementing risk-informed special treatment requirements.

A.6. Please comment on the benefits of risk-informing 10 CFR 50.36?

B. Screening

B.1. Are the screening criteria reasonable and have the rules that have been evaluated (see the attached Table) been screened correctly against the screening criteria? Please provide rule-specific comments on reduction of unnecessary burden and the need to modify a rule in order to maintain safety (Criterion III).

B.2. Are there any other rules, in addition to those that have been evaluated, that should be considered as part of this effort? Please provide specific comments identifying any rules that you belief should be considered and the reasons for recommending their inclusion.

B.3. Are there any rules that have been identified for inclusion that should not be included? Please provide specific comments identifying those rules and the reasons for recommending their exclusion.

C. Categorization Methodology

C.1. Are the elements identified for the appendix appropriate and adequate for establishing a risk-informed process to categorize SSCs with respect to their significance to safety?

C.2. Is the appendix written at a level sufficient to support a no prior NRC review approach? Are there specific

areas that warrant additional requirements?

C.3. The approach described in this ANPR would define two levels of safety significance. Would it be better to define more than two levels? For example, South Texas uses a four level approach where they categorize equipment as having high safety significance, medium safety significance, low safety significance, and no safety significance. (Note however, that South Texas is not proposing to apply four different types of treatment for the four levels of significance.) What are the benefits of using an approach where more than two levels of safety significance are defined? Would it be better to define more than two levels in this rulemaking?

C.4. Importance measures are strongly affected by the scope and quality of the PRA. For example, incomplete assessments of risk contributions from low-power and shutdown operations, fires, and human performance will distort the importance rankings. What should be the requirements for assuring PRA quality? What should the scope of the PRA be in terms of initiating events and plant operating modes? If modeled in a PRA, how should the contributions from external event initiators and low power and shutdown operating modes be factored into the results (taking into account that modeling for these events is usually not as complete as that for the internal events)?

C.5. Even with a full-scope, high quality PRA, the importance measures have limitations. How should these limitations be addressed in Appendix T? What is the role of sensitivity and uncertainty analyses? What is the role of delta risk measures and absolute risk measures?

C.6. It is essential that the implementation of 10 CFR 50.69 and Appendix T be scrutable and auditable. What requirements are needed to ensure that this is the case? What documents should be available for NRC inspection (*e.g.*, the risk assessment, technical bases documents, inputs to and deliberations of the expert panel)? Please provide a discussion to support your comments.

C.7 Does the proposal provide adequate guidance on the use of expert judgement in the form of the integrated decision-making panel to ensure consistent categorization of SSCs across the industry?

D. Pilot Plant Program

D.1. How should the pilot plant program be constructed and implemented in order to adequately pilot the elements in the appendix?

D.2. Please comment on the need or lack of need to pilot each of the rules affected by this effort.

E. Identification and Control of Special Treatment Attributes

E.1. How should the special treatment requirements for SSCs that are currently safety-related for one reason but found to be safety significant for a different reason be modified? Should special treatment of safety-related SSCs be modified to address risk-significant attributes that are identified as a result of a risk-informed categorization process? If so, how should treatment be identified and controlled?

E.2. What regulatory treatment should be applied to safety-significant SSCs which are not currently safety-related?

E.3. Explain whether the design control and procurement requirements in Appendices A and B of 10 CFR part 50 should apply to safety-significant SSCs which are not currently safety-related (*i.e.*, RISC–2 SSCs).

E.4. (a) Should 10 CFR part 21 requirements be imposed upon vendors who supplied safety-related components to licensees who subsequently select the new regulatory approach? If not, what regulatory basis would there be for not imposing such requirements on those vendors? Would the failure to impose Part 21 requirements on such vendors be inconsistent with the underlying statutory basis for Part 21, viz., Section 206 of the Energy Reorganization Act of 1974, as amended? What regulatory provisions are necessary to assure that the underlying purpose of Section 206 and 10 CFR part 21 are fulfilled under the alternative regulatory approach?

(b) If such requirements are imposed, what difficulties would such vendors experience in fulfilling their Part 21 responsibilities and how could these difficulties be addressed in this rulemaking? What specific rule provisions are necessary in order to fairly impose Part 21 vendors who supply basic components to licensees who at some point decide to adopt the alternative approach?

(c) Discuss whether the alternative regulatory approach, with respect to the new categories, is inconsistent with the definition of basic component in Section 223.b of the Atomic Energy Act (which imposes criminal liabilities for knowing and willful violations of NRC rules, regulations orders and license conditions that result, or if undetected could have resulted in significant impairment of a ''basic component''). If there is an inconsistency, does it have any adverse effects on licensees? What rulemaking provisions could eliminate or minimize such adverse effects?

E.5. What regulatory treatment requirements are necessary to ensure the functional capabilities of SSCs that are safety-related because of the plant's deterministic licensing basis but found to be of low safety significance are maintained?

E.6. To what degree should severe accidents be incorporated into the licensing basis under the regulatory effort to risk-inform special treatment requirements?

F. Selective Implementation

F.1. What are the potential advantages and disadvantages of selective implementation with regard to selection of rules and selection of systems?

F.2. What bounds should be set on the scope of SSCs evaluated under a risk-informed regulatory framework? Should all systems be evaluated, or can some subset be considered?

F.3. What limits should be placed on the set of rules for implementation? Should licensees be required to implement all risk-informed rules? If not, what limitations are appropriate?

F.4. How can the NRC ensure that additional attention is given to risk significant components if selective implementation is allowed?

G. Impact on Other Regulations

G.1. What regulations may be affected by risk-informed changes to special treatment requirements in Part 50 and how are these regulations affected?

G.2. For those licensees implementing the new regulatory approach: (a) What, if any, GDC will require exemptions? (b) If exemptions would otherwise be necessary, is there a way and/a regulatory basis for the rulemaking to exempt, in whole or part, compliance with those GDCs for those licensees choosing the alternative regulatory approach?

G.3. Part 19 currently requires all licensees to post NRC Form 3. Would it be more or less confusing if all licensees posted a single, NRC-developed Form 3 that covered both licensees who remain with the existing regulatory regime as well as licensees that choose the alternative regulatory approach; or should an alternative Form 3 be developed, with the licensee required to post the applicable Form depending upon whether it chose to implement the alternative regulatory approach.

G.4. If a licensee were to adopt the alternative regulatory approach, would there be any inconsistency or discrepancy created between the term ''operability'' as currently used in technical specifications'' limiting conditions for operations (LCOs) and the concept of ''functionality'' as

proposed for SSCs in RISC–3? Please describe any adverse effects in detail, and discuss the manner in which these adverse effects can be avoided or minimized.

G.5. What changes should be considered to provide consistency between affected regulations and risk-informed scope of special treatment?

G.6. Please comment on the need and appropriateness of applying a risk-informed scope to license renewal (*i.e.*, Part 54)?

H. Need for Prior NRC Review

H.1. Given that the means for public participation for this effort is through comment in response to this advanced notice for proposed rulemaking and in response to a proposed rulemaking, is there a need to have an NRC review process such that there will be additional public participation as part of the licensing amendment process?

H.2. What level of NRC review is appropriate for a facility making the transition to a risk-informed regulatory regime?

H.3. What regulatory controls need to be placed on licensees to implement risk-informed changes to special treatment without prior NRC approval?

H.4. Please comment on the need for revising 10 CFR 50.59 to facilitate the risk-informed approach?

The preliminary views expressed in this document may change in light of comments received. In any case, there will be another opportunity for additional public comment in connection with any proposed rule that may be developed by the Commission.

The authority citation for this document is: 42 U.S.C. 2201; 42 U.S.C. 5841.

Dated at Rockville, Maryland, this 25th day of February, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

BILLING CODE 7590–01–P

Table - Rule Evaluation Matrix (Page 1 of 4)

RULE	TITLE	SCREENING CRITERIA					CANDIDATE RULES
		I	II	III	IV	V	(I and (II or III)) or IV or V
50.2	Definitions.						
50.4	Written communications.						
50.8	Information collection requirements: OMB approval.						
50.10	License required.						
50.34	Contents of applications; technical information.	x				x	x
50.35	Issuance of construction permits.						
50.36	Technical specifications.	x	x	x			x
50.44	Standards for combustible gas control system in light-water-cooled power reactors.	x	x	x	x		x
50.48	Fire protection.	x	x	x		x	x
50.49	Environmental qualification of electric equipment important to safety for nuclear power plants.	x	x	x	x	x	x
50.54	Conditions of licenses.		x	x	x	x	x
50.55	Conditions of construction permits.	x	x	x	x	x	x
50.55a	Codes and standards.	x	x	x		x	x
50.59	Changes, tests and experiments.	x	x	x	x	x	x
50.62	Requirements for reduction of risk from anticipated transients without scram (ATWS) events for light-water-cooled nuclear power plants.						
50.65	Requirements for monitoring the effectiveness of maintenance at nuclear power plants.	x	x	x			x
50.71	Maintenance of records, making of reports.	x				x	x
50.72	Immediate notification requirements for operating nuclear power reactors.	x	x	x			x
50.73	License event report system.	x	x	x			x

Table - Rule Evaluation Matrix (Page 2 of 4)

RULE	TITLE	SCREENING CRITERIA					CANDIDATE RULES
		I	II	III	IV	V	(I and (II or III)) or IV or V
App. A Intro.	General Design Criteria for Nuclear Power Plants				x		x
GDC 1	Quality Standards and Records.	x	x	x	x	x	x
GDC 2	Design Bases for Protection Against Natural Phenomena.	x	x	x	x		x
GDC 3	Fire Protection.	x	x	x	x		x
GDC 4	Environmental and Dynamic Effects Design Bases.	x	x	x	x		x
GDC 5	Sharing of Structures, Systems, and Components.						
GDC 14	Reactor Coolant Pressure Boundary.	x					
GDC 16	Containment Design.						
GDC 17	Electric Power Systems.	x 1					1
GDC 18	Inspection and Testing of Electric Power Systems.	1					1
GDC 20	Protection System Functions.						
GDC 21	Protection System Reliability and Testability.	1					1
GDC 22	Protection System Independence.	x					
GDC 30	Quality of Reactor Coolant Pressure Boundary.	x					
GDC 32	Inspection of Reactor Coolant Pressure Boundary.	x 1					1
GDC 36	Inspection of Containment Heat Removal System.	1					1
GDC 37	Testing of Emergency Core Cooling System.	x 1 2	x	x	x		x 1 2
GDC 39	Inspection of Containment Heat Removal System.	1					1

Table - Rule Evaluation Matrix (Page 3 of 4)

RULE	TITLE	SCREENING CRITERIA					CANDIDATE RULES
		I	II	III	IV	V	(I and (II or III)) or IV or V
GDC 40	Testing of Containment Heat Removal System.	x 1 2	x	x	x		x 1 2
GDC 42	Inspection of Containment Atmosphere Cleanup Systems.	x 1 2	x	x	x		x 1 2
GDC 43	Testing of Containment Atmosphere Cleanup Systems.	x 1 2	x	x	x		x 1 2
GDC 44	Cooling Water.						
GDC 45	Inspection of Cooling Water System.	x 1 2	x	x	x		x 1 2
GDC 46	Testing of Cooling Water System.	x 1 2	x	x	x		x 1 2
GDC 52	Capability for Containment Leakage Rate Testing.	1					1
GDC 53	Provisions for Containment Testing and Inspection.	1					1
GDC 54	Systems Penetrating Containment.	1					1
GDC 55	Reactor Coolant Pressure Boundary Penetrating Containment.	x					
GDC 61	Fuel Storage and Handling and Radioactivity Control.	1					1
App. B	Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants	x	x	x	x	x	x
App. E	Emergency Planning and Preparedness for Production and Utilization Facilities						
App. J	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	x	x	x			x

Table - Rule Evaluation Matrix (Page 4 of 4)

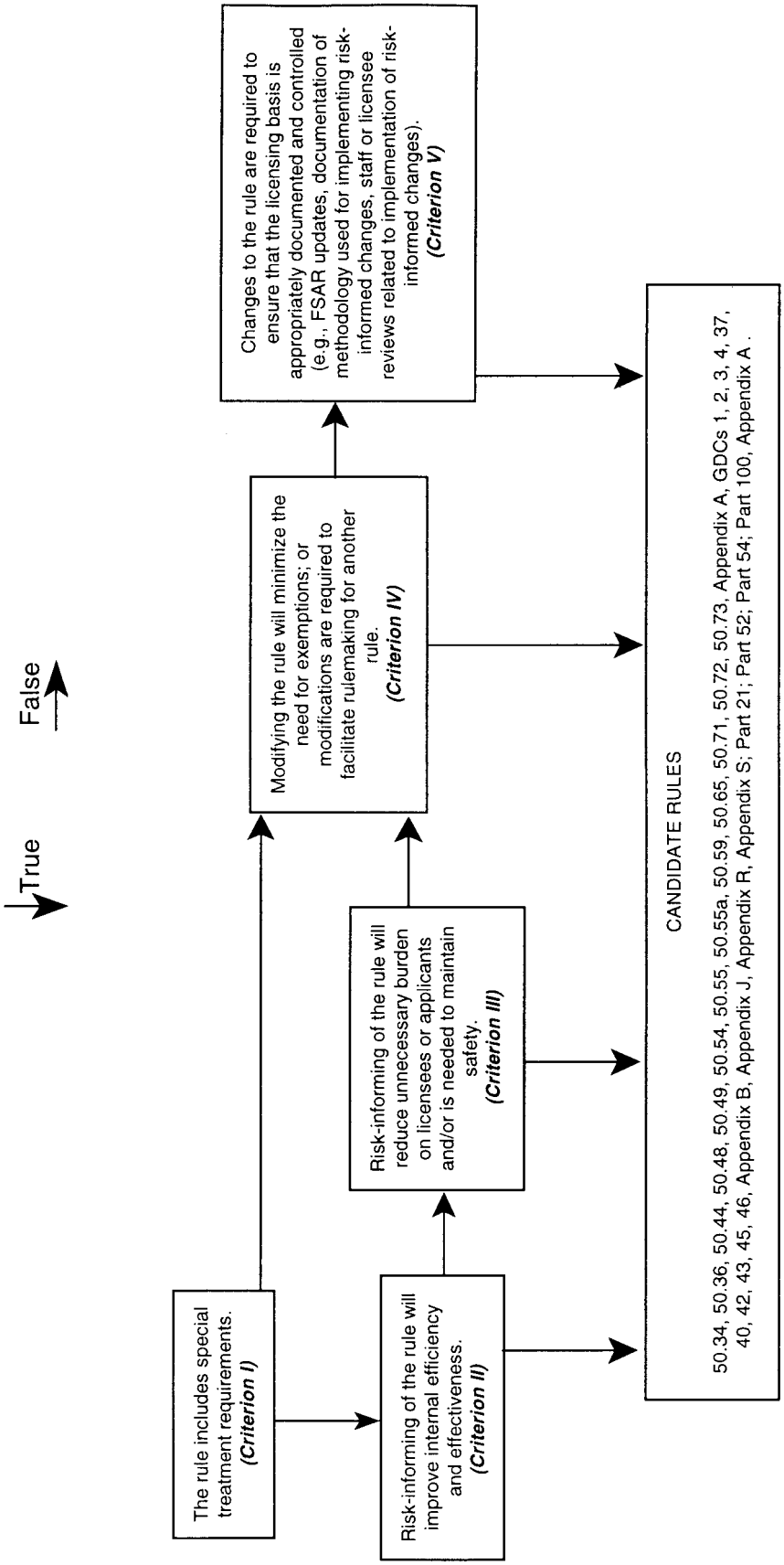
RULE	TITLE	SCREENING CRITERIA					CANDIDATE RULES
		I	II	III	IV	V	(I and (II or III)) or IV or V
App. M	Standardization of Design; Manufacture of Nuclear Power Reactors; Construction and Operation of Nuclear Power Reactors Manufactured Pursuant to Commission License						
App. N	Standardization of Nuclear Power Plant Designs: Licenses to Construct and Operate Nuclear Power Reactors of Duplicate Design at Multiple Sites						
App. R	Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979	x	x	x		x	x
App. S	Earthquake Engineering Criteria for Nuclear Power Plants	x	x	x	x		x
Part 21	REPORTING OF DEFECTS AND NONCOMPLIANCE	x	x	x	x		x
Part 52	EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS	x	x	x	x	x	x
Part 54	REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS	x	x	x	x	x	x
Part 100 & App. A	REACTOR SITE CRITERIA	x	x	x	x		x

NOTES:

A.9 Includes requirements that components be designed to permit inspection and/or testing.

A.10 Includes requirements that components be designed to permit inspection and/or testing ***to assure*** the capability of the components. The staff has treated the words ***to assure*** as requiring actual periodic testing.

Figure 2. Screening Process and Results.



[FR Doc. 00–5016 Filed 3–2–00; 8:45 am]
BILLING CODE 7590–01–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–57–AD]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. CFM56–3, –3B, and –3C Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to CFM International, S.A. CFM56–3, –3B, and –3C series turbofan engines. This proposal would discontinue use of certain lubricants no longer on the manufacturer's approved list. In addition, this proposal would require a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, require an ultrasonic inspection for cracks in the fan disk, and, if necessary, require removal from service of fan disks and replacement with serviceable parts. This proposal is prompted by reports of fan disk heavy wear and cracks. The actions specified by the proposed AD are intended to prevent fan disk failure, which could result in an uncontained engine failure and damage to the aircraft.

DATES: Comments must be received by April 3, 2000.

ADDRESSES: Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–57–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be submitted to the Rules Docket by using the following Internet address: ''9-ane-adcomment@faa.gov''. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from CFM International, S.A., Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone 513–552–2981, fax 513–552–2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–ANE–57–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–57–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of fan disk heavy wear and cracks on CFM International, S.A. CFM56–3, –3B, and –3C series turbofan engines. In one case, an inflight engine shutdown resulted from fan blade failure at the root area just above the pressure face. In addition, one fan disk was found cracked during a routine fluorescent penetrant inspection (FPI) and exhibited heavy wear on the pressure face. Investigation revealed high stress around the dovetail pressure face resulting from the use of certain fan disk dovetail lubricants coupled with the presence of certain fan blade/damper configurations. This condition, if not corrected, could result in fan disk failure, which could result in an uncontained engine failure and damage to the aircraft.

Service Information

The FAA has reviewed and approved the technical contents of CFM International, S.A. CFM56–3/–3B/–3C Service Bulletin (SB) No. 72–854, Revision 2, dated November 29, 1999, that describes procedures for the one-time on-wing fan disk dovetail wear measurement and fan disk ultrasonic inspection. This AD allows the ultrasonic inspection to be done on-wing or in the shop.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would discontinue use of certain lubricants no longer on the manufacturer's approved list. In addition, this proposal would require a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, require an ultrasonic inspection for cracks in the fan disk, and, if necessary, require removal from service of fan disks and replacement with serviceable parts. The compliance times are based upon the fan blade/damper configuration and engine thrust rating. The actions would be required to be accomplished in accordance with the SB described previously.

Economic Analysis

There are approximately 600 engines of the affected design in the worldwide fleet. The FAA estimates that 510 engines installed on aircraft of US registry would be affected by this proposed AD, that it would take approximately 9 work hours per engine to accomplish the inspections and replacement of blades and dampers, and that the average labor rate is $60 per work hour. Required parts would cost approximately $10,700 per engine for the required fan blade/damper configuration. The manufacturer has informed the FAA that an estimated 140 engines may need fan disk replacement, at $56,799 per engine. In addition, the FAA estimates that 159 work hours would be required to remove the engine from the aircraft, replace the fan disk, and return the engine to service. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be $15,019,860.

Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order No. 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

CFM International, S.A.: Docket No. 98–ANE–57–AD.

Applicability: CFM International, S.A (CFMI) CFM56–3, –3B, and –3C series turbofan engines, installed on but not limited to Boeing 737 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent fan disk failure, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

Wear Measurement (Thrust Rating Category A Only)

(a) For CFM56–3, –3B, and –3C series engines operating at the category A thrust rating on the effective date of this AD, that have never previously operated at the category B or C thrust ratings, perform a one time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56–3/–3B/–3C Service Bulletin (SB) No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a) of the SB, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(b)*1* of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2) (d) 8*b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 cycles in service (CIS), fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2) (d)8*b* of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(b)*1* of the SB.

Wear Measurement (Thrust Rating Category A, if the Engine Was Previously Operated at Thrust Rating Categories B or C)

(b) For CFM56–3, –3B, and –3C series engines operating at the category A thrust rating on the effective date of this AD, that have previously operated at the category B or category C thrust ratings, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56–3/–3B/–3C SB No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a) of the SB, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(b)*2* of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(b)*2* of the SB.

Wear Measurement (Thrust Rating Category B, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or C)

(c) For CFM56–3B and –3C series engines operating at the category B thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at thrust rating categories A or C, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56–3/–3B/–3C SB No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a) of the SB, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(c) of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Remove and replace fan blades and install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(c) of the SB.

Wear Measurement (Thrust Rating Category C, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or B)

(d) For CFM56–3C series engines operating at the category C thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at category A or B thrust ratings, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56–3/–3B/–3C SB No. 72–854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a) of the SB, and the current fan disk time and cycles on the effective date of the AD.

Inspection

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(d) of the SB.

Removal

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8*b* of the SB, if the wear measurement is greater than or equal to 5 mils.

(2) [Reserved]

(e) If the fan disk is determined to be serviceable, clean and lubricate the fan disk and fan blade using the instructions in paragraph 2.B.(2)(d)8*d* of the SB.

Definitions

(f) The category A, B, and C thrust ratings listed in paragraphs (a) through (d) of this AD are defined in chapter 05 of the CFM56–3 model series Engine Shop Manual, CFMI–TP.SM.5.

Lubricants

(g) After the effective date of this AD, the following lubricants are no longer approved for use on the CFMI CFM56–3, –3B, and –3C series engines: Sandstrom 27A, ZIP D5460, Surf-kote A 1625, Tiolube 70 and Tiolube 75/75.

Alternative Methods of Compliance

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

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

Ferry Flights

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

Issued in Burlington, Massachusetts, on February 24, 2000.

David A. Downey,

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

[FR Doc. 00–5012 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 228, 229, 230, 232, 239, 240, 249, 250, 259, 260, 269, 270, and 274

[Release Nos. 33–7803; 34–42462; 35–27142; 39–2382; IC–24319 File No. S7–05–00]

RIN 3235–AH79

Rulemaking for EDGAR System

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: We are in the process of modernizing our Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system. On June 28, 1999, we began accepting filings submitted to EDGAR in HyperText Markup Language as well as documents submitted in the American Standard Code for Information Interchange format. As of that date, filers have had the option to accompany their required filings with unofficial copies in Portable Document Format. We anticipate that we will implement the next stage of modernization (EDGAR Release 7.0) in late May of this year. In this release, we are proposing amendments to our rules to reflect changes to filing requirements that will occur with EDGAR Release 7.0 as well as certain other changes to clarify or update the rules. We address in today's proposed amendments the following new features: inclusion of graphic and image files in HTML filings; expanded use of hyperlinks in HTML filings; and the addition of the Internet, and removal of diskettes, as a means of transmitting filings to the EDGAR system. We also propose to eliminate the requirement for filers to submit Financial Data Schedules.

DATES: We must receive your comments on or before April 3, 2000.

ADDRESSES: Please submit three copies of your comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. You also may submit your comments electronically at the following e-mail address: rule-comments@sec.gov. Your comment letter should refer to File No. S7–05–00; include this file number in the subject line if you use e-mail. We will make comment letters available for your inspection and copying in our Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. We also will post any electronically submitted comment letters on our Internet Web Site (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: If you have questions about the proposed rules, please contact one of the following members of our staff: in the Division of Investment Management, Ruth Armfield Sanders, Senior Special Counsel, or Shaswat K. Das, Attorney, (202) 942–0978; and in the Division of Corporation Finance, Carol P. Newman Weiss, Accountant, (202) 942–2940. If you have questions about the development of the modernized EDGAR system, please contact Richard D. Heroux, EDGAR Program Manager, (202) 942–8885, in the Office of Information Technology.

SUPPLEMENTARY INFORMATION: Today we propose amendments to the following rules relating to electronic filing on the EDGAR system: Item 601 of Regulation S–B[1] under the Securities Act of 1933 (Securities Act);[2] Item 601 of Regulation S–K[3] under the Securities Act; Rules 110 and 483[4] under the Securities Act; Forms S–2, S–3, and S–8[5] under the Securities Act; Rules 11, 12, 103, 104, 105, 302, 303, 304, 311 and 501 of Regulation S–T[6] Rule 0–2[7] under the Exchange Act of 1934 (Exchange Act);[8] Rule 21[9] and Forms U5S, U–1, U–13–60 and U–3A–2[10] under the Public Utility Holding Company Act of 1935 (Public Utility Act);[11] Rule 0–5[12] under the Trust Indenture Act of 1939 (Trust Indenture Act);[13] Rules 8b–2, 8b–23, and 8b–32[14] and Form N–SAR[15] under the Investment Company Act of 1940 (Investment Company Act);[16] and Form ET[17] under the Securities Act, the Exchange Act, the Public Utility Act, the Trust Indenture Act, and the Investment Company Act. Today we also propose to remove the following rules from Regulation S–T: Rules 401 and 402.[18]

EDGAR Release 7.0 will include the following new features that we address in the amendments we propose today:

- The ability to include graphic and image files in HTML filings;

[1] 17 CFR 228.601.
[2] 15 U.S.C. 77a *et seq.*
[3] 17 CFR 229.601.
[4] 17 CFR 230.110 and 230.483.
[5] 17 CFR 239.12, 239.13, and 239.16b.
[6] 17 CFR 232.11, 232.12, 232.103, 232.104, 232.105, 232.302, 232.303, 232.304, 232.311 and 232.501.
[7] 17 CFR 240.0–2.
[8] 15 U.S.C. 78a, *et seq.*
[9] 17 CFR 250.21.
[10] 17 CFR 259.5a, 259.101, 259.313 and 259.402.
[11] 15 U.S.C. 79a, *et seq.*
[12] 17 CFR 260.0–5.
[13] 15 U.S.C. 77sss, *et seq.*
[14] 17 CFR 270.8b–2, 270.8b–23 and 270.8b–32.
[15] 17 CFR 274.101.
[16] 15 U.S.C. 80a–1 *et seq.*
[17] 17 CFR 239.62, 249.445, 259.601, 269.6 and 274.401.
[18] 17 CFR 232.401 and 232.402.

- The ability to use hyperlinks in HTML filings, including links between documents within a submission and to previously filed documents on our public web site EDGAR database at www.sec.gov;
- The addition of the Internet, and removal of diskettes, as an available means of transmitting filings to the EDGAR system;
- The removal of the requirement to submit Financial Data Schedules.

We also request comment concerning future EDGAR rulemaking projects in connection with EDGAR modernization and bringing more of our filings into the EDGAR system on a mandatory basis.

I. Modernization of EDGAR

A. Background

In 1984, we initiated the EDGAR system to automate the receipt, processing, and dissemination of documents required to be filed with us under the Securities Act, the Exchange Act, the Public Utility Act, the Trust Indenture Act, and the Investment Company Act. Since 1996, we have required all domestic public companies to make their filings electronically through the EDGAR system, absent an exemption. EDGAR filings are disseminated electronically and displayed on our web site at http://www.sec.gov. The EDGAR system's broad and rapid dissemination benefits the public by allowing investors and others to obtain information rapidly in electronic format. Electronic format is easy to search and lends itself readily to financial analysis, using spreadsheets and other methods.

Recent technological advances, most notably the rapidly expanding use of the Internet, have led to unprecedented changes in the means available to corporations, government agencies, and the investing public to obtain and disseminate information. Today many companies, regardless of size, make information available to the public through Internet web sites. On those sites and through links from one web site to others, individuals may obtain a vast amount of information in a matter of seconds. Advanced data presentation methods using audio, video, and graphic and image material are now available through even the most inexpensive personal computers or laptops.

Last year, we adopted rules to begin the modernization of the EDGAR system to accommodate some of the changes in technology occurring since the system was developed. On March 10, 1999, we issued a release proposing amendments [19] and, on May 17, 1999, a release adopting amendments [20] to our rules to reflect initial changes to filing requirements resulting from EDGAR modernization, as well as certain other changes to clarify or update the rules. On June 28, 1999, we began allowing filers to submit documents to EDGAR in HyperText Markup Language (HTML) format [21] and to accompany their required filings with unofficial copies in Portable Document Format (PDF). Today we are proposing rule changes to implement the next stage of EDGAR modernization.

In response to our request for comments in the 1999 proposing release, we received a number of comment letters with suggestions concerning the evolving EDGAR system. Many of these comments addressed divergent concerns of filers, filing agents, disseminators, and public users of the EDGAR database. We appreciate the need to balance the competing interests of these parties in order to have a system that adequately addresses the fundamental needs of each. We have considered and will continue to consider these comments in connection with future planning for the system and rulemaking related to all stages of EDGAR modernization.[22]

B. HTML/PDF Environment

The purpose of our current EDGAR contract is to modernize EDGAR over the next two years to make the system easier for filers to use and the documents more attractive and readable for the users of public information. Since June 28, 1999, filers have been able to submit most filings to us in either HTML or ASCII format. We expect that HTML will eventually replace ASCII for most filings. Also, since June 28, 1999, filers have been able to submit unofficial copies of filings in PDF. In this release, we refer to the required filings that filers must submit only in either ASCII or HTML formats as ''official filings.'' We refer to the PDF documents as ''unofficial PDF copies'' because filers may *not* use them instead of HTML or ASCII documents to meet filing requirements.

Our plan for the evolution of the EDGAR system is to continue the HTML/PDF environment. Unlike ASCII documents, HTML and PDF documents have the potential to include graphics, varied fonts, and other visual displays that filers use when they create Internet presentations or material for distribution to shareholders. Up to this point, the EDGAR system has had limited support for HTML documents. The system accepts HTML documents that contain only a limited set of tags (commands and identifying information).

In this release, we describe how the EDGAR system will change with EDGAR Release 7.0, and we propose corresponding rule changes. [23] We now propose to expand the EDGAR system so that it will be able to accept and display filings that use graphic and other visual presentations and provide links to previously filed documents appearing on our public web site EDGAR database.

We hope ultimately to enable filers to submit documents to the EDGAR system that can appear in substantially the same graphic format as those prepared by the filer for delivery to investors and the marketplace. These advances would greatly expand the amount and kinds of information that we can make available to investors and other members of the public through the EDGAR system. These advances also would ease the burden upon filers, by enabling the submission of documents to the EDGAR system in a format similar to that in which documents are presented to the public and to investors. However, as discussed below, these advances also pose significant issues concerning the rules governing documents filed with us under the EDGAR system, which we must address before these advances are implemented.

Currently, some filers use multi-media prospectuses, including videos, CD–ROMs, and streamed video or audio files that can be played over the Internet. The current EDGAR modernization contract will not accommodate these media, but we may

[19] Rulemaking for EDGAR System, Release Nos. 33–7653; 34–41150; IC–23735 (Mar. 10, 1999) [64 FR 12908] (the 1999 proposing release).

[20] Rulemaking for EDGAR System, Release Nos. 33–7684; 34–41410; IC–23843 (May 17, 1999) [64 FR 27888] (the adopting release).

[21] We continue to allow filers to submit documents in the text-based American Standard Code for Information Interchange (ASCII) format.

[22] You may read and copy comment letters submitted in response to our 1999 proposing release in our Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549 in File No. S7–9–99. You also may read the comment letters that were submitted electronically on our web site (http://www.sec.gov).

[23] Before Release 7.0 in May of this year, we will revise the EDGAR Filer Manual to reflect technical changes we will implement with that release. The EDGAR Filer Manual sets forth the technical formatting requirements governing the preparation and submission of electronic filings through the EDGAR system. Filers must comply with the provisions of the Filer Manual to assure timely acceptance and processing of electronic filings. *See* Rule 301 of Regulation S–T [17 CFR 232.301].

consider whether to include some of these media in the future.[24]

C. Use of HTML

We have not and are not now proposing to require the use of HTML for filings. However, we expect to require HTML for most filings in the future,[25] so we encourage filers to use it and gain experience with this format if they do not have it already. We are providing technical support for filers to assist them in submitting and correcting HTML documents through our filer technical support function. We request comment on how soon filers will be able to submit most documents in HTML format and whether we should exclude any specific category of documents (such as exhibits) from the HTML format requirement.

Currently, if HTML is used, each EDGAR document may consist of no more than one HTML file. In the 1999 proposing release, we requested comment on whether to allow filers to submit EDGAR documents composed of multiple linked HTML files. Some commenters were concerned about printing and downloading documents consisting of large HTML files. However, due to concerns about the order in which documents appear and are printed, we are continuing the requirement that each HTML document consist of no more than one HTML file (with associated graphics files).

Currently, filers must use a set of permissible HTML 3.2 tags in their HTML documents. As discussed below, we propose to designate a new set of permissible HTML 3.2 tags for EDGAR Release 7.0, adding tags to allow graphics and more hypertext links. Filers will be able to take advantage of the expanded tagging for graphics and hypertext links only through the use of a modernized version of EDGARLink.[26] These permissible tags allow for most formatting capability while eliminating active content and certain classes of hypertext links. We plan to move to a set of permissible HTML 4.0 tags in a future EDGAR system release.

D. Use of PDF

In addition to allowing the use of HTML for filings, we permit filers to submit a single unofficial PDF copy of each document.[27] These copies are disseminated publicly. Unofficial PDF documents retain all the fonts, formatting, colors, images, and graphics contained in an original document. The unofficial PDF copy is optional, but the rules require that, if an unofficial PDF copy of a document is submitted, it must be substantively equivalent[28] to the document contained in the official filing of which it is a copy. Further, filers may not make a submission consisting solely of PDF documents; filers must include unofficial PDF copies only in submissions that contain official filings in HTML or ASCII format.

Some filers have offered to submit redlined unofficial PDF copies of their filings along with their correspondence submissions for the convenience of the staff in its review.[29] Currently, Rule 104[30] of Regulation S–T would prevent such submissions. We agree that allowing such submissions may facilitate staff review, and we propose to amend Rule 104 to provide that unofficial PDF copies in correspondence documents may differ from the contents of the associated ASCII or HTML correspondence document. This will allow filers to submit redlined copies of official filings in unofficial PDF copies of EDGAR correspondence documents without having to submit the entire official filing in the associated ASCII or HTML document. If a filer submits an unofficial PDF copy of a correspondence document that differs from the text of the ASCII or HTML document, the text of the ASCII or HTML correspondence document should describe the content of the unofficial PDF copy. For example, the ASCII or HTML correspondence document may consist of a cover letter stating that an unofficial PDF copy of the described filing is included in the submission.

In the 1999 proposing release, we requested comment on whether we should initially impose a size limitation for unofficial PDF documents. While some commenters expressed concern about overall sizes of EDGAR submission, we do not propose a PDF size limitation at this point. However, we will consider such a limitation at a later date if it is warranted.[31]

E. Graphic and Image Material

Currently, we do not accept graphic or image material in HTML documents.[32] The EDGAR system is programmed to suspend HTML submissions if they contain tags for graphic or image files. However, the optional, unofficial PDF copy of an EDGAR document may contain graphic and/or image material.

We propose to permit graphic and image material in HTML documents submitted using a modernized version of EDGARLink that we will make available with EDGAR Release 7.0.[33] However, we propose to preclude filers from using graphic or image material to submit information such as text or tables, so that users will be able to search and/or download this information into spreadsheet form.[34] Instead, we propose to require that filers submit such information as text in an ASCII document, or as text or an HTML table[35] in an HTML document.[36]

We currently prohibit any EDGAR submission containing animated graphics (e.g., files with moving

[24] As noted in our release proposing rules on the regulation of securities offerings, we must consider factors such as security; development and maintenance costs; costs of database storage; how these materials should be disseminated to the public; whether investors would have as ready access to these materials as to the current electronic filings; how to meet the archival requirements for storage of these materials; wide divergence in industry standards for most multi-media formats; and how to assure that filed documents continue to be readable in the future, since applications that present these media may change or even disappear over time. *See* Section VII.B of ''The Regulation of Securities Offerings,'' Securities Act Release No. 7606A (Nov. 13, 1998) [63 FR 67174].

[25] We plan to keep Form N–SAR and Form 13F as ASCII format submissions. Rule 105(a) [17 CFR 232.105(a)]. However, filers have the option of submitting exhibits to Form N–SAR as HTML documents.

[26] We discuss the modernized EDGARLink in Section I.I below.

[27] For example, if a filing consists of a registration statement plus five exhibits, there are six documents for EDGAR purposes. Generally, the filer may submit all of these as HTML documents, all as ASCII documents, or some as HTML and some as ASCII documents. The filer also has the option to accompany any or all of the six documents with an unofficial PDF copy. But the rules do not permit a filer to submit a single unofficial PDF copy including the registration statement and exhibits; each PDF document must reflect only one ASCII or HTML document.

[28] ''Substantively equivalent'' documents are the same in all respects except for the formatting and inclusion of graphics. This is because PDF documents may include more graphics than in the corresponding HTML document. For documents to be substantively equivalent, the text of the two documents must be identical.

[29] Filers would not include a redlined unofficial PDF copy of the officially filed document, since EDGAR would disseminate the PDF document with the redline codes. However, unofficial PDF copies of EDGAR correspondence (CORRESP documents) are not disseminated.

[30] 17 CFR 232.104.

[31] The EDGAR Filer Manual that will accompany Release 7.0 will contain guidance on data compression, file creation, and transmission designed to limit file sizes for storage and downloading to members of the public.

[32] Filers must continue to provide a fair and accurate description of the differences between a version including graphic or image material and the filed version, as required by Rule 304 of Regulations S–T [17 CFR 232.304].

[33] We discuss the modernized EDGARLink in Section I.I below.

[34] For example, financial statements could not be presented as graphics, since this would impair their usefulness.

[35] The EDGAR Filer Manual will continue to prohibit filers from including ''nested tables'' in their HTML documents.

[36] The EDGAR Filer Manual will prohibit the use of graphics as background because their use may interfere with the legibility of documents. In addition, filers should be aware that EDGAR Release 7.0 may not support the inclusion of graphics in modules and segmented filings.

corporate logos or other animation), either in any official submission or any unofficial PDF copy. We imposed this requirement due to concerns with how to capture and represent the animated graphics, which we cannot print or search, in the official filing. Since filers have not expressed strong concerns about the exclusion of animated graphics, we propose to continue to prohibit them in EDGAR documents.

We have some concerns about the potential size of data files that filers may submit in connection with graphic and image material, not only because of our own database storage needs, but also because some Internet users may encounter difficulties in downloading or viewing documents that are very large.[37] While we are not now proposing to impose a size limit on graphic and image files, we request comment on the circumstances and manner in which we might limit file size and the type of graphic and image materials if the need arises. For example, should we propose a limitation on the allowed size of each file or group of files, including graphic and image files, and provide EDGAR Filer Manual instructions on ways to minimize file size? Should we limit the total number of files that include graphic and/or image material?

In the 1999 proposing release, we requested comment on whether we should require graphic and image material to be included in HTML documents. One commenter believed that it would not be burdensome to require graphic information when required by the form. Another commenter believed that if graphics are created for the printed copy, they should be consistent in the HTML document.

We have considered three approaches to graphics: making their use strictly optional, requiring graphics in HTML documents whenever our rules or forms require information to be in graphic form, [38] or requiring graphics in HTML documents wherever the documents distributed to security holders or potential investors contain graphics. The latter approach would have the benefit of making the filed document look like the document actually used by the filer. However, such a requirement could place a burden on filers who would like to use HTML but may not have the resources to put all graphic and image material into electronic format. This could discourage the use of HTML. Accordingly, we propose the middle ground—requiring graphics in HTML documents only in the limited instances where our rules require graphics.[39] We request comment on whether this approach would be burdensome and we should make graphics completely optional or, conversely, whether we should require graphics wherever presented in the distributed document.

Filers should not include non-public information in graphics files, even if the associated HTML or unofficial PDF document is non-public and will not be disseminated. This is because, due to the design of the system, EDGAR will disseminate all graphic files, whether their related document is public or non-public.[40] Of course, EDGAR will not disseminate the non-public document itself. Therefore, filers should not include graphics intended to remain non-public in their EDGAR submissions.

F. Limitation on Hypertext Links

Currently, the EDGAR system does not permit hypertext links from HTML documents to external web sites. Similarly, the system does not permit hypertext links from one HTML document to any other documents (including exhibits), regardless of whether the document is part of the same filing. Hypertext links to different sections within a single HTML document are allowed.[41] A document may include a textual reference to the filer's external sites or documents but it may not include a link to such external sites or documents.[42]

We propose to allow hypertext links to other documents within the same filing (*i.e.*, exhibits) with EDGAR Release 7.0. We also propose to permit hypertext links to documents contained in other official filings in the EDGAR database on our public web site at www.sec.gov. Filers would be able to include the expanded hyperlinking in documents submitted to EDGAR using a modernized version of EDGARLink that we will make available with EDGAR Release 7.0.[43] Under our proposal, filers could, for example, link from within a document to previously filed documents that are incorporated by reference.[44] We would continue to prohibit all links outside the EDGAR database, including links to web sites.[45] We request comment on our proposal to allow these limited hypertext links.

Currently, the rules provide that, if a filer includes impermissible hyperlinks in a filing, the linked material will not become part of the official filing for purposes of determining whether the disclosure requirements are satisfied.[46] The linked material will, however, be subject to the civil liability and antifraud provisions of the federal securities laws. We propose to amend Rule 105 of Regulation S–T so that this position applies whether or not the hyperlink is permitted by our rules.

We believe that filers should not be able to use hyperlinks to satisfy the disclosure requirements of the applicable rule or schedule because then the readers of the filing might be unable to understand the content of the filing without accessing numerous hyperlinks. In addition, they would not be able to print the filing as an integrated whole. Many of our forms and schedules permit incorporation by reference, but we do not believe it would be appropriate for a filer to use hyperlinks to effectively use incorporation by reference when that is not permitted. For example, in a Form S–1 registration statement, a filer might wish to use hyperlinks from the prospectus to the company's previous Exchange Act reports. This would be optional information for the convenience of the reader. The filer

[37] As noted in footnote 31 above, the EDGAR Filer Manual will give guidance on voluntary methods to reduce the size of graphics.

[38] *See, e.g.*, the performance line graph required by Item 402(*l*) of Regulation S–K [17 CFR 229.402(*l*)] and the performance graph required for investment companies by Item 5 of Form N–1A [17 CFR 239.15A and 274.11A].

[39] Rule 304 of Regulation S–T [17 CFR 232.304] will continue to require the description of the differences between the filed version and other versions of the material. The filer would need to include the description only if the filer did not reproduce the graphics in the HTML document.

[40] For example, EDGAR ''CORRESP'' and ''COVER'' documents are non-public and are not disseminated. However, EDGAR will disseminate graphics files associated with these document types.

[41] For example, companies may include a prospectus table of contents containing links to the various sections of the prospectus.

[42] It is the staff's position that such a reference will not be deemed to incorporate the material by reference into the filing. *See* ITT Corp. (Dec. 6, 1996) and Baltimore Gas & Electric Co. (Jan. 6, 1997).

[43] We discuss the modernized EDGARLink in Section I.I below.

[44] *See* Rule 105 of Regulation S–T [17 CFR 232.105]. Of course, filers should use hyperlinks consistently with the requirements for plain English. They should not use linked material as a substitute for information that needs to be in the document to make it readable. In addition, filers should keep in mind that a person who prints out the filed document will not also receive the linked material. Similarly, a database search on the filed document will not necessarily yield any results covering the linked material.

[45] However, filers may continue to include (non-active) textual references to electronic addresses (URLs) in their documents.

[46] The rule provides that information contained in the linked material is not part of the official filing for reporting purposes in order to prevent a filing from being considered complete when the entire content of the filing is not available without reference to another document. This provision should not, however, be viewed as a statement that linked material is not considered to be part of the filed document for other purposes.

could not, however, delete the business and financial information from the body of the prospectus because it was also provided in a hyperlinked Exchange Act report.

In addition, we believe it is appropriate for filers to assume liability for hyperlinked material as if it is part of the filing. In other electronic contexts, there may be circumstances that call into question the intended purpose or reasonable interpretation of including a particular hyperlink in a document. In the context of an official filing made to the EDGAR system, however, we believe members of the public coming to the SEC's web site will reasonably understand the inclusion of a hyperlink to mean that the filer has adopted the linked material as its own. Rule 105 would reflect this position.

We do not believe this liability treatment should present any problems for filers. The use of hyperlinks in filed documents would remain voluntary, and a filer need not hyperlink to other documents if it does not wish to be understood as adopting the linked material as its own. In addition, the only hyperlinks that the rule would permit would be to exhibits to the same filing, or to previous filings in the EDGAR database on our web site. We would caution filers, however, not to include these hyperlinks unless they are prepared to accept this responsibility.

Although the liability treatment of hyperlinks under the proposed rule is similar to the legal effect of incorporation by reference, we emphasize that hyperlinks are not a substitute for incorporation by reference. As noted above, filers may not use hyperlinks to furnish information required in the filed document when incorporation by reference is not available. Conversely, when the form or rule makes incorporation by reference available, the filer must follow the form or rule requirements. A hyperlink alone will not satisfy those requirements.[47]

The proposed rule would not prevent a filer from including a hyperlink to a document filed by another issuer, which might include an affiliate or guarantor, subject to the same liability treatment. We request comment on whether filers would wish to include hyperlinks to filings of other companies, and under what circumstances. If filers would wish to do so, would the proposed treatment be appropriate? Should the rule permit hyperlinks to filings by the same company only, or by the same company and affiliated companies only?

We ask commenters to address the proposed treatment of hyperlinks and whether there is any need to modify either the disclosure or liability provisions. Please note that these proposals address the status of hyperlinks in EDGAR filings only, not in other contexts such as hyperlinks in documents on filers' own web sites. We are considering issuing separate guidance that may address some of these issues.

We solicit comment on two other aspects of the proposed treatment of hyperlinks. First, how should we treat hyperlinks within hyperlinks? For example, Company A's registration statement has a hyperlink to its Form 10–K, which in turn has a hyperlink to its proxy statement. We believe that Company A should be viewed as making all the hyperlinked material its own, including the proxy statement. Is there any reason to exclude material in second-level (and beyond) hyperlinks?

Second, we solicit comment on the treatment of amended or superseded material in hyperlinks.[48] If a hyperlinked document is corrected or updated by means of a new filing, the document containing the hyperlink also may have to be amended. Otherwise, the hyperlink will be to the wrong document. For example, suppose a registration statement contains a hyperlink to a Form 10–K that is later amended to reflect a material change. The registration statement would have to be amended to include a hyperlink to the amended Form 10–K.[49] This would be necessary whether the hyperlinked document is filed by the same issuer or another issuer. Should this be a pre-or post-effective amendment, or should this be permitted in a prospectus filing under Rule 424[50] or 497[51] if the hyperlink was contained in the prospectus.

Currently, we maintain filing information on the EDGAR database on our public web site dating from 1994. While we have no current plans to remove data from this database, we anticipate that, in the future, we will periodically need to archive portions of the data. Therefore, filers should be aware that we cannot assure the maintenance of the linked material, since we do not know how long we will be able to maintain all of the EDGAR data on our web site.

We recognize that use of hypertext links to external web sites may enhance filers' ability to present information as well as the public's ability to access information. As noted above, we do not propose to permit such external hypertext links. Links or references in an EDGAR filing to such external sites present significant issues concerning what constitutes an ''official filing'' submitted to and accepted by us. With paper filings, or even text-based ASCII filings, an ''official filing'' is encompassed entirely within the four corners of the text documents submitted to us by the filer, as well as specific documents incorporated by reference, and is thus easily identifiable. If we were to permit documents submitted to us in HTML format to include links to web sites or other documents that reside outside the EDGAR database on our public web site, the content of these web sites or documents could change on a regular basis, even after the ''official filing'' was received by us. As a result, someone trying to determine the content of the ''official filing'' at a later date would not necessarily be able to re-create the document as it was originally filed.

This also raises issues concerning the extent to which filers' use of such external links (if we were to permit such links) could lead to liability under the securities laws. We request comment on whether filers, investors or others believe the benefits of allowing external hypertext links to other documents or web sites would outweigh these concerns. We request comment on the impact of such links on the definition of an official filing for regulatory and liability purposes, as well as the impact on automated analysis systems used by the processors and disseminators of EDGAR data. We also request comment on what we should accept as an official filing and on possible methods of archiving the official filing if we were to permit such external links.

G. Prohibition Against Electronic Submissions Containing Executable Code

Our planning for the modernized EDGAR system is designed to minimize security risks. Accordingly, Rule 106[52] of Regulation S–T prohibits any EDGAR submission containing executable

[47] For example, the filing must contain a statement that the document is incorporated by reference, whether or not there is a hyperlink. As another example, Form 10–K may incorporate financial and other information from a company's annual report to security holders, so long as the information is filed as an exhibit to the Form 10–K. This exhibit is needed even if the information also is provided by hyperlink.

[48] *Cf.* Rule 412 [17 CFR 230.412], which addresses amended or superseded material incorporated by reference into a Securities Act registration statement or prospectus.

[49] Of course, this would be necessary only during the pendency of the offering.

[50] 17 CFR 230.424.

[51] 17 CFR 230.497.

[52] 17 CFR 232.106.

code,[53] either in any HTML or ASCII document or any unofficial PDF copy, at any time. ''Executable code'' includes, but is not limited to, disruptive code.[54] This requirement is necessary to protect the integrity of the EDGAR system and database, by reducing the possibility of unauthorized access to sensitive information, and to reduce the possibility of introducing viruses or other destructive applications into the EDGAR system (and to any disseminator receiving data from the EDGAR system). A number of commenters supported the continuation of this prohibition. We propose to continue to prohibit the submission of all executable code.

We propose to continue, in general, suspending any attempted submission that our staff determines contains executable code.[55] We have programmed the EDGAR system to detect and prohibit acceptance of such code during acceptance processing. If a submission is accepted, and our staff later determines that the accepted submission contains executable code, our staff may delete any document contained in the electronic submission from the EDGAR system and direct the electronic filer to resubmit electronically replacement documents for all or selected documents deleted from the submission. We are aware that suspending acceptance of a filing, or deleting it from the EDGAR database, could have significant consequences to the filer, such as causing a filing to miss its due date or preventing a time-sensitive filing from moving forward. Nevertheless, we need to continue to take whatever steps are necessary to address potential security problems.

H. Method of Electronic Transmission

Currently, electronic filers may make electronic submissions either as direct transmissions or on magnetic tape or diskette.[56] As discussed below, we are adding transmission via the Internet as a mode of electronic submission and changing the mode of acceptable transmission from ''magnetic tape'' to ''magnetic cartridge.'' We also propose to remove diskettes as an allowed means of transmission.

Direct Transmission via Dial-Up Modem and Internet

Most filers currently make EDGAR submissions by using a dial-up modem process, with or without the use of EDGARLink,[57] directly to EDGAR or through the EDGAR electronic mail service to EDGAR. Modem technology continues to advance. The current transmission speeds that are predominantly in use for EDGAR are 14.4 kpbs and 56 kbps. In 1998, the EDGAR system discontinued support for 1200 bps modems. We are now considering discontinuing support for 9600 bps modems, either in connection with EDGAR Release 7.0 or at a later time. We request comment on the impact, if any, of this proposed change.

With EDGAR Release 7.0, filers also will be able to make EDGAR filings through Internet-based technology via an Internet Service Provider (ISP) of their choice. We are revising EDGARLink to support Internet-based filing. We will provide security by Secure Socket Layer (SSL, *i.e.*, encrypted transmissions) and certificates.[58]

In the 1999 proposing release, we requested comment on whether we should propose to allow or to require filers to acquire and present client side certificates from one for more vendors that we designate. We received several comments urging us not to require client side certificates; commenters believed that SSL would provide adequate security. One commenter stated that requiring client side certificates might lead to unanticipated difficulties when filers needed to make filings quickly. This commenter emphasized that security features should always be balanced against the impact the features will have on system users. We agree with the commenters; we will not require but will permit optional client side certificates. Filers may wish to use client side certificates for the additional security benefits they bring to filers and their transmissions (such as security of transmission to us and from us to disseminators and authentication of the document source).

Magnetic Tape

Currently, filers may submit their EDGAR filings by magnetic tape.[59] In keeping with changing technological standards, we are changing this method of transmission from the current 9 track magnetic tape format to the following formats: 4mm, 8mm, and .5 inch IBM-compatible 3480 magnetic tape cartridges.[60] We request comment on the impact, if any, of this proposed change.

Diskettes

Diskette filings often present formatting difficulties,[61] and the percentage of filers using diskettes is minimal, approximately one percent. As the EDGAR modernization effort continues, we believe we should discontinue acceptance of electronic submissions on diskettes. In the 1999 proposing release, we requested comment on whether diskettes remain useful for certain types of filings and whether we should continue to permit them. We received one comment in response to this request; that commenter believed there was no reason to continue accepting diskettes. We propose to eliminate diskettes as a transmission medium.[62] We request comment on whether there is any category of filers who would be unduly burdened if we eliminate filers' ability to file on diskette.

I. Modernized EDGARLink

We will provide filers a new, easier to use EDGARLink product for gathering and transmitting documents to the EDGAR system. We will continue to have the existing DOS-based EDGARLink available concurrently for approximately six months. We anticipate that the new EDGARLink will work more easily under Windows

[53] Executable code is defined as instructions to a computer to carry out operations that use features beyond the viewer's, reader's, or Internet browser's native ability to interpret and display HTML, PDF, and static graphic files. Such code may be in binary (machine language) or in script form. *See* Rule 11 of Regulation S–T [17 CFR 232.11]. Thus, scripting languages, such as JavaScript and similar scripting languages, fall into this class of executable code, as does Java, ActiveX, Postscript, and any other programming language.

[54] The term ''disruptive code'' means any active content or other executable code, or any program or set of electronic computer instructions inserted into a computer, operating system, or program that replicates itself or that actually or potentially modifies or in any way alters, damages, destroys or disrupts the file content or the operation of any computer, computer file, computer database, computer system, computer network or software, or as otherwise set forth in the EDGAR Filer Manual. A violation of this provision or the relevant provision of the EDGAR Filer Manual also may be a violation of the Computer Fraud and Abuse Act of 1986, as amended, and other statutes and laws.

[55] If the executable code is contained only in one or more PDF documents, we will accept the submission but not the PDF document(s).

[56] *See* Rules 12(b) and 12(c) of Regulation S–T [17 CFR 232.12(b) and 232.12(c)].

[57] EDGARLink is the filer assistance software we provide to filers filing on the EDGAR system. *See* Section I.I below for a discussion of modernized EDGARLink.

[58] The EDGAR Filer Manual will set forth the detailed specifications for and guidance on obtaining certificates.

[59] *See* Rule 12(b) of Regulation S–T [17 CFR 232.12(b)].

[60] *See* proposed related amendments to Securities Act Rule 110 [17 CFR 230.110], Rules 12 and 103 of Regulation S–T [17 CFR 232.12 and 232.103], Exchange Act Rule 0–2 [17b CFR 240.0–2], Public Utility Act Rule 21 [17 CFR 250.21], and Trust Indenture Act Rule 0–5 [17 CFR 260.0–5].

[61] The EDGAR system will not accept diskette filings with formatting errors. The process of notifying the filer of the errors and having the filer correct and resubmit the diskette may result in long delays before EDGAR accepts the filing.

[62] *Id.*

operating system environments. We request comment on the burden to filers, if any, of our discontinuing support for the existing DOS-based EDGARLink six months after we make available the new EDGARLink. Filers must use the new EDGARLink if they wish to include graphics and hyperlinks in their HTML documents (except for hyperlinks within the same document).

The new EDGARLink will allow filers to use predefined templates to fill in required submission ''header'' data. We will integrate the electronic templates with the two most popular Internet browsers in the market today, Internet Explorer and Netscape Navigator (versions 3 and higher). Filers may use these integrated browsers to transmit their filings to EDGAR using the Internet. The interface to the user will be the browser, so many of the functions in the browser interface that filers use currently to traverse the Internet will be familiar under the new EDGARLink.

We will not distribute the new EDGARLink by diskette. We will make it downloadable from the EDGAR web site. The filer will have the choice of downloading all of the submission header templates for all of our forms and filings or just the submission header template that they need for a particular filing. This should save time in downloading submission header templates and ensure that the filer is downloading the most recent template.

The new EDGARLink will perform the same function of assisting filers with building the header, attaching documents to the header, checking for errors, and transmitting the documents to us. The new EDGARLink will not use the current tagging structure for submission headers. Instead, it will have clear, plain English labels on fields. The filer will bring up the correct submission header template and begin filling in the fields similar to the way data input is performed on many web sites on the Internet. The new submission header templates will be able to validate some fields as soon as the information is entered, so filers will not have to wait until they validate their filing to see errors in the submission header. The submission header template will also allow filers to attach their documents directly to the template. Once the submission header template is complete and the documents are attached, filers may use the browser-like buttons at the top of the screen to validate the submission header template and the attached documents. Filers may then use another button at the top of the screen to transmit the submission header template and attached documents to us.

The filer will correct any errors detected in the submission header template during the validation phase through the new EDGARLink software. During the validation phase, filers will correct any errors they detect in the documents using their own word processing software package, which they may invoke easily from the submission header template. Filers should review their submissions carefully before transmission, since, once the submissions are accepted, EDGAR disseminates filings almost instantaneously.

J. HTML Standard; Tag Set

To maximize the likelihood of consistent document appearance across different browsers, we adopted HTML 3.2 as the required standard for HTML documents. In addition to using HTML 3.2 as the standard, we adopted a set of permissible HTML 3.2 tags for use in HTML documents. For EDGAR Release 7.0, we are changing the standard for use with the modernized version of EDGARLink [63] to a further modified version of HTML 3.2 that adds tags needed for graphics and more hypertext links. This should allow for most formatting capability while eliminating active content and certain classes of hypertext links.[64] The tentative list of these tags, which will be included in the EDGAR Filer Manual and updated from time to time, appears in Appendix A to this release.[65] The EDGAR system will continue to suspend filings if they contain tags that are not permitted. We request comment on the proposed tag set, including whether we should permit, require, or prohibit any particular tag.

K. Financial Data Schedules

Filers currently submit Financial Data Schedules (FDSs) as exhibits to many of our required forms. Filers extract the FDS information from financial statements and other sources in their filings. The primary purpose of this requirement is to provide tagged financial information that the staff can use for screening filings, ratio computation and other analysis. As part of the EDGAR modernization effort, we have explored alternative means of acquiring this financial information, such as through outside data sources. We propose to relieve filers of the requirement to prepare and submit FDSs and to remove the requirement for Financial Data Schedules from all rules and forms. We request comment, however, on whether FDS data is useful to the public and whether we should continue to require filers to submit FDSs with any filing.

With respect to investment companies, one commenter suggested that we incorporate certain information currently contained in the financial data schedule submitted with Form N–SAR into the Form N–SAR itself. We believe this data may be valuable in connection with the analysis of the other information collected in the Form N–SAR. Therefore, we request comment on whether we should retain the FDS requirement for Form N–SAR for the time being but, in future rulemaking, consider removing the FDS requirement and instead incorporating the FDS information into the Form N–SAR itself.

L. Possible Future Rulemaking Projects

As the use of electronic databases grows, it becomes increasingly important for members of the public to have electronic access to our filings. According, we are contemplating future rulemaking to bring more of our filings into the EDGAR system on a mandatory basis. For example, we anticipate that we will propose to make Forms 3, 4 and 5 [66] under Section 16 [67] of the Exchange Act and Form 144 [68] (notices of securities sales filed pursuant to Rule 144 [69]) mandated EDGAR filings. Also, we are considering proposing to require that foreign private issuers make their filings with us on the EDGAR system.[70] We request comment on these future projects as well as whether we should require other filings to be mandated EDGAR filings. For example, should we mandate, or at least permit, the electronic submission of filings relating to offerings exempt from registration under the Securities Act, including filings made pursuant to Regulation A,[71] Regulation D [72] and Regulation E [73]? Should we mandate that investment companies submit their exemptive applications electronically? We also are considering whether to allow or require securities exchanges to file on the EDGAR system. We request comment on whether we should allow or require these entities to file electronically their

[63] *See* Section I.I above.

[64] The modified 3.2 tag set will not include proprietary extensions that are not supported by all browsers.

[65] The permitted tag set will continue to evolve over time to accommodate the industry standard and needs of filers.

[66] 17 CFR 249.103, 249.104, and 249.105.

[67] 15 U.S.C. 78p.

[68] 17 CFR 239.144.

[69] 17 CFR 230.144.

[70] Currently, filers may submit Forms 3, 4, 5 and 144 and most of the foreign private issuer forms on EDGAR on a voluntary basis.

[71] 17 CFR 230.251–230.263.

[72] 17 CFR 230.501–230.506.

[73] 17 CFR 230.601–230.610a.

certifications for listing and trading on the exchanges, and Form 25 under the Exchange Act,[74] electronically on the EDGAR system.

Also, we request comment on the following issues in connection with future rulemaking for modernization of the EDGAR system:

EDGAR Tags

Currently, EDGAR submissions include Standard Generalized Mark Up Language (SGML) tagging. In the 1999 proposing release, we requested comment on the use of eXtensible Markup Language (XML) for EDGAR tagging, particularly for EDGAR submission header tags. No commenter objected to the use of XML tagging, and commenters agreed that XML tagging would be useful and potentially a very powerful tool for tagging information within the body of an EDGAR document. We are moving toward XML tagging of submission header information in Release 7.0. EDGARLink users will not notice the XML tagging, since they will enter their submission header information using an input screen that does not contain tags. EDGARLink will create and transmit to EDGAR the XML tagged submission.

We again request comment on the use of XML tagging for marking certain information within the body of an EDGAR document, as discussed below. We request comment on the impact of our requiring, where applicable, that filers provide XML tagging of the following information within the body of EDGAR documents: fee-related data; for investment companies, identification of individual series (portfolios) and classes; and, for insurance products, identification of separate accounts.

Investment Companies and Insurance Products—Multiple ''Primary'' EDGAR Documents

Open-end management investment companies (mutual funds) and variable insurance products frequently make submissions with one ''primary'' EDGAR document that consists of many separate documents for distribution to shareholders. For example, the primary EDGAR document for an initial registration statement or amendment (*e.g.*, EDGAR document type 485APOS) may contain many separate prospectuses and statements of additional information. A single shareholder report EDGAR document (N–30D) may contain the shareholder reports for a number of different portfolios within the same mutual fund or insurance product registrant. We request comment on whether, for these registrants, requiring the current primary EDGAR document to continue to be comprised of no more than one HTML file would be cumbersome for filers to submit and for the public to use. We request comment on whether we should accommodate the special circumstances of mutual fund and insurance product filers by allowing or requiring these filers to include multiple primary EDGAR documents in certain EDGAR submission types (for example, N–1A, N–14AE, 485APOS, 497, or N–30D).

II. Rule Amendments in Connection with EDGAR Release 7.0

We propose to amend certain rules and regulations, which we discuss below, in connection with EDGAR Release 7.0. We request comment on our proposed amendments and on whether we should amend any other rules and regulations under the securities laws. Most of our proposed amendments are to the provisions of Regulation S–T, which governs the preparation and submission of electronic filings to us, as described below in connection with the expanded features for HTML documents.

Rule 11—*Definition of Terms used in Part 232.* Rule 11 contains definitions used in Regulation S–T. We propose to amend the definition of ''official filing.'' Currently, the definition of the term ''official filing'' is any filing that is received and accepted by the Commission, regardless of filing medium.[75] The current definition resulted from amendments we made to reflect revised records retention practices.[76] Before those amendments, Rule 11 made clear that an ''official filing'' was a document filed with us exclusive of header information, tags and any other technical information required in an electronic filing.[77] We propose to revise the definition to restore this language.

We also propose to remove from Rule 11 the definition of ''phase-in date,'' since we have completed phase-in to mandated electronic filing and the term is no longer used in the rules.

Rules 12 and 103—*Business hours of the Commission; Liability for transmission errors or omissions in documents filed via EDGAR.* Paragraph (b) of Rule 12 and Rule 103 refer to the submission of electronic filings on magnetic tape or diskette. We propose to revise paragraph (b) of Rule 12 to refer to transmission by magnetic cartridge rather than magnetic tape and to remove the references to diskettes, since we propose to discontinue accepting filings on them [78] and to revise the language of paragraph (c) of Rule 12 to allow for direct transmissions via Internet. We also propose to remove the reference to method of transmission from Rule 103, since the rule covers transmission by any acceptable method.

Rule 104—*Unofficial PDF Copies Included in an Electronic Submission.* Rule 104 provides that an electronic submission may include one unofficial PDF copy of each electronic document contained within an electronic submission. [79] Each unofficial PDF copy must be substantively equivalent to its associated ASCII or HTML document contained in the submission. Several commenters suggested that filers may wish to submit redlined courtesy copies of filings as unofficial PDF copies of correspondence documents. As discussed above in Part I.D, we propose to relax the substantively equivalent requirement in connection with non-public correspondence submissions consisting of redlined copies of filings. We solicit comment on whether we should remove this requirement for all unofficial PDF correspondence documents instead of only those consisting of a redlined copy of a filing.

Rule 104 currently makes it clear that an unofficial PDF copy may contain graphic and image material even though its ASCII or HTML counterpart may not contain such material. [80] We propose to revise the rule to reflect the fact that, with EDGAR Release 7.0, the HTML counterpart might also contain graphic material.

Rule 105—*Limitation on Use of HTML Documents and Unofficial PDF Copies; Use of Hypertext Links.* Rule 105 currently provides that filers may not submit Financial Data Schedules as HTML documents. We propose to remove this language, since we will no longer require filers to submit FDSs.

Rule 105 currently prohibits electronic filers from including in HTML documents hypertext links to sites or documents outside the HTML

[74] 17 CFR 249.25.

[75] Rule 11 of Regulation S–T [17 CFR 232.11].

[76] *See* Release No. 33–7427; 34–38798; 39–2355; IC–22730 (July 1, 1997) [62 FR 36450] (removing the reference to microfiche to reflect new practice of allowing for storage of documents in a variety of media).

[77] *See* Release No. 33–6977 (Feb. 23, 1993) [58 FR 14628].

[78] We also propose to revise the following rules to change the reference from magnetic tape to magnetic cartridge and to remove the reference to diskettes: Securities Act Rule 110, Exchange Act Rule 0–2, Public Utility Act Rule 21, and Trust Indenture Act Rule 0–5.

[79] Rule 104(a) [17 CFR 232.104(a)]. This rule also permits the filer to submit an unofficial PDF copy of correspondence or a cover letter document.

[80] Rule 104(b) [17 CFR 323.104(b)].

document.[81] However, the rule allows electronic filers to include hypertext links to different sections within a single HTML document. We propose to amend the rule so that, with EDGAR Release 7.0, filers may link to other documents within the same submission as well as to other documents previously filed electronically that are on our public web site EDGAR database at www.sec.gov. The EDGAR system will suspend filings if they contain external links other than discussed above.

The proposed rule would not permit filers to link to an unofficial PDF copy of a filing, since the PDF copy is not an official filing. We request comment, however, on whether we should permit filers to link to unofficial PDF copies.

Currently, Rule 105 provides that, if an accepted filing includes external links in contravention of our rules, we will not consider information contained in the linked material to be part of the official filing for determining compliance with reporting obligations, but such information will be subject to the civil liability and anti-fraud provisions of the federal securities laws.[82] As discussed above in Part I.F, we propose to revise the rule so that it applies to all linked material, whether included in accordance with (or in contravention of) our rules.

Rule 302—*Signatures.* Rule 302 currently provides that required signatures to or within electronic documents must be in typed form. We propose to amend the rule to allow signatures that are not required to appear as script in HTML documents, since we propose to permit graphic and image material.[83] Some commenters believed that we also should accept required signatures as script in HTML documents. However, we propose to retain the rule that required signatures be typed to ensure legibility of these signatures.

Rule 303—*Incorporation by reference.* Paragraph (a)(4) of Rule 303 currently prohibits the incorporation by reference of Financial Data Schedules submitted under Rule 483. We are proposing to remove this provision, since we propose to no longer require FDSs.

Rule 304—*Graphic, Image, Audio and Video Material.* Currently, Rule 304 prohibits the inclusion of graphic, image, audio or video material in an EDGAR document. We propose to revise Rule 304 to lift the prohibition on graphic and image material (but not on audio or video material) in HTML documents with EDGAR Release 7.0.[84] As discussed above in Part I.E, we also propose to require the presentation of graphic material in an HTML graphic file in HTML documents if the information is required by Commission rule or form and to allow its inclusion where the graphics in the document are not required by our rules or forms. We also propose to amend the rule to prohibit animated graphics in any EDGAR document.

Rule 311—*Documents submitted in paper under cover of Form SE.* Rule 311 currently contains provisions concerning documents submitted in paper under Form SE. We propose to amend the rule to remove the reference to exhibits to Form N–SAR, since filers must now submit N–SAR exhibits electronically.

Rules 401 and 402—*Financial Data Schedule; Liability for Financial Data Schedule.* Rules 401 and 402 are the provisions governing the electronic submission of Financial Data Schedules. As discussed above in Part I.K, we propose to rescind the requirement for FDSs, and accordingly we propose to remove Rules 401 and 402 of Regulation S–T.[85]

Rule 501—*Modular Submissions and Segmented Filings.* Rule 501 currently states that an electronic filer that subscribes to the optional EDGAR electronic mail service may use the module and segment features. We propose to revise the rule to remove the reference to the optional electronic mail service, since filers who do not subscribe also may use these features.

III. General Request for Comment

You are invited to submit written comments relating to the rule proposals set forth in this release by submitting three copies to Jonathan G. Katz, Secretary, U.S. Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. You also may submit your comments electronically at the following e-mail address: rule-comments@sec.gov. Your comment letter should refer to File No. S7–05–00; include this file number in the subject line if you use e-mail. We will make comment letters available for your inspection and copying in our Public Reference Room, 450 Fifth Street, NW, Washington, DC 20549. We also will post any electronically submitted comment letters on our Internet Web Site (http://www.sec.gov).

We request comment not only on the specific issues we discuss in this release, but on any other approaches or issues that we should consider in connection with the EDGAR modernization that we envision. We seek comment from any interested persons, including those required to file information with us on the EDGAR system, as well as investors, disseminators of EDGAR data, EDGAR filing agents, and other members of the public who have access to and use information from the EDGAR system.

IV. Cost-Benefit Analysis

The rules we are proposing today reflect the next stage in our modernization of EDGAR. We expect that this continuing EDGAR modernization ultimately will result in considerable benefits to the securities markets, investors, and other members of the public, by expanding the types and accessibility of information that can be filed and made available for public review through the EDGAR system. We also expect that the changes will result in economic benefits to filers by easing their burden in filing required materials through the EDGAR system.

One of the goals of EDGAR modernization has been to benefit all EDGAR users by achieving consistency as much as possible with familiar and widely accepted industry standards. The rules proposed today are an important step in moving the EDGAR system toward these industry standards.

The transition to a broader HTML tag set and the use of more current technologies should provide significant benefits. Investors will benefit from EDGAR modernization because they will receive documents that communicate more effectively. Graphics can make documents easier to read. Hyperlinks should make documents easier to navigate and information easier to locate.

The ability to transmit filings over the Internet also should provide increased flexibility to filers. Moreover, since filers would be able to use their own Internet Service Providers and send filings to the EDGAR system at no charge, filers located outside of the immediate Washington, DC area may reduce their costs for long-distance telephone service. EDGARLink filers

[81] Rule 105(b) [17 CFR 232.105(b)].

[82] Rule 105(c) [17 CFR 105(c)].

[83] Rule 302. We do not now, and do not propose to, require signatures in unofficial PDF copies.

[84] We also propose to add a Note to paragraph (a) of Rule 304 to make it clear that when omitted material contains data, filers must include that data in the filing. For example, if the omitted material consists of a pie chart showing the use of proceeds, the EDGAR filing should set forth the percentage of proceeds allocated to each use rather than merely stating ''chart showing use of proceeds omitted.''

[85] We also propose to amend the following rule and form provisions in connection with the discontinuance of FDSs: Items 601 of Regulation S–B and S–K; Securities Act Rule 483; Securities Act Forms S–2, S–3, and S–8; Public Utility Act Forms U5S, U–1, U–13–60 and U–3A–2; Investment Company Act Rules 8b–2, 8b–23 and Rule 8b–32; and Investment Company Act Form N–SAR.

also should benefit from being able to prepare and transmit their filings to the EDGAR system using more convenient and familiar browser-based software. The modernized EDGARLink, which will be a significant update from the older technology of the current EDGARLink product, should benefit filers by eliminating their dependence upon maintaining old equipment that is no longer supported in the computer industry.

Companies that make public filings also should benefit from having expanded features in their HTML documents because their documents will communicate more effectively with shareholders and be more attractive for marketing and other purposes. As investors find that they can more effectively obtain the information they seek from the EDGAR system, filers may get fewer requests for paper copies of filings. Some filers that prepare documents in HTML for purposes of offerings or of company web site postings may find it less burdensome to convert documents into the version of HTML provided for in Release 7.0 and the proposed rules than to convert them into ASCII.

At the same time, we recognize that the full transition to the modernized EDGAR system will impose some hardware, software, and staffing costs associated with the evolution of computer systems to industry standards. At this stage, issuers and other filers need not incur any immediate costs related to the proposed HTML enhancements, because filing in HTML remains voluntary. Filing agents who do not use our free EDGARLink software may incur some programming costs to make the transition to Release 7.0.

The changes in permissible methods of transmission of EDGAR submissions will likely lead to some immediate costs. We believe that the elimination of diskettes and the move from magnetic tape to magnetic cartridge would affect approximately one percent of filers. On the other hand, all filers using EDGARLink may need to make some adjustments to effect the transition to the modernized EDGARLink, which is browser-based. These costs should be minimal for most filers because the new software is not dependent upon any one operating system environment and most companies have already adopted an environment that will support it. The new EDGARLink also may be able to operate on some older DOS-based operating environments. The current DOS-based EDGARLink will remain available to filers for six months to facilitate filers' transition to the modernized EDGARLink.

Disseminators of EDGAR data may incur some transitional costs as they revise their software to accommodate the proposed HTML enhancements.[86] Disseminators that are not HTML-based may face some difficulties in integrating the new graphics data. In addition, graphics data may increase the size of documents received by the EDGAR system and transmitted to disseminators. As a result, disseminators may need to adjust their storage techniques or may incur additional costs for storage and processing.

The rules we propose today impose no costs related to substantive disclosure. The one proposed substantive change is the elimination of financial data schedules, which would reduce filers' preparation time. The remaining proposals would not substantively change the information and disclosure we currently require. Rather, the proposed rules would merely modify and supplement current rules to reflect the expanded HTML options that filers may use to submit information to us electronically.

We encourage commenters to identify any costs or benefits associated with the rule proposals and with EDGAR modernization in general. In particular, please identify any costs or benefits associated with the rule proposals relating to the increased use of graphics, the contents of an ''official filing,'' impermissible types of code and content, hypertext links to documents or web sites, variations in the appearance of an ''official filing'' that is accessed through different browsers, and any impact that the rule proposals may have on the ease of locating and using EDGAR data. Please provide data to support your position.

For purposes of the Small Business Regulatory Enforcement Fairness Act of 1996, we request information regarding the potential impact of the proposed amendments on the economy on an annual basis. In particular, comments should address whether the proposed changes, if adopted, would have a $100,000,000 annual effect on the economy, cause a major increase in costs or prices, or have a significant adverse effect on competition, investment, or innovation. Commenters should provide empirical data to support their views.

V. Analysis of Burdens on Competition, Capital Formation and Efficiency

Section 23(a)(2) of the Exchange Act requires us, in adopting rules under the Exchange Act, to consider the anti-competitive effects of any rules that we adopt thereunder. Furthermore, section 2(b) of the securities Act,[87] section 3(f) of the Exchange Act,[88] and section 2(c)[89] of the Investment Company Act require us, when engaging in rulemaking, and considering or determining whether an action is necessary or appropriate in the public interest, to consider whether the action will promote efficiency, competition, and capital formation. In compliance with our responsibilities under these sections, we request comment on whether the proposals, if adopted, would promote efficiency, competition, and capital formation. We encourage commenters to provide empirical data or other facts to support their views.

In compliance with our responsibilities under the previously mentioned provisions, we considered whether the amendments would promote efficiency, competition and capital formation. Although filing agents and information disseminators may be disparately affected depending on their technical readiness and programming formats, we believe that the new rules and amendments would not impose any burden on competition not necessary or appropriate in the furtherance of the purposes of the securities laws.

We believe that the new rules and amendments would not have any adverse effect on capital formation. We believe the amendments would promote efficiency by giving investors information in a more readable format and by more closely aligning our technical standards to the industry's. The new rules and amendments would apply equally to all entities currently required to file on EDGAR. Because the proposed rules and amendments are designed in part to permit filers to provide information in a format that will be more useful to investors, the amendments are appropriate in the public interest and for the protection of investors.

We request comment on any burden on efficiency, competition, or capital formation that might result from the adoption of these proposals.

[86] We continually attempt to reduce the costs of the EDGAR system and to pass those cost savings along when possible. For example, in November 1998, under the new EDGAR contract, we were able to effect a cost savings with the implementation of a new privatized dissemination system. This resulted in our passing along a cost savings of nearly $200,000 per year to disseminators when their yearly subscription cost was reduced from $278,000 to $79,686. And in December 1999, the subscription price dropped again from $79,686 to $44,571.

[87] 15 U.S.C. 77b(b).

[88] 15 U.S.C. 78c(f).

[89] 15 U.S.C. 80a–2(c).

VI. Summary of Regulatory Flexibility Act Certification

Our Chairman has certified, under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that the new rules and rule amendments we propose in this release (the Proposals) would not, if adopted, have a significant economic impact on a substantial number of small entities. The certification, discussing the factual basis therefor, is attached to this Release as Appendix B. We encourage written comments on the Certification. We ask commenters to describe the nature of any impact on small entities and provide empirical data to support the extent of the impact.

VII. Paperwork Reduction Act

Our proposal to eliminate Financial Data Schedules (FDSs) affects several regulations and forms that contain ''collection of information'' requirements within the meaning of the Paperwork Reduction Act of 1995 [90] (the Act). We have submitted the proposal to the Office of Management and Budget (OMB) for review in accordance with 44 U.S.C. 3507(d) and 5 CFR 1320.11. The titles of the affected information collections are as follows: Form S–1, Form S–4, Form S–11, Form SB–1, Form SB–2, Form 10–SB, Form 10–QSB, Form 10–KSB, Form 10, Form 10–Q, and Form 10–K; Investment Company Act Form N–SAR; and Public Utility Holding Company Act Forms U–1, U5S, U–13–60 and U–3A–2. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Form S–1 under the Securities Act (OMB Control Number 3235–0065) is used by issuers that are not eligible to use other forms to register offerings of securities. The form sets forth the transactional and company information required by the Commission in securities offerings. Form S–4 under the Securities Act (OMB Control Number 3235–0324) is used by issuers to register securities offerings in connection with business combinations and exchange offers. This form sets forth the transactional and company information required by the Commission in securities offerings. Form S–11 under the Securities Act (OMB Control Number 3235–0067) is used to register real estate investment trusts and securities issued by issuers whose business is primarily that of acquiring and holding investment interests in real estate. Form SB–1 under the Securities Act (OMB Control Number 3235–0423) is used by small business issuers, as defined in Rule 405 of the Securities Act, to register offerings of up to $10 million of securities in a 12-month period. The form sets forth the transactional and company information required by the Commission in securities offerings. It requires less detailed information about the issuer's business than Form S–1. Form SB–2 under the Securities Act (OMB Control Number 3235–0418) is used by small business issuers, as defined in Rule 405 of the Securities Act, to register securities offerings. The form sets forth the transactional and company information required by the Commission in securities offerings. It requires less detailed information about the issuer's business than Form S–1.

Form 10 under the Exchange Act (OMB Control Number 3235–0064) is used by registrants to register classes of securities for trading on a national exchange. It requires certain business and financial information about the issuer. Form 10–SB under the Exchange Act (OMB Control Number 3235–0419) is used by small business issuers, as defined in Rule 12b–2 of the Exchange Act, to register classes of securities. This form requires slightly less detailed information about the issuer's business than Form 10 requires. Form 10–K under the Exchange Act (OMB Control Number 3235–0063) is used by registrants to file annual reports. It provides a comprehensive overview of the registrant's business. Form 10–KSB under the Exchange Act (OMB Control Number 3235–0420) is used by small business registrants, as defined in Rule 12b–2 of the Exchange Act, to file annual reports. It provides a comprehensive overview of the registrant's business, although its requirements call for slightly less detailed information than required by Form 10–K. Form 10–Q under the Exchange Act (OMB Control Number 3235–0070) is used by registrants to file quarterly reports. It includes unaudited financial statements and provides a continuing view of the registrant's financial position during the year. The report must be filed for each of first three fiscal year quarters of the registrant's fiscal year. Form 10–QSB under the Exchange Act (OMB Control Number 3235–0416) is used by small business registrants, as defined in Rule 12b–2 of the Exchange Act, to file quarterly reports. It includes unaudited financial statements and provides a periodic view of the registrant's financial position during the year. The report must be filed for each of the first three fiscal quarters of the registrant's fiscal year. It provides a comprehensive overview of the registrant's business, although its requirements call for slightly less detailed information than required by Form 10–Q.

Form N–SAR (OMB Control No. 3235–0330) is used by registered investment companies for annual and semi-annual reports required to be filed with the Commission.

Form U–1 (OMB Control No. 3235–0125) must be used by any person filing or amending an application or declaration under sections 6(b), 7, 9(c)(3), 10, 12(b), (c), (d) or (f) of the Public Utility Act. This form must also be used for filings under other sections of the Public Utility Act for which a form is not prescribed. Form U5S (OMB Control No. 3235–0164) requires registered holding companies to file annual and other periodic and special reports as the Commission may prescribe to keep current information relevant to compliance with substantive provisions of the Public Utility Act. Form U–13–60 (OMB Control No. 3235–0153) implements section 13 of the Public Utility Act by requiring standardized accounting and recordkeeping for mutual and subsidiary service companies of registered holding companies and the filing of annual reports on Form U–13–60. Form U–3A–2 (OMB Control Number 3235–0161) permits a public utility holding company to claim exemption from the Public Utility Act by filing an annual statement.

We anticipate that the proposal to eliminate the requirement that filers submit FDSs as exhibits for certain forms referenced under Item 601(b) of Regulations S–K and S–B would reduce the existing information collection requirements that are currently imposed on registrants (respondents).[91] We estimate that approximately 3,617 Form S–1s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 432 hours per filing. We anticipate that the total estimated aggregate annual burden for 3,617 respondents would be 1,562,544 hours ($432 \times 3{,}617$).

We estimate that approximately 8,709 Form S–4s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 990 hours per filing. We anticipate that the total estimated aggregate annual burden for 8,709

[90] 44 U.S.C. 3501 *et seq.*

[91] Regulations S–K and S–B do not impose reporting burdens directly on public companies.

respondents would be 8,621,910 hours (990 × 8,709).

We estimate that approximately 107 Form S–11s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 473 hours per filing. We estimate that the total estimated aggregate annual burden for 107 respondents would be 50,611 hours (473 × 107).

We estimate that approximately 8 Form SB–1s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 177 hours per filing. We anticipate that the total estimated aggregate annual burden for 8 respondents would be 1,416 hours (177 × 8).

We estimate that approximately 559 Form SB–2s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 137 hours per filing. We anticipate that the total estimated aggregate annual burden for 559 respondents would be 76,583 hours (137 × 559).

We estimate that approximately 162 Form 10–SBs are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 22 hours per filing. We anticipate that the total estimated aggregate annual burden for 162 respondents would be 3,564 hours (22 × 162).

We estimate that approximately 10,671 Form 10–QSBs are filed each year. This number reflects the fact that a Form 10–QSB is required to be filed three times a year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 32 hours per filing. We anticipate that the total estimated aggregate annual burden for 3,557 respondents would be 341,472 hours (3 × 32 × 3,557).

We estimate that approximately 3,641 Form 10–KSBs are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 294 hours per filing. We anticipate that the total estimated aggregate annual burden for 3,641 respondents would be 1,070,454 hours (294 × 3,641).

We estimate that approximately 124 Form 10s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 23 hours per filing. We anticipate that the total estimated aggregate annual burden for 124 respondents would be 2,852 hours (23 × 124).

We estimate that approximately 29,551 Form 10–Qs are filed each year. This number reflects the fact that Form 10–Q is required to be filed three times a year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 34 hours per filing. We anticipate that the total estimated aggregate annual burden for 9,850 respondents would be 1,004,700 hours (3 × 34 × 9,850).

We estimate that approximately 10,381 Form 10–Ks are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 430 hours per filing. We anticipate that the total estimated aggregate annual burden for 10,381 respondents would be 4,463,830 hours (10,381 × 430).

The proposal to eliminate FDSs within Investment Company Act Form N–SAR would reduce the total information collection burden imposed upon affected respondents. We estimate that approximately 7,333 Form N–SARs are filed each year. This number reflects the fact that each of approximately 3,300 management investment companies file the form twice a year. This number also includes the 733 unit investment trusts who file the form once a year, with a burden of 6 hours per filing, but who do not file FDSs with the form. We estimate that the elimination of FDSs would decrease the filing burden for each management investment company respondent by 1 hour for an average burden of 14.75 hours per filing. We anticipate that the total estimated aggregate annual burden for 4,033 respondents would be 101,748 hours ((2 × 3,300 × 14.75) + (733 × 6)).

The proposal to eliminate FDSs within Public Utility Act forms would reduce the total information burden imposed upon affected respondents. We estimate that approximately 121 Form U–1s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 224 hours per filing. We anticipate that the total estimated aggregate annual burden for 15 respondents making a total of 121 submissions per year would be 27,104 hours (121 × 224).

We estimate that approximately 19 Form U5Ss are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 13.5 hours per filing. We anticipate that the total estimated aggregate annual burden for 19 respondents would be 256.5 hours (19 × 13.5).

We estimate that approximately 91 Form U–3A–2s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 2.5 hours per filing. We anticipate that the total estimated aggregate annual burden for 91 respondents would be 227.5 hours (91 × 2.5).

We estimate that approximately 40 Form U–13–60s are filed each year. We estimate that the elimination of FDSs would decrease the filing burden for each respondent by 1 hour for an average burden of 13.5 hours per filing. We anticipate that the total estimated aggregate annual burden for 40 respondents would be 540 hours (40 × 13.5).

The above forms do not impose a retention period for any recordkeeping requirements. Compliance with the above forms is mandatory. Responses to the disclosure requirements of the above forms are not kept confidential unless granted confidential treatment.

We solicit comment to: (i) Evaluate whether the proposed change in the collections of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (ii) evaluate the accuracy of our estimate of the burden of the proposed changes to the collections of information; (iii) enhance the quality, utility and clarity of the information to be collected; and (iv) minimize the burden of the collections of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

If you would like to submit comments on the collection of information requirements, then you should direct them to the Office of Management and Budget, Attention: Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Washington, DC 20503, and should also send a copy of their comments to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, with reference to File No. S7–05–00. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–05–00, and be submitted to the Securities and

Exchange Commission, Records Management, Office of Filings and Information Services. OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this release. Consequently, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

VIII. Statutory Basis

We propose the rule amendments outlined above under sections 6, 7, 8, 10 and 19(a) of the Securities Act, sections 3, 12, 13, 14, 15(d), 23(a) and 35A of the Exchange Act, sections 3, 5, 6, 7, 10, 12, 13, 14, 17 and 20 of the Public Utility Act, Section 319 of the Trust Indenture Act, and sections 8, 30, 31 and 38 of the Investment Company Act.

List of Subjects

17 CFR Part 228

Reporting and recordkeeping requirements, Securities, Small businesses.

17 CFR Parts 229 and 239

Reporting and recordkeeping requirements, Securities.

17 CFR Part 230

Advertising, Confidential business information, Investment companies, Reporting and recordkeeping requirements, Securities.

17 CFR Part 232

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

17 CFR Part 240

Brokers, Confidential business information, Fraud, Reporting and recordkeeping requirements, Securities.

17 CFR Part 249

Brokers, Reporting and recordkeeping requirements, Securities.

17 CFR Part 250

Confidential business information, Electric utilities, Holding companies, Natural gas, Reporting and recordkeeping requirements, Securities.

17 CFR Part 259

Electric utilities, Holding companies, Natural gas, Reporting and recordkeeping requirements, Securities.

17 CFR Parts 260 and 269

Reporting and recordkeeping requirements, Securities, Trusts and trustees.

17 CFR Part 270

Confidential business information, Fraud, Investment companies, Life insurance, Reporting and recordkeeping requirements, Securities.

17 CFR Part 274

Electronic funds transfers, Investment companies, Reporting and recordkeeping requirements, Securities.

Text of the Proposed Amendments

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

PART 228—INTEGRATED DISCLOSURE SYSTEM FOR SMALL BUSINESS ISSUERS

1. The authority citation for part 228 continues to read as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77jjj, 77nnn, 77sss, 78*l*, 78m, 78n, 78o, 78u–5, 78w, 78*ll*, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

§ 228.601 [Amended]

2. By amending § 228.601, by removing exhibits (27) and (28), and by reserving exhibits (27) through (98), and removing footnote * * * in the exhibit table in paragraph (a), by removing paragraph (b)(27) and reserving paragraphs (b)(27) through (b)(98), and by removing paragraph (c) and Appendices A through F.

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975—REGULATION S–K

3. The authority citation for part 229 continues to read in part as follows:

Authority: 15 U.S.C. 77e, 77f, 77g, 77h, 77j, 77k, 77s, 77z–2, 77aa(25), 77aa(26), 77ddd, 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77nnn, 77sss, 78c, 78i, 78j, 78*l*, 78m, 78n, 78o, 78u–5, 78w, 78*ll*(d), 79e, 79n, 79t, 80a–8, 80a–29, 80a–30, 80a–37, 80b–11, unless otherwise noted.

* * * * *

§ 229.601 [Amended]

4. By amending § 229.601, by removing exhibits (27) and (28), by reserving exhibits (27) through (98), and removing footnote 5 in the exhibit table in paragraph (a), by removing paragraph (b)(27) and reserving paragraphs (b)(27) through (b)(98), and by removing paragraph (c) and Appendices A through F.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

5. The authority citation for part 230 continues to read in part as follows:

Authority: 15 U.S.C. 77b, 77f, 77g, 77h, 77j, 77r, 77s, 77sss, 77z–3, 78c, 78d, 78*l*, 78m, 78n, 78o, 78w, 78*ll*(d), 79t, 80a–8, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, unless otherwise noted.

* * * * *

6. By amending § 230.110 by revising paragraph (b) to read as follows:

§ 230.110 Business hours of the Commission.

* * * * *

(b) *Submissions made in paper or on magnetic cartridge.* Paper documents filed with or otherwise furnished to the Commission, as well as electronic filings and submissions on magnetic cartridge under cover of Form ET (§§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter), may be submitted to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

* * * * *

7. By amending § 230.483 by removing paragraph (e) including the contents of the financial data schedule set forth in paragraph (e)(4) and by revising the section heading to read as follows:

§ 230.483 Exhibits for certain registration statements.

* * * * *

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

8. The authority citation for part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

9. By amending § 232.11 by removing the definition of ''Phase-in date'' and by revising the definition of ''Official filing'' to read as follows:

§ 232.11 Definition of terms used in part 232.

* * * * *

Official filing. The term *official filing* means any filing that is received and accepted by the Commission, regardless of filing medium and exclusive of header information, tags and any other technical information required in an electronic filing.

* * * * *

10. By amending § 232.12 by revising paragraphs (b) and (c) to read as follows:

§ 232.12 Business hours of the Commission.

* * * * *

(b) *Submissions made in paper or on magnetic cartridge*. Filers may submit paper documents filed with or otherwise furnished to the Commission, as well as electronic filings and submissions on magnetic cartridge under cover of Form ET (§§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter), to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect. Filers may file submissions on magnetic cartridge either at the address indicated in paragraph (a) of this section or at the Commission's Operations Center, 6432 General Green Way, Alexandria, VA 22312–2413.

(c) *Submissions by direct transmission*. Electronic filings and other documents may be submitted by direct transmission, via dial-up modem or Internet, to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 10 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

11. By revising § 232.103 to read as follows:

§ 232.103 Liability for transmission errors or omissions in documents filed via EDGAR.

An electronic filer shall not be subject to the liability and anti-fraud provisions of the federal securities laws with respect to an error or omission in an electronic filing resulting solely from electronic transmission errors beyond the control of the filer, where the filer corrects the error or omission by the filing of an amendment in electronic format as soon as reasonably practicable after the electronic filer becomes aware of the error or omission.

12. By amending § 232.104 by revising paragraph (b) and adding paragraph (f) to read as follows:

§ 232.104 Unofficial PDF copies included in an electronic submission.

* * * * *

(b) Except as provided in paragraphs (c) and (f) of this section, each unofficial PDF copy must be substantively equivalent to its associated electronic document contained in the electronic submission. An unofficial PDF copy may contain graphic and image material (but not animated graphics, or audio or video material), notwithstanding the fact that its HTML or ASCII document counterpart may not contain such material but instead may contain a fair and accurate narrative description or tabular representation of any omitted graphic or image material.

* * * * *

(f) An unofficial PDF copy of a correspondence document contained in an electronic submission need not be substantively equivalent to that correspondence document if the unofficial PDF copy consists solely of a redlined copy of an official filing.

13. By revising § 232.105 to read as follows:

§ 232.105 Limitation on use of HTML documents and hypertext links.

(a) Electronic filers must submit the following documents in ASCII: Form N–SAR (§ 274.101 of this chapter) and Form 13F (§ 249.325 of this chapter). Notwithstanding the provisions of this section, electronic filers may submit exhibits to Form N–SAR in HTML.

(b) Electronic filers may not include in any HTML document hypertext links to sites, locations, or documents outside the HTML document, except to links to officially filed documents within the current submission and to documents previously filed electronically and located in the EDGAR database on the Commission's public web site (www.sec.gov). Electronic filers also may include within an HTML document hypertext links to different sections within that single HTML document.

(c) If a filer includes an external hypertext link within a filed document, the information contained in the linked material will not be considered part of the document for determining compliance with reporting obligations, but the inclusion of the link will cause the filer to be subject to the civil liability and antifraud provisions of the federal securities laws with reference to the information contained in the linked material.

14. By amending § 232.302 by revising paragraph (a) to read as follows:

§ 232.302 Signatures.

(a) Required signatures to or within any electronic submission must be in typed form rather than manual format. Signatures in an HTML document that are not required may, but are not required to, be presented in an HTML graphic or image file within the electronic filing, in compliance with the formatting requirements of the EDGAR Filer Manual. When used in connection with an electronic filing, the term ''signature'' means an electronic entry in the form of a magnetic impulse or other form of computer data compilation of any letter or series of letters or characters comprising a name, executed, adopted or authorized as a signature. Signatures are not required in unofficial PDF copies submitted in accordance with § 232.104.

* * * * *

§ 232.303 [Amended]

15. By amending § 232.303 by removing paragraph (a)(4).

16. By amending § 232.304 by revising the first sentence of paragraph (a) and adding a note following paragraph (a), revising paragraph (d), and adding paragraphs (e) and (f) to read as follows:

§ 232.304 Graphic, image, audio and video material.

(a) If a filer includes graphic, image, audio or video material in a document delivered to investors and others that is not reproduced in an electronic filing, the electronically filed version of that document must include a fair and accurate narrative description, tabular representation or transcript of the omitted material. * * *

Note to paragraph (a): If the omitted graphic, image, audio or video material includes data, filers must include a tabular representation or other appropriate representation of that data in the electronically filed version of the document.

* * * * *

(d) For electronically filed ASCII documents, the performance graph that is to appear in registrant proxy and information statements relating to annual meetings of security holders (or special meetings or written consents in lieu of such meetings) at which directors will be elected, as required by Item 402(l) of Regulation S-K (§ 229.402(l) of this chapter), and the line graph that is to appear in registrant annual reports to security holders or prospectuses, as required by paragraph (b) of Item 5 of Form N–1A (§ 274.11A of this chapter), must be furnished to the Commission by presenting the data in tabular or chart form within the electronic ASCII document, in compliance with paragraph (a) of this section and the formatting requirements of the EDGAR Filer Manual.

(e) Notwithstanding the provisions of paragraphs (a) through (d) of this section, electronically filed HTML documents must present the following information in an HTML graphic or image file within the electronic submission in compliance with the formatting requirements of the EDGAR Filer Manual: the performance graph that is to appear in registrant proxy and information statements relating to annual meetings of security holders (or special meetings or written consents in

lieu of such meetings) at which directors will be elected, as required by Item 402(l) of Regulation S-K (§ 229.402(l) of this chapter); the line graph that is to appear in registrant annual reports to security holders or prospectuses, as required by paragraph (b) of Item 5 of Form N–1A (§ 274.11A of this chapter); and any other graphic material required by rule or form to be filed with the Commission. Filers may, but are not required to, submit any other graphic material in an HTML document by presenting the data in an HTML graphic or image file within the electronic filing, in compliance with the formatting requirements of the EDGAR Filer Manual. However, filers may not present in a graphic or image file information such as text or tables that users must be able to search and/or download into spreadsheet form (*e.g.*, financial statements); filers must present such material as text in an ASCII document or as text or an HTML table in an HTML document.

(f) Electronic filers may not include animated graphics in any EDGAR document.

§ 232.311 [Amended]

17. By amending § 232.311 by removing paragraph (c) and redesignating paragraphs (d), (e), (f), (g), (h) and (i) as paragraphs (c), (d), (e), (f), (g), and (h), respectively.

§§ 232.401 and 232.402 [Removed and Reserved]

18. By removing and reserving §§ 232.401 and 232.402 and removing the undesignated center heading preceding reserved § 232.401.

19. By amending § 232.501 by revising the introductory text to read as follows:

§ 232.501 Modular submissions and segmented filings.

An electronic filer may use the following procedures to submit information to the EDGAR system for subsequent inclusion in an electronic filing:

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

20. The authority citation for part 239 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z-2, 77sss, 78c, 78*l*, 78m, 78n, 78o(d), 78u-5, 78w(a), 78*ll*(d), 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t, 80a-8, 80a-24, 80a-29, 80a-30 and 80a-37, unless otherwise noted.

* * * * *

Note: The text of the following forms do not and the amendments will not appear in the Code of Federal Regulations.

21. By amending Form S–2 (referenced in § 239.12), General Instruction I, as follows:

a. in the introductory text of paragraph H, remove the colon;

b. in paragraph H(1), remove ''(1)'' and ''; and,'' and add a period at the end of the sentence; and

c. remove paragraph H.(2).

22. By amending Form S–3 (referenced in § 239.13), General Instruction I, as follows:

a. in the introductory text of paragraph A.8.(1), remove the colon;

b. in paragraph A.8.(1), remove ''(1)'' and ''; and,'' and add a period at the end of the sentence; and

c. remove paragraph A.8.(2).

23. By amending Form S–8 (referenced in § 239.16b), General Instruction A, as follows:

a. in the introductory text of paragraph 3, remove the colon;

b. in paragraph 3.(1), remove ''(1)'' and ''; and,'' and add a period at the end of the sentence; and

c. remove paragraph 3.(2).

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

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

Authority: 15 U.S.C. 77c, 77d, 77g, 77j, 77s, 77z–2, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78d, 78f, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78o, 78p, 78q, 78s, 78u–5, 78w, 78x, 78ll(d), 78mm, 79q, 79t, 80a–20, 80a–23, 80a–29, 80a–37, 80b–3, 80b–4 and 80b–11, unless otherwise noted.

* * * * *

25. By amending § 240.0–2 by revising paragraph (b) to read as follows:

§ 240.0–2 Business hours of the Commission.

* * * * *

(b) *Submissions made in paper or on magnetic cartridge.* Paper documents filed with or otherwise furnished to the Commission, as well as electronic filings and submissions on magnetic cartridge under cover of Form ET (§§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter), may be submitted to the Commission each day, except Saturdays, Sundays and federal holidays, from 8 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

* * * * *

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

26. The authority citation for part 250 continues to read as follows:

Authority: 15 U.S.C. 79c, 79f(b), 79i(c)(3), 79t, unless otherwise noted.

27. By amending § 250.21 by revising paragraph (b)(1) to read as follows:

§ 250.21 Filing of documents.

* * * * *

(b) *Electronic filings.* (1) All documents required to be filed with the Commission under the Act or the rules and regulations thereunder must be filed at the principal office in Washington, DC via EDGAR by delivery to the Commission of a magnetic cartridge or by direct transmission.

* * * * *

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

28. The authority citation for part 259 continues to read as follows:

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79n, 79q, 79t.

Note: The text of the following forms do not and the amendments will not appear in the Code of Federal Regulations.

29. By amending Form U5S (referenced in § 259.5s) by removing General Instruction 8, removing Exhibit G to Item 10, and redesignating Exhibits H and I to Item 10 as Exhibits G and H.

30. By amending Form U–1 (referenced in § 259.101) by removing Instruction G to Instructions as to Exhibits.

31. By amending Form U–13–60 (referenced in § 259.313) by removing Schedule XIX.

32. By amending Form U–3A–2 (referenced in § 259.402) by removing Exhibit B and by redesignating Exhibit C as Exhibit B.

PART 260—GENERAL RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

33. The authority citation for part 260 continues to read as follows:

Authority: 15 U.S.C. 77eee, 77ggg, 77nnn, 77sss, 78*ll*(d), 80b–3, 80b–4, and 80b–11.

34. By amending § 260.0–5 by revising paragraph (b) to read as follows:

§ 260.0–5 Business hours of the Commission.

* * * * *

(b) *Submissions made in paper or on magnetic cartridge.* Paper documents filed with or otherwise furnished to the Commission, as well as electronic filings and submissions on magnetic cartridge under cover of Form ET (§§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter), may be submitted to the Commission each day, except Saturdays, Sundays and federal

holidays, from 8 a.m. to 5:30 p.m., Eastern Standard Time or Eastern Daylight Saving Time, whichever is currently in effect.

* * * * *

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

35. The authority citation for part 270 continues to read in part as follows:

Authority: 15 U.S.C. 80a–1 *et seq.*, 80a–34(d), 80a–37, 80a–39 unless otherwise noted:

* * * * *

§ 270.8b–2 [Amended]

36. By amending § 270.8b–2 by removing the last sentence of the introductory text.

§ 270.8b–23 [Amended]

37. By amending § 270.8b–23 by removing the last sentence of paragraph (a).

§ 270.8b–32 [Amended]

38. By amending § 270.8b–32 by removing paragraph (c)(2) and by removing the paragraph designation (c)(1).

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

39. The authority citation for part 274 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78*l*, 78m, 78n, 78o(d), 80a–8, 80a–24, and 80a–29, unless otherwise noted.

40. By amending Form N–SAR (referenced in § 274.101) by removing paragraph (1) of General Instruction F and redesignating paragraph (2) as General Instruction F and revising the last sentence to read as follows:

Note: The text of Form N–SAR does not and the amendments will not appear in the Code of Federal Regulations.

OMB Approval

—Number: 3235–xxxx
—Expires: xxxxxxxxxxxxxxxx
—Estimated average burden hours per response: xxxx

United States Securities and Exchange Commission

Washington, D.C.

Instructions and Form

FORM N–SAR

Semi-Annual Report For Registered Investment Companies

* * * * *

General Instructions

* * * * *

F. Filings on EDGAR.

* * * Filers may not submit the form on magnetic cartridge.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

PART 269—FORMS PRESCRIBED UNDER THE TRUST INDENTURE ACT OF 1939

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

41. The authority citation for Part 249 continues to read in part as follows:

Authority: 15 U.S.C. 78a, *et seq.*, unless otherwise noted;

* * * * *

42. The authority citation for Part 269 continues to read as follows:

Authority: 15 U.S.C. 77ddd(c), 77eee, 77ggg, 77hhh, 77iii, 77jjj, 77sss, 78*ll*(d), unless otherwise noted.

43. By revising Form ET (referenced in §§ 239.62, 249.445, 259.601, 269.6 and 274.401 of this chapter) to read as follows:

Note: The text of Form ET does not and the amendments will not appear in the Code of Federal Regulations.

OMB Approval

OMB Number: 3235–xxxx
Expires: xxxxxxxxxxxxxxxx
Estimated average burden hours per response: xxxx

United States Securities and Exchange Commission

Washington, D.C.

Form ET—Transmittal Form for Electronic Format Documents Under the Edgar System

PART I—SUBMISSION INFORMATION (Read the instructions before completing the following items.)

1. CIK of Sender of cartridge(s)

2. Name of Sender of cartridge(s)

3. Number of cartridge(s) in package

4. Person to contact if there are problems with the cartridge(s).

a. Name:
b. Telephone number (including area code):

PART II—MAGNETIC CARTRIDGE INFORMATION

1. Volume ID on internal label:

2. Language: ASCII EBCDIC
3. Density: 1600 bpi 6250 bpi

Form ET—General Instructions

1. Rule as to Use of Form ET.

One copy of this form must accompany all magnetic cartridge submissions. Address magnetic cartridges, regardless of the manner of delivery, to Attn: Document Control—Edgar U.S. Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549–0104

2. Preparation of Magnetic Cartridge Submissions.

Please refer to the EDGAR Filer Manual which contains information and procedures for electronic filing.

A. You may include more than one submission on a magnetic cartridge. However, you must place each submission in a single, separate file. We will assume that each file and a magnetic cartridge contains a separate submission and will transfer all such files to the EDGAR system. Therefore, you should recheck all files prior to sending a magnetic cartridge to us to ensure that the cartridge contains only those files you intend to send.

B. If you use more than one magnetic cartridge, indicate their order of processing on the external label of each magnetic cartridge, *e.g.*, 1 of 3; 2 of 3, *etc*.

C. Please write the CIK of the Sender on the external label of each magnetic cartridge.

D. To expedite the processing of magnetic cartridges, please write the following in large, bold letters on the envelope or carton: EDGAR MAGNETIC CARTRIDGE.

3. Preparation of Form.

A. Complete this form carefully, since we will use the data on this form to transfer submissions from the magnetic cartridge(s) to the EDGAR system.

B. Make sure that the CIK and the Name of Sender requested in Part I is that of the filer or filing agent, whichever prepared and sent the magnetic cartridge(s) to us.

C. Make sure that the contact person you identify in Part I is a person who can respond to technical questions concerning the electronic preparation of the magnetic cartridge(s).

D. If you include more than one filer and/or more than one submission on the

magnetic cartridge(s), you do not need to complete a separate form for each filer or submission if the information contained in Parts I, II, and III is identical for all filers and all submissions.

4. Signatures.

There are no separate signature requirements for Form ET. However, each of the various electronic forms you wish to file on magnetic cartridge that accompany the Form ET contains certain signature requirements. These electronic forms should include typed signatures. *See* Rule 302 of Regulation S–T (§ 232.302 of this chapter).

5. Application of General Rules and Regulations.

Electronic filers are subject to Regulation S–T (Part 232 of this chapter) and the EDGAR Filer Manual. We direct your attention to the General Rules and Regulations under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, and the electronic filing rules and regulations under these Acts.

By the Commission.

Dated: February 25, 2000.

Margaret H. McFarland,

Deputy Secretary.

Note: Appendix A and Appendix B to the preamble will not appear in the Code of Federal Regulations.

Appendix A.—Acceptable Tags for HTML Documents for Edar Release 7.0—for Use With Modernized Edgarlink

Acceptable HTML 3.2 Tags—Document Header

Non-Format Tags	Definition.
<HTML>	Identifies text as HTML document.
<!—> or <!DOCTYPE>	Comment—does not appear in browser, only in HTML source <!DOCTYPE> tag is used to identify which HTML standard is used by the HTML text. [NOTE: These tags may appear in-between the <TEXT> and <HTML> tags].
<A>	Anchor/Hyperlink [NOTE: For the attribute HREF, external references are not supported; however, Bookmark (internal) references will be supported].
<BODY>	Signifies the body of the HTML document. [NOTE: the BACKGROUND parameter may include a reference to a JPEG (*.jpg) or GIF (*.gif) graphic file].
<HEAD>	Signifies header information for HTML document.
<ISINDEX>	Signifies document is an index for a search engine.
<BASE>	Base URL to be used by all links in the document. [NOTE: For the attribute HREF, external references are not supported; however, Bookmark (internal) references will be supported].
<LINK>	Like a hyperlink, but only contained within header. [NOTE: For the attribute HREF, external references are not supported; however, Bookmark (internal) references will be supported].
<META>	Extended information to be included in document header [NOTE: The HTTP-EQUIV attribute is not supported for this tag].
<TITLE>	Title of document. It is displayed at the top of the browser.

Acceptable HTML 3.2 Tags—Within Document

Format Specific Tags (change the appearance of the text only)	Definition.
<~<	Escape Sequences—Used to display characters normally reserved (such as ''<'') as plain text in the HTML document.
<A>	Anchor/Hyperlink. [NOTE: For the attribute HREF, external references are not supported, except for the following: (1) Where the reference is previously-filed submission that resides in the EDGAR filing repository on the www.sec.gov web site. (2) Where the reference is from a public document to another public document within the submission. (3) Where the reference is from a private document to a public document within the submission. Internal references (bookmarks) are also supported].
<ADDRESS>	Address—Usually italicized.
<B>	Bold.
<BLOCKQUOTE>	Block Quote—Usually indented.
 	Line Break.
<CITE>	Citation.
<CODE>	Code.
<DIR>	Directory List.
<DL>	Definition List—Used with <DT> and <DD>
<DT>	Definition Term.
<DD>	Definition.
<EM>	Emphasized—Like Bold.
<H1>	Heading 1—Largest.
<H2>	Heading 2.
<H3>	Heading 3.
<H4>	Heading 4.
<H5>	Heading 5.
<H6>	Heading 6—Smallest.
<HR>	Horizontal Rule—Displays a thin line across the page separating text.
<I>	Italic.
<IMG>	Embedded graphic file, used with SRC=parameter; Supported formats that may be attached to an HTML document are JPEG (*.jpg) and GIF (*.gif) files.

<KBD>	Keyboard—Preformatted text.
<LI>	List Item—Used by <DIR>, <MENU>, <OL>, and <UL>.
<LISTING>	Listing—Same as <PRE>.
<MENU>	Menu List.
<OL>	Ordered List—Includes numbers.
<P>	Paragraph.
<PLAINTEXT>	Plain Text.
<PRE>	Preformatted Text.
<SAMP>	Sample—Uses fixed width font—Like <PRE>.
<STRIKE>	Strikethrough.
<STRONG>	Strong—Similar to bold.
<TT>	Teletype—Uses fixed width font—Like <PRE>.
<U>	Underlined.
<UL>	Unordered List—Bullets only.
<VAR>	Variable—Uses fixed width font—Like <PRE>.
<XMP>	Example—Same as <PRE>.
<BIG>	Big Text—Increases font size.
<CAPTION>	Caption—Can only be used with tables.
<CENTER>	Centers elements between tags.
<DFN>	Definition—Like <I>.
<DIV>	Division—Helps separate a document into parts.
<FONT>	Allows alteration of font contained within tags.
<SMALL>	Small Text—Decreases font size.
<SUB>	Subscript.
<SUP>	Superscript.
<TABLE>	Table [NOTE: No HTML documents with nested <TABLE> tags are to be accepted or disseminated by EDGAR].
<TD>	Table Data or Cell.
<TH>	Table Header—Displayed in bold.
<TR>	Table Row.
	Acceptable Legacy SGML Tags—Within HTML Documents
Non-Standard Tags	Definition.
<PAGE>	SGML tag for page markers (browsers will ignore this tag if present).
<R>	[NOTE: The <R> tag can also be represented as &ltR&gt].
</R>	[Second NOTE: the <R> tag will not be publicly disseminated; it is for SEC use only.]
<SEGMENTS>	
</SEGMENTS>	
<MODULE>	
<NAME>	
<CIK>	
<CCC>	
</MODULE>	For incorporation of document text by the EDGAR system. [NOTE: These tags will not be publicly disseminated.] [Second NOTE: Module and segment references within HTML documents (''Type 1'' references) are not supported.]

Appendix B—Regulatory Flexibility Act Certification

I, Arthur Levitt, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments to Item 601 of Regulation S-B [1] under the Securities Act of 1933 (Securities Act); [2]; Item 601 of Regulation S-K [3] under the Securities Act; Rules 110 and 483 [4] under the Securities Act; Forms S–2, S–3, and S–8 [5] under the Securities Act; Rules 11, 12, 103, 104, 105, 302, 303, 304, 311, and 501 of Regulation S-T; [6] Rule 0–2 [7] under the Exchange Act of 1934 (Exchange Act); [8] Rule 21 [9] and Forms U5S, U–1, U–13–60 and U–3A–2 [10] under the Public Utility Holding Company Act of 1935 (Public Utility Act); [11] Rule 0–5 [12] under the Trust Indenture Act of 1939 (Trust Indenture Act); [13] Rules 8b-2, 8b-23, and 8b-32, [14] and Form N-SAR, [15] under the Investment Company Act of 1940 (Investment Company Act); [16] and Form ET [17] under the Securities Act, the Exchange Act, the Public Utility Act, the Trust Indenture Act, and the Investment Company Act; and the removal of Rules 401 and 402 [18] under Regulation S-T, as set forth in Release Number 33–7803 (together, the Proposals), if adopted, would not have a significant economic impact on a substantial number of small entities.

The Proposals would not have a significant economic impact on a substantial number of small entities because they would only expand the features available for filers under one of their options for making their submissions on the Commission's Electronic Data Gathering, Analysis, and Retrieval (EDGAR) system, which they may choose to use on a voluntary basis; remove the requirement for submission of financial data schedule exhibits; remove diskettes [19] and add Internet transmission as a means of submitting EDGAR filings; and make technical corrections to current rules. Therefore, the Proposals would not have a significant economic impact on a substantial number of small entities.

[1] 17 CFR 228.601.

[2] 15 U.S.C. 77a *et seq.*

[3] 17 CFR 229.601.

[4] 17 CFR 230.110 and 230.483.

[5] 17 CFR 239.12, 239.13, and 239.16b.

[6] 17 CFR 232.11, 232.11, 232.12, 232.103, 232.104, 232.105, 232.302, 232.303, 232.304, 232.311 and 232.501.

[7] 17 CFR 240.0–2.

[8] 15 U.S.C. 78a, *et seq.*

[9] 17 CFR 250.21.

[10] 17 CFR 259.5a, 259.101, 259.313 and 259.402.

[11] 15 U.S.C. 79a, *et seq.*

[12] 17 CFR 260.0–5.

[13] 15 U.S.C. 77sss, *et seq.*

[14] 17 CFR 270.8b-2, 270.8b-23 and 270.8b-32.

[15] 17 CFR 274.101.

[16] 15 U.S.C. 80a-1 *et seq.*

[17] 17 CFR 239.62, 249.445, 259.601, 269.6 and 274.401.

[18] 17 CFR 232.401 and 232.402.

[19] Approximately one percent of filers use this method of electronic transmission.

February 8, 2000.

Arthur Levitt

[FR Doc. 00–5045 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–p

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 990

[Docket No. FR–4425–N–10]

Negotiated Rulemaking Committee on Operating Fund Allocation; Meeting

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

ACTION: Negotiated Rulemaking Committee Meetings.

SUMMARY: This document announces a meeting of the Negotiated Rulemaking Committee on Operating Fund Allocation. These meetings are sponsored by HUD for the purpose of discussing and negotiating a proposed rule that would change the current method of determining the payment of operating subsidies to public housing agencies (PHAs).

DATES: The committee meeting will be held on March 7 and March 8, 2000. On March 7, 2000, the meeting will begin at approximately 9:30 am and end at approximately 5:30 pm. On March 8, 2000, the meeting will begin at approximately 9 am and end at approximately 4 pm.

ADDRESSES: The committee meeting will take place at the Channel Inn, 650 Water Street, SW, Washington, DC 20024; telephone 1–800–368–5668.

FOR FURTHER INFORMATION CONTACT: Steve Sprague, Funding and Financial Management Division, Office of Public and Indian Housing, Room 4216, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 708–1872 (this telephone number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of HUD has established the Negotiated Rulemaking Committee on Operating Fund Allocation to negotiate and develop a proposal that would change the current method of determining the payment of operating subsidies to public housing agencies (PHAs). The establishment of the committee is required by the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, approved October 21, 1998) (the ''Public Housing Reform Act''). The Public Housing Reform Act makes extensive changes to HUD's public and assisted housing programs. These changes include the establishment of an Operating Fund for the purpose of making assistance available to PHAs for the operation and management of public housing. The Public Housing Reform Act requires that the assistance to be made available from the new Operating Fund be determined using a formula developed through negotiated rulemaking procedures.

II. Negotiated Rulemaking Committee Meeting

This document announces a meeting of the Negotiated Rulemaking Committee on Operating Fund Allocation. The next committee meeting will take place as described in the **DATES** and **ADDRESSES** section of this document.

The agenda planned for the committee meeting includes the development and review of draft regulatory and preamble language; and the scheduling of future meetings, if necessary.

The meeting will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. Written statements should be submitted to the address listed in the **FOR FURTHER INFORMATION** section of this notice. Summaries of committee meetings will be available for public inspection and copying at the address in the same section.

Dated: February 29, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 00–5294 Filed 3–1–00; 11:30 am]

BILLING CODE 4210–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL164–1a; FRL–6546–7]

Approval and Promulgation of Air Quality Plans; Illinois; Post-1996 Rate of Progress Plan for the Chicago Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve, through parallel processing, a proposed Post-1996 Rate-Of-Progress (ROP) Plan submitted by the State of Illinois for the Chicago Ozone Nonattainment Area. Illinois originally submitted a Post-1996 ROP Plan on December 18, 1997, as a requested revision the State Implementation Plan (SIP) for ozone. A Post-1996 ROP Plan is required for the Chicago Ozone Nonattainment Area under the Clean Air Act (Act). The State submitted proposed amendments to the plan on December 17, 1999, January 14, 2000, and January 21, 2000, with a request for EPA to parallel process a rulemaking on the proposed plan as amended. The purpose of the Post-1996 ROP Plan is to reduce ground-level ozone (smog) pollution in the Chicago Metropolitan Area. The submitted proposed plan shows that Illinois reduced emissions of ozone-forming pollutants by 9% by November 15, 1999. These pollutants include emissions of Volatile Organic Compounds (VOC), and Oxides of Nitrogen (NO_X). The submittal also includes a demonstration that the Chicago Area has achieved a sufficient emission reduction needed to meet contingency measure requirements under the Act. In addition, EPA is proposing in this rulemaking to approve as a revision to the SIP certain Transportation Control Measures (TCM) included in the plan. EPA will take final rulemaking action once Illinois adopts and submits the final Post-1996 ROP Plan. If the final adopted plan is significantly different from the proposed plan, which is the basis of this parallel proposed rulemaking, EPA will repropose its rulemaking.

DATES: Written comments must be received on or before April 3, 2000.

ADDRESSES: You should address written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You can access copies of the SIP revision request and Technical Support Document (TSD) for this rulemaking action at the following address:

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommend that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT:

Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

Throughout this document, wherever ''we,'' ''us,'' or ''our'' are used, we mean EPA.

The supplemental information is organized in the following order:

I. What is EPA proposing to approve in this action?
II. The Post-1996 ROP Plan.
What is a Post-1996 ROP Plan?
What is the contingency measure requirement?
What environmental benefits does the Post-1996 ROP Plan provide?
What counties are in the Chicago Ozone Nonattainment Area?
Who is affected by the proposed Illinois Post-1996 ROP Plan?
What public review opportunities were provided?
What criteria must a Post-1996 ROP Plan meet to be approved?
What are the special requirements for claiming NO_X reductions?
III. Illinois' Calculation of the Needed ROP Reduction.
How does Illinois demonstrate that it meets the requirements for claiming NO_X reductions?
How did Illinois calculate the needed ROP and contingency measure reduction?
A. Proportion of VOC to NO_X Emission Reduction.
B. Emission Baselines.
C. 1999 Emission Target Level to Meet 9% Reduction.
D. 1999 Projected Growth Level.
E. Emission Reduction Needed for 9% Reduction Net-Of-Growth.
F. Calculation of the Needed Contingency Measure Reduction.
IV. The proposed Illinois Post-1996 ROP Plan Control Strategies.
What are the criteria for acceptable control strategies?
What are the control strategies under the proposed Illinois Post-1996 ROP Plan?
A. Point/Area Sources.
1. Title IV Acid Rain Power Plant Controls.
2. 1999 Cold Cleaning Degreasing.
3. Stepan Batch Processes.
4. Municipal Solid Waste Landfills.
5. Coke Oven By-Product Plants.
B. Mobile/Nonroad Sources.
1. Enhanced I/M Program.
2. Phase I Reformulated Gasoline.
3. Post-1994 Tier 1 Vehicle Emission Rates.
4. 1992 Vehicle I/M Program Amendments.
5. Federal Gasoline Detergent Additive.
6. Federal Non-Road Small Engine Standards.
7. Federal Non-Road Heavy-Duty Engine Standards.
8. Clean-Fuel Fleet Vehicle Program.
9. Energy Policy Act.
10.TCMs.
What are the **Federal Register** citations for the federal approval or promulgation of the control measures?
How were the emission reductions to be achieved through the control strategies calculated?
What are the emission reductions to be achieved through the control strategies?
V. EPA's approval of the TCMs in the Post-1996 ROP Plan.
What are TCMs?
What are the TCMs submitted with the Illinois Post-1996 ROP Plan?
How do TCMs become approvable as revisions to the SIP?
Are the Chicago Area 1996–1999 TCMs approvable?
VI. EPA review of the proposed Illinois Post-1996 ROP Plan.
Why is the proposed Illinois Post-1996 ROP Plan approvable?
Why is the contingency measure portion of the plan approvable?
VII. Transportation Conformity Mobile Source Budget.
VIII. Proposed Rulemaking Action.
IX. Administrative Requirements.
A. Executive Order 12866.
B. Executive Order 13132.
C. Executive Order 13045.
D. Executive Order 13084.
E. Regulatory Flexibility Act.
F. Unfunded Mandates.
G. Submission to Congress and the Comptroller General.
H. National Technology Transfer and Advancement Act.

I. What is EPA Proposing to Approve in This Action?

We are proposing to approve the following:

1. The proposed Post-1996 ROP Plan for the Illinois portion of the Chicago Ozone Nonattainment Area;
2. The proposed contingency measure plan for this area; and,
3. TCMs implemented between 1996 and 1999 in the area.

On December 18, 1997, the State of Illinois submitted the Post-1996 ROP Plan for the Chicago Ozone Nonattainment Area as a requested SIP revision. The plan was submitted to meet the Act's requirement that the State demonstrate a 9% reduction of ozone producing emissions in the Chicago Ozone Nonattainment Area between 1996 and 1999. The State submitted proposed amendments to the plan on December 17, 1999, and January 14, 2000, with a request for EPA to parallel process, pursuant to the provisions of 40 CFR part 51, appendix V, its rulemaking on the proposed plan as amended. On January 21, 2000, Illinois EPA transmitted changes to the December 17, 1999, proposed plan in response to public comments received at the State's January 18, 2000, public hearing on the proposed plan. Our proposed rulemaking is based upon the Illinois proposed plan as amended January 21, 2000.

We are proposing to approve the proposed plan because it adequately demonstrates a 9% emission reduction has occurred in the Chicago Area. We will take final rulemaking action once Illinois adopts and submits the final Post-1996 ROP Plan. If the final adopted plan is significantly different from the proposed plan, we will repropose rulemaking on the plan.

The State also submitted with the proposed Post-1996 ROP Plan a proposed demonstration that the Chicago Area meets the contingency measure requirements of the Act. We are proposing approval of the proposed contingency measure demonstration because it adequately shows a 3% reduction in emissions beyond that which is necessary to meet the 9% ROP plan requirement. As we will do with the Post-1996 ROP plan, once we receive the final adopted demonstration that the State has met its contingency measure requirement for the Post-1996 ROP plan, we will take final rulemaking action, provided that the final demonstration is not significantly different from the proposed demonstration.

We are also proposing to approve certain TCMs submitted with the proposed Post-1996 ROP Plan as a revision to the SIP. The plan relies on these TCMs as part of the overall strategy to meet the 9% emission reduction requirement. To be creditable, the TCMs must be incorporated into the SIP.

II. The Post-1996 ROP Plan

What is a Post-1996 ROP Plan?

An ROP plan is a strategy to achieve timely periodic reductions of emissions that produce ground-level ozone (smog) in areas that are not attaining the ozone National Ambient Air Quality Standards (NAAQS). A Post-1996 ROP Plan demonstrates how ozone-forming emissions affecting an area will be reduced by 9% between 1996 and 1999.

ROP plans are a requirement of the Act under section 182. Section 182(c)(2)(B) requires State ozone nonattainment areas classified serious and above to adopt and implement plans to achieve periodic reductions in ozone precursors (VOC and NO_x) after 1996. The requirement is intended to ensure that an area makes progress

toward achieving attainment of the ozone NAAQS.

The Post-1996 ROP reductions are to occur at a rate of 9%, net of emission growth, averaged over a three-year period. The States must achieve the first three-year 9% milestone, called the ''Post-1996 ROP Plan,'' by November 15, 1999. Because the Chicago Ozone Nonattainment Area is classified as severe, the area is subject to the Post-1996 ROP requirement.

The plan contains: (1) Documentation showing how the State calculated the emission reduction needed on a daily basis to achieve a 9% reduction; (2) a description of the control measures used to achieve the emission reduction; and (3) a description of how the State has determined the emission reduction from each control measure.

On December 18, 1997, we approved a 15% ROP plan for the Chicago Area which showed a 15% VOC emission reduction between 1990 and 1996, as required under section 182(b)(1) of the Act (see 62 FR 66279). This 15% reduction is a measure of progress toward achieving attainment. However, the Chicago nonattainment area has not yet reached attainment of the 1-hour ozone NAAQS through the 15% reduction alone. The Post-1996 ROP Plan will assure continued progress toward achieving attainment by the Act's mandated date of 2007.

What is the Contingency Measure Requirement?

In addition to the Post-1996 ROP Plan, the Illinois submittal also addresses contingency measures required under the Act.

Section 172(c)(9) of the Act requires States with ozone nonattainment areas classified as moderate and above to adopt contingency measures by November 15, 1993. Such measures must provide for the implementation of specific emission control measures if an ozone nonattainment area fails to achieve ROP or to attain the NAAQS within the time-frames specified under the Act.

Section 182(c)(9) of the Act requires that, in addition to the contingency measures required under section 172(c)(9), the contingency measure SIP revision for serious and above ozone nonattainment areas must also provide for the implementation of specific measures if the area fails to meet any applicable milestone in the Act.

As provided by these sections of the Act, the contingency measures must take effect without further action by the State or by the EPA Administrator upon failure by the State to: meet ROP emission reduction milestones; attainment of the NAAQS by the required deadline; or other applicable milestones of the Act.

Our policy, as provided in the April 16, 1992, ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (General Preamble) (57 FR 13498), states that the contingency measures, in total, must generally be able to provide for 3% reduction of 1990 baseline emissions beyond the reduction required for a particular milestone year.

While all contingency measures must be fully adopted rules or measures, States can use the measures in two different ways. A State can choose to implement contingency measures before the milestone deadline. Alternatively, a State may decide not to implement a contingency measure until an area has actually failed to achieve a ROP or attainment milestone. In the latter situation, the contingency measure emission reduction must be achieved within one year following identification of a milestone failure.

In the December 18, 1997, rulemaking approving the 15% ROP Plan for the Chicago Area, we indicated that the 15% ROP Plan had enough emission reductions to provide a 3% reduction beyond the 15% reduction required for 1996. The General Preamble indicates that the 3% reduction ''buffer'' must be maintained through each ROP milestone. Therefore, Illinois must demonstrate that the Chicago Area has enough contingency measure reductions in addition to the reductions claimed for the Post-1996 ROP Plan. Because of this requirement, Illinois' proposed Post-1996 ROP Plan identifies, for contingency purposes, an emission reduction beyond the reduction required for ROP.

What Environmental Benefits Does the Post-1996 ROP Plan Provide?

The proposed Illinois Post-1996 ROP Plan shows reductions of both Volatile Organic Compound (VOC) and Oxides of Nitrogen (NO_X) emissions. VOC and NO_X) contribute to the formation of ground-level ozone in the atmosphere.

The reactivity of ozone causes health problems because it damages lung tissue, reduces lung function and sensitizes the lungs to other irritants. When inhaled, even at low levels, ozone can:

- Cause acute respiratory problems such as shortness of breath, chest pain, wheezing, and coughing;
- Aggravate asthma;
- Cause significant temporary decreases in lung capacity;
- Cause inflammation of lung tissue;
- Lead to hospital admissions and emergency room visits; and,
- Impair the body's immune system defenses, making people more susceptible to respiratory illness, including bronchitis and pneumonia.

Repeated exposure to ozone pollution for several months may cause permanent structural damage to the lungs.

Because ozone pollution usually forms in hot weather, anyone who spends time outdoors in the summer is at risk, particularly children, moderate exercisers, and outdoor workers. Children are at greatest risk from exposure to ozone because their respiratory systems are still developing and are more susceptible to environmental threats. Children also breathe more air per pound of body weight than adults, thus increasing their exposure.

People with existing lung disease, including asthma, chronic bronchitis, and emphysema, are at particular risk from high ozone levels. Since they already suffer from reduced ability to breathe, these individuals are often greatly affected by the increased impairment that can result from exposure to ozone.

Ozone also affects vegetation and ecosystems, leading to reductions in agricultural and commercial forest yields, reduced growth and survivability of tree seedlings, and increased plant susceptibility to disease, pests, and other environmental stresses (e.g., harsh weather). In long-lived species, these effects may become evident only after several years or even decades, thus having the potential for long-term effects on forest ecosystems. Ground-level ozone damage to the foliage of trees and other plants also can decrease the aesthetic value of ornamental species as well as the natural beauty of our national parks and recreation areas.

The overall 9% ROP reduction includes VOC emissions reductions from sources (industries, vehicles, etc.) within the Chicago Ozone Nonattainment Area, and NOx emission reductions from sources within the State boundaries, but outside the Chicago Ozone Nonattainment Area.

Although the proposed plan's NOx reductions come from outside the nonattainment area, the reductions are nonetheless creditable toward meeting the overall required ROP reduction. (See ''What are the special requirements for claiming NOx reductions?,'' below). This is because downstate NOx emissions contribute to ozone formation in the Chicago Ozone Nonattainment Area, and reducing such emissions

helps the Chicago Area achieve attainment of the ozone NAAQS.

It should be noted that the Illinois ROP plan documentation refers to the term ''Volatile Organic Material'' (VOM) rather than VOC. The State's definition of VOM is equivalent to EPA's definition of VOC. The two terms are interchangeable when discussing volatile organic emissions. For consistency with the Act and EPA policy, we are using the term VOC in this rulemaking.

What Counties are in the Chicago Ozone Nonattainment Area?

The Illinois portion of the Chicago Ozone Nonattainment Area includes the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, and the townships of Aux Sable and Goose Lake in Grundy County, and Oswego in Kendall County.

Who is Affected by the Proposed Illinois Post-1996 ROP Plan?

The proposed Post-1996 ROP Plan does not create any new control requirements. Rather, it is a demonstration that existing regulations and control programs will achieve a 9% emission reduction.

The proposed Post-1996 ROP Plan refers to various emission control regulations that have contributed to achieving the 9% emission reduction for the Chicago Area. These regulations, both federal and State, affect a variety of industries, businesses, and, through the vehicle inspection and maintenance program, motor vehicle owners. However, these regulations are already federally enforceable through SIP revision or EPA promulgation.

The TCMs submitted with the proposed Post-1996 ROP Plan are the only State ROP measures that are not already part of the federally approved SIP. We are proposing to approve these TCMs in this rulemaking action, and we discuss the TCM proposed approval in part V of this document.

What Public Review Opportunities Were Provided?

The Illinois Environmental Protection Agency (Illinois EPA) held a public hearing on October 24, 1997, in Chicago, Illinois, to receive public comment on the proposed plan. The State held an additional public hearing for amendments to the proposed plan on January 18, 2000, in Chicago, Illinois. The State's comment period closed on February 8, 2000. Illinois EPA will formally respond to the comments, and will submit a Responsiveness Summary to us when it submits its final Post-1996 ROP Plan.

What Criteria Must a Post-1996 ROP Plan Meet to be Approved?

Section 182(c)(2)(B) establishes certain elements a Post-1996 ROP Plan must satisfy for approval. These elements are: (1) Emission baseline; (2) emission target level; (3) accounting for growth projections; and (4) emission reduction estimates from plan control measures. Through these elements, the plan must show that the nonattainment area will achieve a 9% emission reduction by November 15, 1999.

We have issued several guidance documents for States to use in developing approvable Post-1996 ROP Plans. These documents address such topics as: (1) The relationship of ROP plans to other SIP elements required by the Act; (2) calculation of baseline and emission target level; (3) procedures for projecting emission growth; and (4) methodology for determining emission reduction estimates for various control measures, including federal emission control measures.

Our January 1994, guidance document, *Guidance on the Post-1996 Rate-Of-Progress Plan and the Attainment Demonstration,* provides States with the appropriate methods to calculate the emission reductions needed to meet the 9% ROP requirement. A complete list of ROP guidance documents is provided in the TSD for this rulemaking, which can be obtained from the Region 5 office at the address indicated above.

What are the Special Requirements for Claiming NO_X Reductions?

If a Post-1996 ROP Plan relies on NO_X reductions, it is subject to certain requirements. Under section 182(c)(2)(C) of the Act, a plan can substitute NO_X reductions for VOC if the resulting ozone reduction is at least equivalent to the ozone reduction that would occur under a plan that relies only on VOC reductions. As required by section 182(c)(2)(C), we issued guidance concerning the conditions for demonstrating equivalency. Our guidance provides that the NO_X substitution strategy must show that the sum of the creditable VOC and NO_X reductions equal a 9% reduction from 1990 baseline emissions. Moreover, the State must provide technical justification that the NO_X reductions will reduce ozone concentrations within the area.

On December 29, 1997, we issued a policy memorandum entitled, ''Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS.'' The policy provides that States included in the core part of the Ozone Transport Assessment Group (OTAG) domain can claim credit for NO_X reductions that occur within the State's boundaries. (For more information on OTAG, see http://www.epa.gov/ttn/rto/otag). Illinois is within the core OTAG domain. Consequently, the State can claim NO_X reductions from outside the Chicago Ozone Nonattainment Area, but within the State's boundaries, for its Post-1996 ROP Plan, provided the State submits a technical analysis showing that NO_X reductions will reduce ozone concentrations in the nonattainment area.

The December 1997 policy also states that a nonattainment area which has been granted a NO_X waiver can still claim NO_X reductions from outside the nonattainment area, but within the State's boundaries, if such reductions will reduce ozone concentrations within the nonattainment area. We granted a NO_X waiver for the Chicago Ozone Nonattainment Area on January 26, 1996 (61 FR 2428). NO_X waivers are allowed under section 182(f) of the Act. A State can obtain a waiver to exempt an area from local NO_X control requirements if it can show that local NO_X reductions are not beneficial for attainment of the ozone NAAQS. Illinois made this demonstration for the Chicago Ozone Nonattainment Area, and a NO_X waiver was granted. However, OTAG modeling has shown that several NO_X waiver areas actually benefit from NO_X reductions downwind. Therefore, under the December 1997 policy, a State can credit NO_X reductions outside a NO_X waiver area, but within the State's boundaries, if the State provides a technical analysis showing the reductions will lower ozone concentrations within the nonattainment area.

III. Illinois' Calculation of the Needed ROP Reduction

How Does Illinois Demonstrate That It Meets the Requirements for Claiming NO_X Reductions?

To justify claiming attainment area NO_X reductions for ROP, Illinois submitted results of both the OTAG regional ozone modeling study, and ozone modeling done in January 1999 by the Lake Michigan Air Directors Consortium. The modeling results show that downstate NO_X reductions contribute to a reduction of ozone background concentrations in the Chicago Area. Illinois, therefore, satisfies the requirement set forth in the December 1997 policy that NO_X reductions outside the nonattainment area must reduce ozone concentrations

within the nonattainment area to be creditable as ROP reductions.

How Did Illinois Calculate the Needed ROP and Contingency Measure Reduction?

The following tables summarize the State's Post-1996 ROP calculations for determining the needed 9% ROP and 3% contingency measure emission reductions.

Required Emission Reduction by 1999 for the Chicago Area

ROP based on NO_X Substitution in the Ozone Attainment Area

VOC = 2%; NO_X = 7%

NEEDED VOC REDUCTION BY 1999

	Tons VOC/day
Calculation of the VOC Target Level for 1999	
1990 Chicago Area Total VOC Emissions	1,363.40
1990 ROP VOC Emissions (Anthropogenic only)	1,216.56
1990–99 Noncreditable Reductions	179.57
1990 Adjusted Base Year Emissions (1990 ROP Emissions minus Noncreditable Reductions)	1,036.99
2% of Adjusted Base Year Emissions	20.74
1999 Fleet Turnover Correction Factor	28.46
1996 Target Level (From 15% ROP Plan)	857.02
1999 Target Level (1996 Target Level minus 2% Reductions minus Fleet Turnover Correction Factor)	807.82
Calculation of the Needed VOC Reduction Net-of-Growth	
1996 VOC Emissions with 15% ROP Plan Measures	835.81
1999 Projected VOC Emissions (1996 VOC Emissions Grown to 1999 plus Noncreditable Emission Reductions Only)	929.61
VOC Creditable Reduction Needs by 1999 Net-of-Growth (1999 Projected Emissions minus 1999 Target Level)	121.79
Contingency Measure Requirement (3% of Adjusted Base Year Emissions)	31.11
TOTAL VOC EMISSION REDUCTIONS REQUIRED	152.90

NEEDED NO_X REDUCTION BY 1999

	Tons NO_X/day
Calculation of the NO_X Target Level for 1999	
1990 Attainment Area Total NO_X Emissions	2085.80
1990 ROP NO_X Emissions (Anthropogenic only)	2085.80
1990–99 Noncreditable Reductions	128.26
1990 Adjusted Base Year Emissions (1990 ROP Emissions minus Noncreditable Reductions)	1957.54
7% of Adjusted Base Year Emissions	137.03
1999 Target Level (1990 Adjusted Base Year Emissions minus 7% Reductions)	1820.51
Calculation of the Needed NO_X Reduction Net-of-Growth	
1999 Projected NO_X Emissions (1996 NO_X Emissions Grown to 1999 plus Noncreditable Emission Reductions Only)	2063.03
Creditable Reduction Needs by 1999 Net-of-Growth (1999 Projected Emissions minus 1999 Target Level)	242.52
Contingency Measure Requirement (All Contingency Coming From VOC Portion of ROP Plan)	0
TOTAL NO_X EMISSION REDUCTION REQUIRED	242.52

Using EPA guidance, Illinois calculated the needed emissions reduction by taking the following steps:

A. Determine what proportion of the 9% reduction is VOC and what proportion is NO_X.

B. Establish the emission baselines for both VOC and NO_X.

C. Calculate the emission target levels to meet the overall 9% reduction by 1999.

D. Estimate the projected emission growth that would occur if no 9% emission reduction takes place.

E. Subtract the projected emission level from the emission target to determine the VOC and NO_X emission reduction needed, net of growth.

F. Calculate the needed contingency measure reduction.

The State obtained data for developing the plan from the Chicago Ozone Nonattainment Area 15% ROP Plan, EPA guidance documents, and information received from industry and public agencies.

A. Proportion of VOC to NO_X Emission Reduction

Illinois' proposed Post-1996 ROP Plan relies on both VOC and NO_X reductions to meet the 9% reduction in ozone precursors. Under Illinois' proposed plan, 2% of the required ROP reductions are VOC reductions in the Chicago Ozone Nonattainment Area, and 7% are NO_X reductions from within the State, but outside the ozone nonattainment area.

B. Emission Baselines

Under our Post-1996 policy, plans that rely on both VOC and NO_X reductions should have separate emission baselines for each pollutant. The Act requires baselines to represent 1990 anthropogenic emissions on a peak ozone season weekday basis. Peak ozone season weekday emissions represent the average daily emissions of weekdays

that occur during the peak 3-month ozone period of June through August.

Illinois used the Chicago Area's 1990 base year emission inventory as the basis for the VOC baseline. We approved the Chicago Area 1990 inventory as a SIP revision on March 14, 1995 (see 60 FR 13631). dddd

For the NO_X baseline, Illinois used the 1990 statewide NO_X emission inventory it submitted to EPA in response to the NO_X SIP Call (see **Federal Register** 63 FR 57356, October 27, 1998). The NO_X baseline consists of the 1990 emissions which occurred statewide, but excluding emissions from the Chicago and Metro-East St. Louis ozone nonattainment areas. The State excluded the nonattainment area emissions from the baseline because the State is relying on NO_X reductions only from the State's ozone attainment area, and because the State has an approved waiver from NO_X emission controls in the Chicago Ozone Nonattainment Area. Illinois EPA's technical analysis for supporting NO_X substitution shows that NO_X reductions which occur in the attainment area reduces ozone concentrations in the Chicago Ozone Nonattainment Area. Therefore, Illinois' NO_X baseline is consistent with the technical analysis Illinois submitted for justifying NO_X substitution in the Chicago Ozone Nonattainment Area.

The Act requires that the ROP baseline be ''adjusted'' to exclude emissions eliminated by the Federal Motor Vehicle Control Program (FMVCP) and Federal Reid Vapor Pressure (RVP) regulations promulgated before November 15, 1990. Because these regulations were promulgated before the 1990 amendments to the Act, the Act prohibits States from claiming ROP reductions from these regulations. To achieve an accurate ROP target, however, the State must subtract the noncreditable reductions from the baseline to reflect the impact of these reductions on 1999 emissions. The resulting inventory is called the ''adjusted base year inventory.''

The adjusted base year inventory under the proposed Illinois Post-1996 ROP Plan is different than the adjusted inventory used under the 15% ROP Plan. This is because the emission reduction associated with the FMVCP program change over time as fleet turnover occurs, *i.e.,* old vehicles in an area are replaced with new vehicles. Illinois EPA determined the emission reduction associated with the noncreditable FMVCP and RVP programs by using our MOBILE emission factors program.

C. 1999 Emission Target Level To Meet 9% Reduction

After the State establishes the adjusted base year emission inventories, the next step is to calculate the VOC and NO_X emission target levels for 1999. The January 1994 EPA policy document, *Guidance on the Post-1996 Rate-Of-Progress Plan and the Attainment Demonstration,* provides the method for calculating target levels. To calculate the VOC target, the State first identified the previous milestone target, which in this case is the 1996 target level under the 15% plan. From the 1996 target level, the State subtracted (1) the percent reduction required to meet the ROP requirement, and (2) the fleet turnover correction factor.

The State obtained the 1996 VOC target level from the 15% ROP Plan. The percent reduction used is 2% of the adjusted base year inventory. The fleet turnover correction factor represents the emission reduction that has occurred under the pre–1990 Act FMVCP and RVP regulations between consecutive milestone years, *i.e.,* 1996 to 1999. Since the 1996 target level and the 2% ROP reduction do not factor in these reductions, the fleet turnover correction factor is necessary to accurately calculate the emission level that must be achieved by 1999.

For NO_X, a 1996 target level from a 15% plan does not exist. Therefore, the State needs only to subtract the 7% adjusted emission inventory reductions, and the noncreditable NO_X reductions from the pre–1990 Act FMVCP program, from the 1990 adjusted base year emission inventory. No fleet correction factor is necessary when calculating the NO_X target this way.

D. 1999 Projected Growth Level

To account for source emission growth between 1990 and 1999, the State must develop a projected emission inventory for both VOC and NO_X. The projected emission inventory represents what emissions would be in 1999 if no control measure claimed for credit in the Post-1996 ROP Plan had occurred.

The State established the projected emission inventories for point, and nonroad source categories by taking the 1990 emission inventories and applying either EPA growth factors, or State justified growth factors. Projected vehicle emissions were established using the MOBILE model. The projected emission inventory for NO_X is consistent with the emission inventory data which the State submitted to us in response to the NO_X SIP call.

E. Emission Reduction Needed for 9% Reduction Net-Of-Growth

According to the State's calculations, a 152.90 TPD VOC emission reduction is needed in the Chicago Ozone Nonattainment Area, and a 242.52 TPD NO_X emission reduction is needed in the Illinois Ozone Attainment Area to meet the 9% ROP requirement.

F. Calculation of the Needed Contingency Measure Reduction

Consistent with guidance provided in the General Preamble, Illinois determined the needed contingency measure reduction by multiplying 3% of the 1990 adjusted base year emissions. Based on this calculation, the needed contingency measure reduction for the Chicago Area is 31.11 TPD of VOC.

IV. The Proposed Illinois Post-1996 ROP Plan Control Strategies

What Are the Criteria for Acceptable Control Strategies?

Under section 182(b)(1)(C) of the Act, emission reductions claimed for ROP must be creditable to the extent that the reductions have actually occurred before the applicable ROP milestone date, *i.e.,* November 15, 1999.

To meet this requirement, our policy provides that all credited emission reductions must be real, permanent, and enforceable. In addition, the plan's control measures must be adopted and implemented before November 15, 1999.

Post-1996 plans must also adequately document the methods used to calculate the emission reduction for each control measure. Our policy under the ''General Preamble'' (see 57 FR 13567) provides that, at a minimum, the methods should follow the following four principles: (1) Emission reductions from control measures must be quantifiable; (2) control measures must be enforceable; (3) interpretation of the control measures must be replicable; and (4) control measures must be accountable.

Section 182(b)(1)(D) of the Act places limits on what control measures States can include in ROP plans. All permanent and enforceable control measures occurring after 1990 are creditable with the following exceptions: (1) FMVCP requirements promulgated by January 1, 1990; (2) RVP regulations promulgated by November 15, 1990; (3) Reasonably Available Control Technology (RACT) ''Fix-Up'' regulations required under section 182(a)(2)(A) of the Act; and (4) Inspection and Maintenance (I/M) program ''Fix-Ups'' as required under section 182(a)(2)(B) of the Act.

What Are the Control Strategies Under the Proposed Illinois Post-1996 ROP Plan?

A. Point/Area Sources

1. Title IV Acid Rain Power Plant Controls

This federal regulation requires certain power plants to limit NO_X emissions to reduce acid rain. These NO_X reductions, in turn, benefit the Chicago Area in dealing with its ozone nonattainment problem.

Phase I of the acid rain regulation began on January 1, 1996, and Phase II began January 2000. Illinois is claiming credit for only those NO_X control measures that certain power plants have implemented to meet the Federal acid rain rules.

The power plants that Illinois is claiming NO_X reductions from are the following:

Plant name	Unit(s)	Control technology	Emission reduction NO_X TPD
Illinois Power	Baldwin 1	Selective Catalytic Reduction	50.00
Illinois Power	Baldwin 2	Selective Catalytic Reduction	44.85
Illinois Power	Baldwin 3	Low NO_X Burner	16.10
Illinois Power	Vermillion 1–2	Low NO_X Burner	5.48
Illinois Power	Hennepin 1–2	Boiler Tuning Modifications	3.78
Electric Energy	Joppa 1–6	Low NO_X Burner	51.85
Commonwealth Edison	Powerton 5–6	Change to Low-Sulfur Coal	14.30
Dominion Energy	Kincaid 1–2	Change to Low-Sulfur Coal	18.39
Cilco	Edwards 2–3	Low NO_X Burner	17.18

Baldwin 3, Vermillion 1–2, Hennepin 2, and Joppa 1–6 are subject to Phase I NO_X emission rates under the acid rain rule. Powerton 5–6 and Kincaid 1–2 were required to change to low-sulfur coal to meet sulfur dioxide limitations under the acid rain rules; low-sulfur coal has reduced NO_X emission rates at these plants.

Baldwin 1–2, and Edwards 2–3 are subject to the acid rain Phase II NO_X emission limitations, which take effect January 2000. NO_X reductions from these sources are creditable because the sources implemented control measures to meet the Phase II acid rain requirements prior to November 15, 1999. The State determined emission reductions using OTAG data, as well as data from Continuous Emission Monitors (CEM) at the plants.

2. 1999 Cold Cleaning Degreasing

This rule establishes vapor pressure standards for cold cleaning degreasing solvents sold or used in the Chicago Ozone Nonattainment Area. Cold cleaning degreasing takes place at auto repair shops, car dealerships, machine shops and other metal fabrication, and manufacturing businesses. Cold cleaning degreasers typically consist of a holding tank containing solvent, connecting hoses, and a small vat where components are sprayed and brushed clean. The rule regulates both the suppliers and users of cold cleaning degreasing solvents in the nonattainment area. Beginning March 15, 1999, the rule limits the vapor pressure of solvent to 2.0 millimeters of mercury (0.038 pounds per square inch) measured at 20 degrees Celsius (68 degrees Fahrenheit).

3. Stepan Batch Processes

On April 2, 1996, we approved Illinois' batch process RACT rule as a revision to the SIP. Under the rule, the process vents at batch operations must be controlled with a reduction efficiency of 90 percent (or down to a VOC concentration of no more than 20 parts per million volume). Illinois had claimed credit for the rule under the 15% plan. However, at the time of rulemaking on the 15% plan, we did not allow credit for controls at Stepan Company's Milldale facility, because of the uncertainty whether the controls were implemented before or after 1990. As part of the December 17, 1999, Post-1996 ROP amended submittal, Illinois submitted documentation showing that the controls were implemented after 1990. Therefore, we are proposing to approve credit for the emission reductions which occurred at Stepan Company.

4. Municipal Solid Waste Landfills

On November 23, 1998 (63 FR 64628), we approved Illinois' section 111(d)/129 State Plan for municipal solid waste landfills. The State Plan includes regulations requiring the control of Non-Methane Organic Compound (NMOC) emissions at existing landfills that have a design capacity threshold of equal to or above 2.5 million megagrams (Mg) measured in mass units and 2.5 million cubic meters (m3) measured in volume units, and have an annual emissions equal to or above 50 Mg/year of NMOC gases. The rule adopts our March 12, 1996, Emission Guidelines for this source category (see 61 FR 9905). Subject landfills must install a well-designed and well-operated collection and control system to reduce NMOC gases. A portion of NMOC is VOC, and therefore landfill controls are creditable toward the ROP plan. In the Chicago Ozone Nonattainment Area, there are twelve landfills which have installed and are operating the required gas collection and control systems pursuant to construction permits.

5. Coke Oven By-Product Plants

This Federal NESHAP applies to all furnace and foundry coke oven by-product recovery plants. The NESHAP requires that process vessels and tar storage tanks in furnace and foundry coke by-product recovery plants be enclosed and emissions ducted to an enclosed point in the by-product recovery process where they will be recovered or destroyed. This requirement is based on the use of a gas blanketing system. The same requirement also applies to storage tanks for benzene, benzene-toluene-xylene mixtures, and light-oil in furnace coke by-product recovery plants. The standard also calls for visual inspections and monitoring (leak detection and repair) as well as annual maintenance inspections.

It should be noted that Illinois originally claimed credit in the December 18, 1997, submitted Post-1996 ROP Plan for the Emission Reduction Marketing System (ERMS), a new State regulation establishing a VOC cap and trade requirement for Chicago Area stationary sources. However, the ERMS program has been delayed beyond November 15, 1999. Therefore, Illinois is not claiming credit in the proposed Post-1996 ROP Plan for ERMS.

However, Illinois EPA plans to rely on the ERMS program in future ROP plans.

B. Mobile/Nonroad Sources

1. Enhanced I/M Program

The Act requires Illinois to establish an enhanced vehicle I/M program in the Chicago Area to achieve a higher emission reduction than the State's original I/M program. Enhanced I/M covers more vehicles in operation in the fleet and employs more effective techniques for finding high emitting vehicles. The new program also has additional features to ensure that all vehicles are tested properly and are effectively repaired.

We approved the Illinois' enhanced I/M program for the Chicago Ozone Nonattainment Area on February 22, 1999 (64 FR 8517). The State began testing vehicles under the new program on February 1, 1999.

A single contractor, Envirotest, Inc., operates a test-only centralized network for inspections and re-inspection. The I/M contractor has constructed or retrofitted all the emission test sites required under the State I/M contract.

The Illinois I/M program requires coverage of all 1968 and newer gasoline-powered light-duty passenger cars and light-duty trucks up to 8,500 pounds Gross Vehicle Weight Rating (GVWR). The program requires all applicable 1981 and newer vehicles to meet an IM240 exhaust test (a test that simulates actual driving conditions using a dynamometer). These vehicles must also undergo a gas cap check to reduce evaporative emissions. All applicable 1968 through 1980 vehicles will be subject to a basic idle emission exhaust test. The frequency of the test is biennial, with the first four years of a new vehicle excluded.

Due to the delay in implementation of the enhanced I/M program, we requested Illinois EPA to revise its original estimate from 30.10 TPD to 15 TPD emission reduction, which represents only the level of emission reduction that occurred between February 1, 1999, and November 15, 1999. Since the 15 TPD reduction does not represent the Illinois' program full cutpoints, additional emission reduction credit will be available for use in future ROP plans.

2. Phase I Reformulated Gasoline

Beginning January 1, 1995, EPA regulations require only reformulated gasoline to be sold in the Chicago Ozone Nonattainment Area. Reformulated gasoline is specially designed to result in less VOC emissions occurring from motor vehicle operation and gasoline evaporation. Illinois ran our MOBILE model and determined that Phase I of the reformulated gasoline requirement achieved 65.5 TPD of reductions in the Chicago Area in 1999.

3. Post-1994 Tier 1 Vehicle Emission Rates

Pursuant to section 202 of the Act, we promulgated new standards that tighten emission control requirements for passenger cars and light-duty trucks, called ''Tier I'' standards. The standards, fully effective in 1996, are approximately twice as stringent as pre-1990 vehicle standards.

Tier I standards require both VOC and NO_X reduction. Illinois is claiming VOC reductions from Tier I that occur within the Chicago Ozone Nonattainment Area, and NO_X reductions that occur within the Illinois Ozone Attainment Area.

4. 1992 Vehicle I/M Program Amendments

In 1992, Illinois added improvements to its original I/M program as a result of an agreement resolving a lawsuit between Wisconsin and EPA. Illinois added a tamper check and two-speed idle test to the basic I/M program in the Chicago metropolitan area. The State also increased the coverage of the program over the Chicago metropolitan area. Illinois fully implemented these changes to the I/M program in 1992.

5. Federal Gasoline Detergent Additive

Beginning January 1, 1995, federal regulations require that gasoline sold nationwide must contain additives to prevent accumulation of deposits in engines and fuel systems. Preventing such deposits maintains the efficiency of engine systems and reduces VOC emissions resulting from engine efficiency degradation.

6. Federal Non-Road Small Engine Standards

Illinois is claiming emission reduction credit from two federal rules which affect gasoline nonroad engines, the 1995 federal emission standards for nonroad engines at 25 horsepower (hp) and below, and the 1996 marine gasoline engine standards.

The nonroad engine standards, beginning in model year 1997, primarily affects two stroke and four stroke lawn and garden equipment, and light commercial, construction, and logging equipment. The marine engine rule applies to marine spark-ignition engines for outboards, personal watercraft, and jet boats, beginning in model year 1998.

The State estimated the emission reduction for these standards through using our guidance document, ''Future Nonroad Emission Reduction Credits for Court-Ordered Nonroad Standards,'' dated November 28, 1994.

The State also claimed an emission reduction for the impact the reformulated gasoline program has on nonroad engines. Our guidance document, ''VOC Emission Benefits for Nonroad Equipment with the Use of Federal Phase I Reformulated Gasoline,'' dated August 18, 1993, provides the methodology for determining the emission reduction impact of reformulated gasoline on nonroad engines.

7. Federal Non-Road Heavy-Duty Engine Standards

In 1994, we promulgated national NO_X emission standards for large nonroad Compression Ignition (CI) engines at 50 hp and above. Such engines include farm tractors, bulldozers, and forklifts. This standard is the ''Tier 1'' standard for CI engines at or above 50 hp. Implementation of the standard began January 1, 1996. Illinois is claiming credit for the NO_X reductions this regulation achieves in the Illinois Ozone Attainment Area.

8. Clean-Fuel Fleet (CFF) Vehicle Program

The State has a CFF rule which requires certain vehicle fleets in the Chicago Ozone Nonattainment Area to purchase vehicles with tighter emission standards than conventional vehicles. The program affects fleets with ten or more vehicles which can be centrally fueled. Beginning with model year 1999, these fleets must ensure that a certain percentage of new vehicle acquisitions are certified to meet EPA's Low Emission Vehicle (LEV) emission standards. In model year 1999, 30% of new light-duty vehicle acquisitions, and 50% of heavy-duty vehicle acquisitions made by covered fleets must be certified LEVs.

9. Energy Policy Act

The National Energy Policy Act (EPAct) was enacted in October 1992. EPAct mandates implementation (use) of Alternative Fueled Vehicles (AFVs) in federal, State, and utility fleets. EPAct requires that 25% of new vehicle purchases by federal fleets, 10% of new vehicle purchases by State fleets, and 30% of new vehicle purchases by utility fleets must be AFVs beginning in 1996. Illinois EPA estimated that, by 1996, 2,000 AFVs were operating in the Chicago Area.

10. TCMs

See part V of this rulemaking action, ''EPA's approval of the TCMs in the

Post-1996 ROP Plan,'' for a description of the TCMs for which Illinois is claiming credit to meet the 9% reduction requirement.

What Are the Federal Register Citations for the Federal Approval or Promulgation of the Control Measures?

FEDERAL APPROVAL OR PROMULGATION OF CONTROL MEASURES

Control measure	Date of EPA approval or promulgation
Title IV Acid Rain Power Plant Controls	Federal Regulation, 40 CFR 72–78, April 13, 1995 (60 FR 18761).
1999 Cold Cleaning Degreasing	November 26, 1997 (62 FR 6295).
Batch Process Rule	April 2, 1996 (61 FR 14484).
Municipal Solid Waste Landfills	November 23, 1998 (63 FR 64628).
Coke Oven By-Products Recovery NESHAP	Federal Regulation, 40 CFR 61 Subpart L, September 14, 1989 (54 FR 38047).
Enhanced Vehicle I/M Program	February 22, 1999 (64 FR 8517).
Reformulated Gasoline	Federal Regulation, 40 CFR 80, Subpart D, February 16, 1994 (59 FR 7716).
Post-1994 Tier 1 Vehicle Emission Rates	Federal Regulation, 40 CFR 86, June 5, 1991 (56 FR 25724).
1992 Vehicle I/M Program Amendments	April 9, 1996 (61 FR 15715).
Federal Gasoline Detergent Additive	Federal Regulation, 40 CFR 80, Subpart G, November 1, 1994 (59 FR 54706).
TCMs	EPA is proposing approval today. Final rulemaking action will occur on date of final rulemaking action on the Post-1996 ROP Plan.
1992 EPAct	Federal Regulation, 10 CFR 490, March 14, 1996 (61 FR 10621).
Federal Nonroad Small Gasoline Engine Standards.	Federal Regulation, 40 CFR 90, July 3, 1995 (60 FR 34582).
Federal Marine Spark-Ignition Engine Standard	Federal Regulation, 40 CFR 91, October 4, 1996 (61 FR 52087).
Federal Nonroad Large Diesel Engine Standards.	Federal Regulation, 40 CFR 89, June 17, 1994 (59 FR 31306).
CFF Vehicle Program	March 19, 1996 (61 FR 11139).

How Were the Emission Reductions To Be Achieved Through the Control Strategies Calculated?

We have issued several policy documents, listed in the TSD, which provide assumptions for States to use in quantifying emission reductions. We have also developed the MOBILE model for the States to calculate emission reductions from mobile sources.

The State appropriately used our policy documents and MOBILE model for calculating emission reductions. Illinois obtained the necessary data for quantifying the source baselines and emission reductions from its 1990 emission inventory, OTAG documentation submittal, CEM data (for acid rain reductions), permit information, and from surveying affected industries. Where Illinois had to develop its own assumptions regarding emission reductions, the assumptions were adequately justified based on existing data.

It should be noted that Illinois is claiming Post-1996 ROP credit for mobile and nonroad source measures that were part of the 15% ROP Plan, including Tier 1, I/M expansion, Phase I reformulated gasoline, nonroad small engine standards, federal detergent additive, and EPAct. However, no double-counting of emission reductions has occurred, because, unlike other 15% control measures, the State did not consider these measures when calculating the 1999 projected growth inventory. The State treated these reductions separately because the impact of these measures change over time due to fleet turnover.

As noted in part III of this **Federal Register** document, the State calculated the projected growth in emissions assuming no 9% ROP reductions in place, and subtracted the 1999 target from the projected emissions to find the needed reduction net-of-growth. The impact on the plan would be the same if Illinois factored in the above control measures in the 1999 projected growth inventory and had not treated these measures as creditable Post-1996 ROP reductions. Consequently, Illinois can claim reductions from these measures as legitimate Post-1996 ROP reductions.

What Are the Emission Reductions To Be Achieved Through the Control Strategies?

The following tables summarize the State's VOC and NOx reduction claims for the Post-1996 ROP control measures, and the amount of reductions we find acceptable.

Control measure	VOC reduction state claimed tons/day	VOC reduction credit accepted tons/day
Mobile Source Measures		
Post-1994 Tier 1 Vehicle Emission Rates	16.80	16.80
Phase I Reformulated Gasoline	65.50	65.50
Federal Detergent Additive Gasoline	2.20	2.20
1992 I/M Program Improvements	7.00	7.00
Enhanced I/M Program	30.10	15.00
Conventional TCMs	2.00	2.00
National Energy Policy Act of 1992	0.20	0.20
Federal Non-Road Small Engine Standards	23.43	23.43
National Low Emission Vehicle Program	(1)	(1)
Clean Fuel Fleet Vehicle Program	0.30	0.30
Subtotal	147.53	132.43
Industrial Source Measure		
ERMS	(1)	(1)

Control measure	VOC reduction state claimed tons/day	VOC reduction credit accepted tons/day
Stepan Batch Process Rule Credit	9.40	9.40
Municipal Solid Waste Landfill	1.06	1.06
Coke Oven By-Product NESHAP	2.65	2.65
Subtotal	13.11	13.11
Area Source Measures		
1999 Cold Cleaning Degreasing Limits	11.35	11.35
Total 1999 Creditable VOC Reductions	171.99	156.89

[1] Deferred.

Control measure	NO_X reduction state claimed tons/day	NO_X reduction credit accepted tons/day
Mobile Source Measures		
Post-1994 Tier 1 Vehicle Emission Rates	24.30	24.30
Federal Heavy-Duty Non-Road Engine Standards	15.75	15.75
Subtotal	40.05	40.05
Industrial Source Measures		
Title IV Acid Rain Controls	221.92	221.92
Total 1999 Creditable NO_X Reductions	261.97	261.97

V. EPA's Approval of the TCMs in the Post-1996 ROP Plan

What Are TCMs?

TCMs are programs that encompass elements of transportation system management and/or transportation demand management. Transportation system management strategies are typically low capital intensive transportation improvements that increase the efficiency of transportation facilities and services. Transportation demand management involves policies, programs, and actions directed toward increasing the use of high occupancy vehicles (transit, carpooling, and vanpooling), and the use of bicycling and walking.

The Chicago Area Transportation Study (CATS), a Metropolitan Planning Organization (MPO), implements TCMs in the Chicago Area. CATS implements a number of TCM projects to both reduce Vehicle Miles Traveled (VMT) and VOC emissions per VMT. The projects have been programmed and funded through the areas' Transportation Improvement Programs (TIP) under the federal Congestion Mitigation and Air Quality Improvement Program (CMAQ).

The proposed Post-1996 ROP Plan claims emission reduction credit for TCMs implemented between 1990 and 1996 which were not included in the 15% plan, and TCMs implemented between 1996 and 1999.

What Are the TCMs Submitted With the Illinois Post-1996 ROP Plan?

CATS has documented TCM implementation and estimated emission reductions in the following documents:

(1) ''Transportation Control Measures Committal to the State Implementation Plan,'' November 5, 1992;

(2) ''Transportation Control Measures Contribution to the 15% Rate of Progress State Implementation Plan,'' December 9, 1993;

(3) ''Transportation Control Measures Contribution to the Control Strategy State Implementation Plan,'' March 9, 1995;

(4) ''Transportation Control Measures Contribution to the Post-1996 Rate-Of-Progress State Implementation Plan,'' March 22, 1996;

(5) ''Transportation Control Measures Contribution to the 9% Control Strategy State Implementation Plan,'' June 11, 1998; and,

(6) ''1999 Transportation Control Measures Contribution to the 9% Rate of Progress Control Strategy State Implementation Plan,'' December 9, 1999.

The November 5, 1992, document provides a comprehensive discussion of the TCM planning and implementation process in the Chicago region. Illinois submitted the December 9, 1993, and March 9, 1995, documents with the Chicago Area VMT Offset SIP revision, and provided the basis for emission reductions claimed as part of the 15% ROP Plan.

On September 21, 1995, we incorporated into the SIP 127 TCMs when we approved the Illinois' Vehicle Miles Traveled (VMT) Offset SIP (60 FR 48896). As indicated in the September 21, 1995, rulemaking, the combined emission reduction from these TCMs is 2.78 TPD by 1996. Of this reduction, the State claimed 2 TPD in the 15% plan, which leaves 0.78 TPD for use in the 9% ROP plan.

The 1995, 1996, 1998, and 2000 TCM documents demonstrate an additional 1.22 TPD from TCMs which have been implemented by November 15, 1999. These TCMs include:

(1) Improved public transportation, such as fixed guideway transit and rail station infrastructure improvements;
(2) Traffic flow improvements, such as traffic signalization and intersection and road widening;
(3) Increased park and ride service, parking at major transit stations, and fringe parking to serve major highway facilities; and,
(4) Bicycle and pedestrian programs, including increased bicycle lanes and paths, racks and storage facilities, and sidewalks and walkways.

How Do TCMs Become Approvable as Revisions to the SIP?

States can take credit for TCMs that we have approved as revisions to the

SIP. Our requirements for TCMs are summarized in the June 1993, guidance document, ''Guidance on Preparing Enforceable Regulations and Compliance Programs for the 15 Percent Rate-of-Progress Plans,'' dated June 1993.

The required elements are:

(1) A complete description of the measure, and, if possible, its estimated emission reduction benefits;

(2) Evidence that the measure was properly adopted by a jurisdiction(s) with legal authority to execute the measure;

(3) Evidence that funding will be available to implement the measure;

(4) Evidence that all necessary approvals have been obtained from all appropriate government offices;

(5) Evidence that the implementing agencies have adopted a complete schedule to plan, implement, and enforce the measure; and

(6) A description of any monitoring program to evaluate the measure's effectiveness and to allow for necessary in-place corrections or alterations.

Are the Chicago Area 1996–1999 TCMs Approvable?

The TCM documents cited above provide the necessary documentation to incorporate into the SIP the TCMs implemented between 1996 and 1999 in the Chicago Ozone Nonattainment Area.

VI. EPA Review of the Proposed Illinois Post-1996 ROP Plan

Why Is the Proposed Illinois Post-1996 ROP Plan Approvable?

We reviewed the documentation submitted with the proposed Post-1996 ROP Plan. From this review, we find that the proposed plan is approvable.

The State provided sufficient justification that the attainment area NO_X reductions will reduce ozone concentrations in the Chicago Ozone Nonattainment Area. Illinois also correctly calculated, following our guidance documents, the emission reduction needed to meet the 9% ROP reduction requirement.

The proposed plan's control measures are creditable because the emissions reductions achieved are real, permanent, and enforceable. All claimed emission reductions from the plan's control measures occurred by November 15, 1999, the Act's deadline by which creditable reductions are to occur.

The State's emission reduction estimates for the control strategies follow our guidance documents, where applicable, and are adequately documented with acceptable emission control assumptions.

Finally, the proposed Post-1996 ROP Plan shows that it will achieve a 9% reduction of ozone precursor emissions affecting the Chicago Ozone Nonattainment Area.

COMPARISON OF NEEDED AND CREDITABLE EMISSION REDUCTIONS

VOC Reduction Needed to Meet 2% ROP.	121.79 TPD
VOC Reduction Needed to Meet 3% Contingency.	31.11 TPD
VOC Reduction Needed for ROP and Contingency.	152.90 TPD
Total Creditable VOC Reduction.	156.89 TPD
NO_X Reduction Needed to Meet 7% ROP.	242.52 TPD
Total Creditable NO_X Reduction.	261.97 TPD

For these reasons, we are proposing to approve Illinois' proposed Chicago Area Post-1996 ROP Plan, under our parallel processing regulations at 40 CFR part 51, appendix V. We will take final rulemaking action once the final adopted plan is submitted, provided that the final submitted plan is not significantly different from the proposed plan.

Why Is the Contingency Measure Portion of the Plan Approvable?

The proposed Post-1996 ROP Plan achieves, in addition to a 9% ozone precursor reduction, a 3% reduction in VOC through creditable control measures. For this reason, the contingency measure portion of the proposed Post-1996 ROP Plan satisfies the contingency measure requirements of the Act. We therefore propose to approve the contingency measure portion of the plan.

VII. Transportation Conformity Mobile Source Budget

In Illinois' December 17, 1999, supplemental submittal, the State clearly identified in the proposed Post-1996 ROP Plan the establishment of the 1999 motor vehicle emissions budget of 279.3 TPD of VOC. The 1999 budget in the supplemental submittal is a revision to the budget in the earlier ROP submission. The revisions in the credit granted for the control strategies resulted in a change to the 1999 on-road mobile source emissions total. This emissions level serves as the emissions budget for determining transportation conformity. This **Federal Register** approval will also approve the 1999 on-road mobile source budget of 279.3 TPD of VOC.

VIII. Proposed Rulemaking Action

In this rulemaking action, we are proposing to approve, through parallel processing, the proposed Illinois SIP revision, submitted on December 18, 1997, December 17, 1999, January 14, 2000, and January 21, 2000, establishing the proposed Post-1996 ROP Plan and contingency measures for the Chicago Ozone Nonattainment Area. We are also proposing to approve certain TCMs which were submitted with the Post-1996 ROP Plan and were implemented between 1996 and 1999. We are taking this action pursuant to parallel processing regulations under 40 CFR part 51, appendix V.

IX. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Order 12612 (Federalism) and Executive Order 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen Oxides, Ozone, Volatile Organic Compounds.

Dated: February 24, 2000.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 00–5203 Filed 3–2–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–298, MM Docket No. 00–27, RM–9820]

Radio Broadcasting Services; Valley Mills, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Valley Mills Radio proposing the allotment of Channel 237C2 at Valley Mills, Texas, as that community's first local service. The coordinates for Channel 237C2 at Valley Mills are 31–44–52 and 97–44–33. There is a site restriction 27.8 kilometers (17.3 miles) west of the community.

DATES: Comments must be filed on or before April 10, 2000, and reply comments on or before April 25, 2000.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert Lewis Thompson, Taylor Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, Virginia 22314.

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. 00–27, adopted February 9, 2000, and released February 18, 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 Twelfth Street, SW, Washington, DC 20554. 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5101 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–297, MM Docket No. 00–28, RM–9796]

Radio Broadcasting Services; Christine, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Christine Radio Broadcasting Company proposing the allotment of Channel 245A at Christine, Texas, as that community's first local FM service. The coordinates for Channel 245A at Christine are 28–42–10 and 98–27–07. There is a site restriction 9.9 kilometers (6.2 miles) south of the community. Mexican concurrence will be requested for the allotment of Channel 245A at Christine.

DATES: Comments must be filed on or before April 10, 2000, and reply comments on or before April 25, 2000.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert Lewis Thompson, Taylor Thiemann & Aitken, L.C., 908 King Street, Suite 300, Alexandria, VA 22314.

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. 00–28, adopted February 9, 2000, and released February 18, 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 Twelfth Street, SW, Washington, DC 20554. 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5100 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–301; MM Docket No. 99–183; RM–9586]

Radio Broadcasting Services; Herlong, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 281C2 to Herlong, California, as a first local aural transmission service, for failure to establish that locality is a *bona fide* community for allotment purposes. See 64 FR 30296, June 7, 1999. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–183, adopted February 9, 2000, and released February 18, 2000. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5099 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–303; MM Docket No. 99–202; RM–9620]

Radio Broadcasting Services; Mountainaire, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 293A to Mountainaire, Arizona, as a first local aural transmission service, for failure to establish that locality is a *bona fide* community for allotment purposes. See 64 FR 31174, June 10, 1999. With this action, this proceeding is terminated.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–202, adopted February 9, 2000, and released February 18, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5148 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–302; MM Docket No. 99–186; RM–9589]

Radio Broadcasting Services; Mettler, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 255A to Mettler, California, as a first local aural transmission service, for failure to establish that locality is a *bona fide* community for allotment purposes. See 64 FR 30294, June 7, 1999. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–186, adopted February 9, 2000, and released February 18, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5147 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–299, MM Docket No. 00–26, RM–9822]

Radio Broadcasting Services; Pearsall, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by The Pearsall Company proposing the allotment of Channel 277A at Pearsall, Texas, as that community's third local FM service. The coordinates for Channel 277A at Pearsall are 28–56–40 and 99–11–44. There is a site restriction 11.3 kilometers (7.01 miles) northwest of the community. Mexican concurrence will be requested for the allotment of Channel 277A at Pearsall as a specially negotiated short-spaced allotment.

DATES: Comments must be filed on or before April 10, 2000, and reply comments on or before April 25, 2000.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Law Offices of Henry E. Crawford, 1150 Connecticut Avenue, NW, Suite 900, Washington, DC 20036.

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. 00–26, adopted February 9, 2000, and released February 18, 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 Twelfth Street, SW, Washington, DC 20554. 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5146 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–372; MM Docket No. 99–335; RM–9771]

Radio Broadcasting Services; Lindale, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Cafe Broadcasting, Inc. requesting the allotment of Channel 239A at Lindale, Texas. *See* 64 FR 68664, December 8, 1999. Cafe Broadcasting withdrew its interest in the allotment of Channel 239A at Lindale, Texas. With this action, this proceeding is terminated.

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. 99–335, adopted February 16, 2000, and released February 25, 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 Twelfth 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.

List of Subjects in 47 Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5145 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–370; MM Docket No. 99–211; RM–9630]

Radio Broadcasting Services; Winona, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 242C3 to Winona, Arizona, as a first local aural transmission service, for failure to establish that locality is a bona fide community for allotment purposes. See 64 FR 31173, June 10, 1999. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–211, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5142 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–394; MM Docket No. 00–33; RM–9816]

Radio Broadcasting Services; Jenner, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Brian Costello, requesting the allotment of Channel 292A to Jenner, California, as that locality's first local aural transmission service. This proposal requires a site restriction 10.1 kilometers (6.3 miles) northwest of Jenner at coordinates are 38–30–55 NL; 123–11–45 WL.

DATES: Comments must be filed on or before April 17, 2000, and reply comments on or before May 2, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Brian Costello, 15275 Old Cazadero Road, Guerneville, CA 95446.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–33, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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* 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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5141 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–394; MM Docket No. 00–34; RM–9817]

Radio Broadcasting Services; Culver, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Larko Communications, Inc. requesting the allotment of Channel 252A to Culver, Indiana, as that community's first local aural transmission service. Coordinates used for this proposal are the city reference at 41–13–04 NL; 86–25–21 WL.

DATES: Comments must be filed on or before April 17, 2000, and reply comments on or before May 2, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James R. Cooke, Esq., Harris, Beach and Wilcox, Suite 300, 1776 K Street, NW., Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–34, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5140 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–395; MM Docket No. 99–208; RM–9627]

Radio Broadcasting Services; Melba, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 260C2 to Melba, Idaho, as that locality's first local aural transmission service. Petitioner failed to establish that its proposal would provide a 70 dBu signal over the entire boundaries of Melba, as required by Section 73.315 of the Commission's Rules. See 64 FR 31171, June 10, 1999. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–208, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, D.C. 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5138 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–369; MM Docket No. 00–31; RM–9815]

Radio Broadcasting Services; Nogales and Vail, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Desert West Air Ranchers Corporation, licensee of Station KZNO(FM), Channel 252A, Nogales, Arizona, requesting the substitution on Channel 253A for Channel 252A, the reallotment of Channel 253A to Vail, Arizona, as that locality's first local aural transmission service, and modification of its authorization accordingly. Coordinates used for this proposal are 31–55–30 NL and 110–37–30 WL. As Vail is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to the requested allotment of Channel 253A at that community is required.

DATES: Comments must be filed on or before April 17, 2000, and reply comments on or before May 2, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Mark N. Lipp, Esq., Shook, Hardy & Bacon, 600 14th Street, NW., Washington, DC 20005.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 00–31, adopted February 16, 2000, and released February 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5137 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–296, MM Docket No. 00–29, RM–9821]

Radio Broadcasting Services; Big Pine Key, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Satellite Broadcasting Company, requesting the allotment of Channel 239A at Big Pine Key, Florida, as the community's second FM broadcast station. The coordinates for Channel 239A at Big Pine Key are 24–40–00 and 81–21–00.

DATES: Comments must be filed on or before April 10, 2000, and reply comments on or before April 25, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Michael L. Higgs, Schwaninger & Associates, P.C., 1835 K Street, NW, Suite 650, Washington, DC 20006.

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. 00–29, adopted February 9, 2000 and released February 18, 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 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* 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.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–5135 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Chapter I

[Docket No. RSPA–00–5143; Notice No. 00–2]

Hazardous Materials Safety: Public Meeting Related to Customer Service and Regulatory Review

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of public meeting.

SUMMARY: RSPA will hold a public meeting to seek information from the public on improving safety, reducing costs (especially to small businesses) and increasing customer service through RSPA's management of the national hazardous materials transportation safety program. This meeting is being held in conjunction with a Hazardous Materials Multimodal Training Seminar sponsored by RSPA on March 28 and 29, 2000.

DATES: The public meeting will be held on Wednesday, March 29, 2000, 1 p.m. to 5 p.m.; however, the meeting may end prior to 5 p.m., dependent upon public interest.

ADDRESSES: The public meeting will be held at the Radisson Suite Hotel Meadowland, 350 Route 3 West, Secaucus, NJ (201–863–8700). For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Michael Stevens at the address or phone number listed under **FOR FURTHER INFORMATION CONTACT** as soon as possible.

FOR FURTHER INFORMATION CONTACT: Michael Stevens, Office of Hazardous Materials Standards, RSPA, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001. Phone (202) 366–8553.

SUPPLEMENTARY INFORMATION:

Focus on Issues of Interest to Affected Parties

RSPA (''we'' and ''our'') is interested in soliciting comments on the kind and quality of services our customers want and their level of satisfaction with the services we currently provide to promote understanding and compliance with the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). These services include the following:

(1) *Hazardous Materials Information Center (HMIC).* A staff of three persons is available Monday to Friday (except

Federal holidays) between 9 am and 5 pm (Eastern time) to address telephonic inquiries from shippers, carriers, packaging manufacturers and other persons concerning requirements in the HMR for the safe transportation of hazardous materials. In 1999, the HMIC handled more than 28,000 calls. The toll-free number is 1–800–HMR–4922.

(2) *Internet Access.* Our site on the worldwide web (http://hazmat.dot.gov) provides information concerning hazardous materials rulemakings, exemptions, letters of clarification, international activities, incident data, the *2000 Emergency Response Guidebook* and much more.

(3) *Fax on Demand.* For persons who do not have access to the internet, we operate an automated fax-back system that allows callers access to more than 600 pages of informational materials, including letters of clarification and recently published rulemakings, through their own fax machines. A facsimile copy of the catalog of available documents may be obtained by accessing the fax-on-demand feature through our HMIC number 1–800–HMR–4922.

(4) *Training.* To promote compliance with the HMR, we distribute brochures, charts, publications, training materials, videotapes, and other safety-related information to hazmat employers and hazmat employees in the private and government sectors, as well as to the general public. Hazardous materials training is provided to Federal, State and local enforcement agencies, industry, and emergency response personnel. In addition, we provide personal computer based self-study programs through a CD–ROM modular training series.

(5) *Government-Industry Partnerships.* To the extent permitted through our limited resources, we participate in meetings, conferences, training workshops, and the like sponsored by public sector, industry, and international organizations having an interest in the safe transportation of hazardous materials.

Regulations and Administrative Procedures

On December 20, 1999, we published a notice of regulatory review (Docket No. RSPA–99–5143, 64 FR 71098) requesting comments on the economic impact of the regulations on small entities. This year we are analyzing rules in 49 CFR part 106, Rulemaking Procedures, Part 107, Hazardous Materials Program Procedures, and Part 171, General Information, Regulations, and Definitions. Meeting participants are invited to take this opportunity to suggest whether specific rules in these parts should be revised or revoked to lessen the impact on small entities.

We are interested, also, in receiving comments on the quality of our processing of written requests for information, applications for exemption and approval, registration statements, and other administrative actions. Meeting participants are encouraged to provide suggestions on how we may improve our performance in processing these administrative actions.

We welcome all comments on ways to improve understanding and compliance with the HMR, including removal of obsolete requirements, revisions to conflicting or confusing requirements, and the use of plain language in regulations. We will address inquiries concerning new or proposed requirements recently published in rulemaking actions concerning RSPA's registration and fee assessment program (Docket No. RSPA–99–5137; 65 FR 7297, February 14, 2000); harmonization of requirements in the HMR pertaining to the transportation of radioactive materials with standards published by the International Atomic Energy Agency (Docket No. RSPA–99–6283; 64 FR 72633, December 28, 1999); and the permitted use, until October 1, 2001, of internationally recognized POISON and POISON GAS labels on packages intended for transportation in international commerce (Docket No. RSPA–99–6195, 64 FR 50260, September 16, 1999 and 64 FR 51719, September 24, 1999).

Representatives from the United States Coast Guard, Federal Aviation Administration, Federal Railroad Administration and Federal Motor Carrier Safety Administration will participate with RSPA in this public meeting and address modal-specific issues.

Conduct of the Meeting

This is an informal meeting intended to produce a dialogue between agency personnel and persons affected by the hazardous materials transportation safety program. The presiding official may find it necessary to limit the time available to each person to ensure that all participants have an opportunity to speak. Conversely, this meeting may conclude early if all persons wishing to participate have been heard. While there will be no transcript of the meeting, RSPA will prepare a written summary of the meeting and post it in this notice's docket (RSPA–99–5143). Persons interested in participating in this public meeting need not be registered for the Hazardous Materials Multimodal Training Seminar.

Issued in Washington, D.C. on February 25, 2000.

Robert A. McGuire,

Acting Associate Administrator for Hazardous Materials Safety.

[FR Doc. 00–4995 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 000218048–0048–01; I.D. 013100A]

RIN 0648–AN59

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities

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

ACTION: Advance notice of proposed rulemaking; receipt of an application for a small take exemption; notice of public meetings and request for comment and information.

SUMMARY: NMFS has received a request from the U.S. Navy for a small take of marine mammals incidental to shock testing the USS WINSTON S. CHURCHILL (DDG–81) in the offshore waters of the Atlantic Ocean off either Mayport, FL, or Norfolk, VA or the offshore waters of the Gulf of Mexico off Pascagoula, MS. As a result of that request, NMFS is considering whether to propose regulations that would authorize the incidental taking of a small number of marine mammals. In order to issue regulations for this taking, NMFS must determine that this taking will have no more than a negligible impact on the affected species and stocks of marine mammals. NMFS invites comment on the application and suggestions on the content of the regulations.

DATES: comments and information must be postmarked no later than April 3, 2000. Public meetings are scheduled as follows:

1. March 13, 2000, 7 PM, Norfolk, VA;
2. March 14, 2000, 7 PM, Pensacola, FL;
3. March 15, 2000, 7 PM, Neptune Beach, FL.

ADDRESSES: Comments should be addressed to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-

West Highway, Silver Spring, MD 20910–3226. A copy of the application may be obtained by writing to this address, or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**). A copy of the draft environmental impact statement (DEIS) may be obtained from Will Sloger, U.S. Navy, at (843) 820–5797.

The public meetings will be held at the following locations:

1. Norfolk—Granby High School Auditorium, 7101 Granby Street, Norfolk, VA;
2. Pensacola—Pensacola Junior College, Hagler Auditorium, 1000 College Blvd., Pensacola, FL;
3. Neptune Beach—Fletcher High School Auditorium, 700 Seagate Avenue, Neptune Beach, FL.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, (301) 713–2055, ext. 128.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*). (MMPA) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted for periods of 5 years or less if the Secretary finds that the taking will have no more than a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

Summary of Request

On January 12, 2000, NMFS received an application for an incidental, small take authorization under section 101(a)(5)(A) of the MMPA from the U.S. Navy to take marine mammals incidental to shock testing the WINSTON S. CHURCHILL in the offshore waters of the Atlantic Ocean off either Mayport, FL, or Norfolk, VA or the offshore waters of the Gulf of Mexico off Pascagoula, MS. A final decision on the location for the shock trial will be made by the Navy, based, in part, on findings and determinations made under the National Environmental Policy Act (NEPA).

Section 2366, Title 10, United States Code (10 U.S.C. 2366) requires realistic survivability testing of a covered weapon system to ensure the vulnerability of that system under combat conditions is known. (In this case, the covered weapon system is the WINSTON S. CHURCHILL.) Realistic survivability testing means testing for the vulnerability of the ship in combat by firing munitions likely to be encountered in combat with the ship configured for combat. This testing is commonly referred to as ''Live Fire Test & Evaluation'' (LFT&E). Realistic testing by firing live ammunition at the ship or detonating a real mine against the ship's hull, however, could result in the loss of a multi-million dollar Navy asset. Therefore, the Navy has established an approved LFT&E program to complete the vulnerability assessment of ships as required by 10 U.S.C. 2366. The LFT&E program includes three major areas that together provide for a complete and comprehensive evaluation of the survivability of ships in a near miss, underwater explosion environment. These areas are computer modeling and analysis, component testing, and an at-sea ship shock trial. While computer modeling and laboratory testing provide useful information, they cannot substitute for shock testing under realistic, offshore conditions as only the at-sea shock trial can provide the real-time data necessary to fully assess ship survivability.

A shock test is a series of underwater detonations that propagate a shock wave through a ship's hull under deliberate and controlled conditions. Shock tests simulate near misses from underwater explosions similar to those encountered in combat. Shock testing verifies the accuracy of design specifications for shock testing ships and systems, uncovers weaknesses in shock sensitive components that may compromise the performance of vital systems, and provides a basis for correcting deficiencies and upgrading ship and component design specifications. To minimize cost and risk to personnel, the first ship in each new class is shock tested and improvements are applied to later ships of the class.

The WINSTON S. CHURCHILL is the third ship in a new Flight of 23 ARLEIGH BURKE (DDG51) class guided missile destroyers being acquired by the Navy. (A Flight is a subset of a class of ships to which significant modifications/upgrades have been made.) These ships are referred to as the Flight IIA ships and they represent the largest single upgrade to the original DDG 51-class destroyer.

The USS JOHN PAUL JONES (DDG 53) was shock tested off the coast of California in June 1994 to assess the survivability of the original DDG 51 class destroyer. Flight IIA ships are significantly different from the original DDG 51-class destroyers in their design. Major structural changes include the addition of a helicopter hangar, Vertical Launch System foundation changes, and raising the aft radar arrays. Major equipment changes include the addition of a ship-wide Fiber Optic Data Multiplexing System, a Zonal Electrical Power Distribution System involving the addition of switchboards and load centers throughout the ship, and the widespread use of commercial equipment in various mission critical systems to reduce the cost of the ships. Typically the lead ship of a new class or major upgrade is shock tested. The WINSTON S. CHURCHILL was selected as the shock trial ship because it has additional design changes that will not be included in the first two Flight IIA ships, and therefore, it is more representative of the Flight.

The Navy's proposed action is to conduct a shock trial of the WINSTON S. CHURCHILL at an offshore, deep-water location. The ship would be subjected to a series of three-four 4,536 kg (10,000 lb) explosive charge detonations sometime between 1 May and 30 September, 2001. Three detonations are needed to collect adequate data on survivability. A fourth detonation would be conducted by the Navy only if one of the planned three detonations fails to provide technically acceptable data (e.g., due to equipment failure or some other technical problem).

The ship and the explosive charge would be brought closer together with each successive detonation to increase the severity of the shock. This gradation in severity would ensure that the survivability of the ship and its systems is fully assessed and the point at which failure modes begin is accurately determined. It would also reduce the chance of significant damage at the highest severity detonation. The shock trial would be conducted at a rate of one detonation per week to allow time to perform detailed inspections of the ship's systems prior to the ship experiencing the next level of shock intensity.

Marine Mammals

A summary of the marine mammal species found in each of the 3 areas which may be selected by the Navy for shock testing is presented here. For more detail on marine mammal abundance, density and the methods used to obtain this information, reviewers are requested to refer to either

the Navy application or the Navy DEIS (see **ADDRESSES**).

Mayport, FL

Up to 29 marine mammal species may be present in the waters off Mayport, FL, including 7 mysticetes and 22 odontocetes. Mysticetes are unlikely to occur at Mayport during the May through September time period. Odontocetes may include the sperm whale, dwarf and pygmy sperm whale, 4 species of beaked whales, and 15 species of dolphins and porpoises.

Norfolk, VA

Up to 35 marine mammal species may be present in the waters off Norfolk, VA, including 7 mysticetes, 27 odontocetes, and 1 pinniped. The fin whale is the mysticete most likely to occur in the test area. Odontocetes may include the sperm whale, dwarf and pygmy sperm whale, 6 species of beaked whales, and 18 species of dolphins and porpoises.

Pascagoula, MS

Up to 29 marine mammal species may occur in the waters off Pascagoula, MS, including 7 mysticetes, 21 odontocetes, and 1 exotic pinniped. With the exception of Bryde's whale, mysticetes are considered unlikely to occur at Pascagoula. Odontocetes may include the sperm whale, dwarf and pygmy sperm whale, 4 species of beaked whales, and 14 species of dolphins and porpoises.

Potential Impacts

Potential impacts on several marine mammal species known to occur in these areas from shock testing include both lethal and non-lethal injury, as well as harassment. Death or injury may occur as a result of the explosive blast, and injury may occur as a result of non-injurious physiological responses to the explosion-generated shockwave and its acoustic signature. The Navy believes it is very unlikely that injury will occur from exposure to the chemical by-products released into the surface waters, and no permanent alteration of marine mammal habitat would occur. While the Navy does not anticipate any lethal takes would result from these detonations, calculations indicate that the Mayport site has the potential to result in up to 4 mortalities, 6 non-serious injuries, and 2,885 takings by harassment. The Norfolk site has the potential to result in 7 mortalities, 12 non-serious injuries, and 14,640 takings by harassment. The Pascagoula site has the potential to result in up to 3 mortalities, 4 injuries, and 3,132 takings by harassment. Because of the potential impact to marine mammals, the Navy has requested a letter of authorization under section 101(a)(5)(A) of the MMPA that would authorize the incidental taking.

Mitigation

The Navy's proposed action includes mitigation that would minimize risk to marine mammals and sea turtles. The Navy would (1) through pre-detonation aerial surveys, select a test area within the chosen site location with the lowest possible number of marine mammals and sea turtles; (2) monitor the area visually (aerial and shipboard monitoring) and acoustically before each test and postpone detonation if any marine mammal or sea turtle is detected within a safety range of 3.7 kilometers (2 nautical miles); and (3) monitor the area after each test to find and treat any injured animals. If post-detonation monitoring shows that marine mammals or sea turtles were killed or injured as a result of the test, testing would be halted until procedures for subsequent detonations could be reviewed and changed as necessary.

NEPA

The Navy has released a DEIS under NEPA that is presently available for public review and comment (see **ADDRESSES**). NMFS is a cooperating agency, as defined by the Council on Environmental Quality (40 CFR 1501.6), in the preparation of this DEIS.

Endangered Species Act (ESA)

NMFS will be consulting with the U.S. Navy under section 7 of the ESA on this action. In that regard, the Navy has submitted to NMFS a Biological Assessment under the ESA. This consultation will be concluded prior to a determination on issuance of a final rule and exemption.

Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning the request and the structure and content of the regulations to allow the taking. NMFS requests that commenters review the DEIS and/or the Navy application and not submit comments based solely on this document. NMFS will consider information submitted in developing proposed regulations to authorize the taking. If NMFS proposes regulations to allow this take, interested parties will be given ample time and opportunity to comment on the proposed rule.

Dated: February 28, 2000.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–5219 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 65, No. 43
Friday, March 3, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) whether the proposed or continuing collections of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Send comments on this information collection on or before March 31, 2000.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail bjohnson@usaid.gov.

SUPPLEMENTARY INFORMATION:

OMB No: OMB 0412–0552.

Form No.: N/A.

Title: Financial Status Report.

Type of Review: Renewal of Information Collection.

Purpose: USAID wants to require grant and cooperative agreement recipients who work in multiple countries to provide expenditure reports by country. USAID has stated in the ''remarks'' section of SF–269 and SF–269A, or other applicable approved financial report form that ''For assistance programs which cover programs in more than one country, recipients shall specify by country the amount of the total Federal share which was expended for each country * * *'' The USAID has sought a class deviation to the statute from the Office of Management and Budget in accordance with the 22 CFR 226.4. The information is being collected so that USAID may report to Congress, the Office of Management and Budget and other requesters per the requirements of the Government Performance and Results Act and the Government Management Reporting Act. Also, the reporting requirements are necessary to assure that USAID funds are expended in accordance with Statutory requirements and USAID policies.

Annual Reporting Burden:

Respondents: 80.

Total annual responses: 320.

Total annual hours requested: 800 hours.

Dated: February 22, 2000.

Joanne Paskar,

Acting Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 00–5109 Filed 3–2–00; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket Number LS–99–22]

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request an extension of and revision to the currently approved collections of information for 7 CFR Part 54-Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards), which includes Form LS–313, ''Application for Service'' and Form LS–315, ''Application for Commitment Grading or Certification Service.''

DATES: Comments on this notice must be received by May 2, 2000 to be assured consideration.

ADDRESSES: Send written comments to Terry L. Lutz, Assistant to the Chief; USDA, AMS, LS, MGC; STOP 0248, Room 2628–S; 1400 Independence Avenue, SW.; Washington, DC 20250–0248. Comments may be faxed to (202) 690–4119, or E-mailed to Terry.Lutz@usda.gov.

State that your comments refer to Docket No. LS–99–22, and note the date and page number of this issue of the **Federal Register**.

Comments received may be inspected at the above location between 8 a.m. and 4:30 p.m., Eastern Time, Monday through Friday, except Holidays.

FOR FURTHER INFORMATION CONTACT: Terry L. Lutz, Assistant to the Chief, Meat Grading and Certification (MGC) Branch, 202–720–1246.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)

OMB Number: 0581–0124

Expiration Date of Approval: November 30, 2000.

Type of Request: Extension and revision of a currently approved collection of information.

Abstract: The application for meat grading and certification services requests Department of Agriculture employees to perform such services in the requesting establishment. The information contained on the applications constitutes an agreement between USDA and the requesting establishment.

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide voluntary Federal meat grading and certification services that facilitate the marketing of meat and meat products. The Meat Grading and Certification (MGC) Branch provides these services pursuant to 7 CFR part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards).

Due to the voluntary nature of grading and certification services, 7 CFR part 54 contains provisions for the collection of

fees from users of MGC Branch services that as nearly as possible are equal to the cost of providing the requested services. Applicants (individual or businesses with financial interest in the product) may request MGC Branch services through either submission of Form LS–313 or Form LS–315.

Congress did not specifically authorize this collection of information, but completion and submission of Form LS–313 or Form LS–315 serves as an agreement by the requester to pay for services provided.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .0169 hours per response.

Respondents: Livestock and meat industry or other for-profit businesses.

Estimated Number of Respondents: 888.

Estimated Number of Responses per Respondent: 27.

Estimated Total Annual Burden on Respondents: 406 hours.

Comments are invited on: (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 25, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00–5056 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–02–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

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

ACTION: Additions to and Deletions from the Procurement List.

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

EFFECTIVE DATE: April 3, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

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

SUPPLEMENTARY INFORMATION: On October 22, November 5, and December 27, 1999 and January 7, 14, and 21, 2000, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 57031, 60407 and 72312, and 65 FR 2373, 2374, and 3416) of proposed additions to and deletions from the Procurement List:

Additions

The following comments pertain to Holder, Card, 7510–00–155–5174: Comments were received from the current contractor for the card holder. The contractor claimed that it had given up many items to the Committee's Procurement List and asked the Committee not to take this one as well. The contractor also claimed that the card holder would create little labor for people with severe disabilities and would cause the contractor to lose its investment in tooling for the project, as the contractor claimed there is little demand for the card holder in the commercial market.

As the contractor noted, it has a partnership with a nonprofit agency producing items now on the Procurement List which the contractor formerly produced for the Government. This partnership permits the contractor to supply materials for the items to the nonprofit agency, thus essentially negating the impact of that Procurement List addition on the contractor. The only other item being produced by the contractor for the Government which the Committee has added to the Procurement List in recent years, a tape dispenser, represented only a very small percentage of the contractor's total sales, as does the card holder now at issue. The contractor has not given the Committee information to indicate that loss of use of the card holder tooling would severely impact the company. Addition of the card holder to the Procurement List will generate nearly two work years of employment for blind workers, whose unemployment rate far exceeds that of workers without severe disabilities. Taking all these factors into account, the Committee has concluded that it is very unlikely that the contractor will suffer a severe adverse impact as a result of adding the card holder to the Procurement List.

The following comments pertain to Cutting and Assembly of FTESFB System for P–3 Aircraft, 1560–00–NSH–0001, Department of the Navy, Fleet and Industrial Supply Center, Jacksonville, Florida: Comments were received from the last contractor for this service telling the Committee it had to assess impact on the contractor. The contracting activity indicated its intent to procure this service through the Small Business Administration's 8(a) Program if the service is not added to the Procurement List. Because the commenting contractor has graduated from the 8(a) Program, it would not be eligible to receive a contract for this service. Consequently, addition of this service to the Procurement List will not be the cause of any impact this contractor may experience from not receiving a contract for this service.

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

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

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

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

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

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in

connection with the commodity and services proposed for addition to the Procurement List.

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

Commodity

Holder, Card, 7510–00–155–5174.

Services

Base Supply Center, Detroit Arsenal, Warren, Michigan.

Commissary Shelf Stocking, Custodial and Warehousing, Hanscom Air Force Base, Massachusetts.

Cutting and Assembly of FTESFB System for P–3 Aircraft, 1560–00–NSH–0001, Department of the Navy, Fleet and Industrial Supply Center, Jacksonville, Florida.

Grounds Maintenance, U.S. Army Reserve Center, 682 Main Street, Keene, New Hampshire.

Grounds Maintenance at the following locations: U.S. Army Reserve Center, 70 Rochester Hill Road, Rochester, New Hampshire, U.S. Army Reserve Center, 125 Cottage Street, Portsmouth, New Hampshire.

Telephone Switchboard Operations, Department of Veterans Affairs Medical Center, 50 Irving Street, NW, Washington, DC.

Warehouse Operation, 2031 Idorek Street, Building 783 S and T, McClellan AFB, California.

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

Deletions

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

1. The action may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

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

3. The action may result in authorizing small entities to furnish the commodities to the Government.

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

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

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

Pen, Twist Action, Blue and Black Ink

M.R. 040 (Black Ink)
M.R. 041 (Blue Ink)

Bag, Tote, Canvas

M.R. 511
M.R. 512
M.R. 513

Sweatshirt and Sweatpants, Private Label

M.R. 630 (Sweatshirt)
M.R. 631 (Sweatpants)
M.R. 632 (Sweatshirt)
M.R. 633 (Sweatpants)

Sweatshirt and Sweatpants, Recruit, USMC

M.R. 640 (Sweatshirt)
M.R. 641 (Sweatshirt)
M.R. 642 (Sweatshirt)
M.R. 643 (Sweatshirt)
M.R. 644 (Sweatshirt)
M.R. 645 (Sweatpants)
M.R. 646 (Sweatpants)
M.R. 647 (Sweatpants)
M.R. 648 (Sweatpants)
M.R. 649 (Sweatpants)

Sweatsuit, Recruit, Marine Corps

M.R. 650 (Sweatshirt)
M.R. 651 (Sweatshirt)
M.R. 652 (Sweatshirt)
M.R. 653 (Sweatshirt)
M.R. 654 (Sweatshirt)
M.R. 655 (Sweatpants)
M.R. 656 (Sweatpants)
M.R. 657 (Sweatpants)
M.R. 658 (Sweatpants)
M.R. 659 (Sweatpants)

Desk, Lap

M.R. 750

Mitt, Barbecue

M.R. 891

Mop, Stick, Rayon Head, Wet

M.R. 927

Broom, Fiber

M.R. 952

Broom, Patio

M.R. 954

Filter, Air Conditioning

4130–00–951–1208

Aerosol Paint, Lacquer

8010–00–598–5455

Enamel, Lacquer

8010–00–133–5901
8010–00–702–1053
8010–00–181–7791
8010–00–664–1914
8010–00–851–5525

Aerosol Paint, Lacquer

8010–00–958–8150
8010–00–721–9750
8010–00–721–9753
8010–00–141–2951
8010–00–883–5329
8010–00–515–2487
8010–00–965–2391
8010–00–721–9749
8010–00–721–9754
8010–00–721–9748
8010–00–835–7215
8010–00–965–2390
8010–00–141–2958
8010–00–079–2756
8010–00–721–9746
8010–00–721–9745
8010–00–079–2754
8010–00–958–8151

Enamel

8010–01–060–6461
8010–00–935–7156
8010–01–332–3735
8010–01–336–5064
8010–01–332–3740
8010–01–331–6118
8010–01–336–5065
8010–01–333–1441
8010–01–336–3979
8010–01–336–5059
8010–01–336–3977
8010–01–336–5058
8010–01–336–5060
8010–01–332–3746
8010–01–332–3738
8010–01–332–3737
8010–01–332–3741
8010–01–332–3736
8010–01–363–3374
8010–01–363–3373

Enamel, Aerosol, Waterbase

8010–01–350–5259
8010–01–350–5256
8010–01–350–6258
8010–01–350–4757
8010–01–350–4749
8010–01–350–5261
8010–01–350–5253
8010–01–350–4750
8010–01–350–4751
8010–01–350–4756
8010–01–350–4758
8010–01–350–4764
8010–01–350–5246
8010–01–350–5250
8010–01–350–5252
8010–01–350–6257
8010–01–350–5260
8010–01–350–4763
8010–01–363–1631
8010–01–363–1633

Louis R. Bartalot,
Deputy Director (Operations).

[FR Doc. 00–5205 Filed 3–2–00; 8:45 am]
BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

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

ACTION: Proposed additions to procurement list.

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

DATES: Comments be received on or before April 3, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

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

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

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

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

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

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

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

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

Base Supply Center

Key West Naval Air Station, Key West, Florida
NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin

Customization and Distribution of Navy Recruiting Promotional Merchandise

Department of the Navy, FISC Norfolk, Detachment Washington DC, Washington, DC
NPA: Industries for the Blind, Inc., Milwaukee, Wisconsin

Grounds Maintenance

Veterans Affairs Medical Center, 800 Zorn Avenue, Louisville, Kentucky
NPA: C. G. M. Services, Inc., Louisville, Kentucky

Installation Support Services

Basewide, Fort Hood, Texas
NPA: Training, Rehabilitation & Development Institute, Inc., San Antonio, Texas

Landscape Maintenance

National Oceanic and Atmospheric Administration, Western Regional Center (WRC), 7600 Sand Point Way N.E., Seattle, Washington
NPA: AtWork!, Issaquah, Washington

Operation of HAZMART

Little Rock Air Force Base, Arkansas
NPA: Alphapointe Association for the Blind, Kansas City, Missouri

Switchboard Operation

Department of Veterans Affairs Medical Center, 510 East Stoner Avenue, Shreveport, Louisiana
NPA: North Louisiana Goodwill Industries & Rehabilitation Center, Inc., Shreveport, Louisiana

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–5206 Filed 3–2–00; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1075]

Designation of New Grantee for Foreign-Trade Zone 134, Chattanooga, TN; Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (filed 9/16/99) submitted by the Partners for Economic Progress, Inc. (PEP), grantee of FTZ 134, Chattanooga, Tennessee, requesting reissuance of the grant of authority for said zone to the Chattanooga Chamber Foundation (CCF), a Tennessee not-for-profit corporation, which has accepted such reissuance subject to approval of the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes CCF as the new grantee of Foreign-Trade Zone 134.

The FTZ Board approves the proposal subject to the FTZ Act and the FTZ Board's regulations, including section 400.28.

Signed at Washington, DC, this 22nd day of February 2000.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 00–5216 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1080]

Designation of New Grantee for Foreign-Trade Zone 36, Galveston, TX; Resolution and Order

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Order:

The Foreign-Trade Zones (FTZ) Board (the Board) has considered the application (filed 11/9/99) submitted by the City of Galveston, Texas (the City), grantee of FTZ 36, Galveston, Texas, requesting reissuance of the grant of authority for said zone to the Board of Trustees of the Galveston Wharves (the Port), a municipal corporation, which has accepted such reissuance subject to approval of the FTZ Board. Upon review, the Board finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the request and recognizes the Board of Trustees of the Galveston Wharves as the new grantee of Foreign-Trade Zone 36.

The approval is subject to the FTZ Act and the FTZ Board's regulations, including section 400.28.

Signed at Washington, DC, this 22nd day of February 2000.

Attest:

Dennis Puccinelli,

Acting Executive Secretary.

Robert S. LaRussa,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 00–5217 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 4–2000]

Foreign-Trade Zone 86; Tacoma, Washington Area, Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Port of Tacoma, grantee of FTZ 86, requesting authority to expand its zone in the Tacoma, Washington, area, adjacent to the Tacoma Customs port of entry. The application was submitted pursuant to the provisions of 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 February 17, 2000.

FTZ 86 was approved on July 20, 1983 (Board Order 216, 48 FR 34794, 8/1/83) and expanded on April 3, 1985 (Board Order 292, 50 FR 15206, 4/17/85) and on November 3, 1989 (Board Order 446, 54 FR 47247, 11/13/89). The zone project currently consists of 750 acres at the following sites: *Site 1* (668 acres)—within the Port of Tacoma complex, Tacoma; *Site 2* (20 acres)—Valley South Corporate Park, 3324 & 3520—142nd Ave. East, Sumner; and, *Site 3* (61 acres)—proposed warehouse site at 19315—38th Ave. E. and 4630—192nd Street East, Frederickson.

The applicant, in a major revision to its zone plan, now requests authority to expand the general-purpose zone to add 18 acres to Site 1, add 240 acres to Site 2, add 4 parcels (510 acres) to Site 3, and add 4 new sites (817 acres) in the Tacoma area: *Site 1*: Port of Tacoma—include an additional parcel (18 acres, owned by the Port of Tacoma)—within the Port of Tacoma complex, 3502 Lincoln Avenue, increasing the size of the zone from 668 acres to 686 acres; *Site 2*a: Valley South Corporate Park (owned by Tarragon L.L.C.)—add an additional 90 acres to existing FTZ site, 142nd Avenue East, Sumner, increasing the size from 20 acres to 110 acres; and, Proposed *Site 2*b: (new) Greenwater Corporate Park (150 acres, owned by Greenwater L.L.C.), East Valley Highway, Sumner; *Site 3*: Frederickson site—add 4 new parcels, including two Port parcels of 31 acres and 134 acres (owned by the Port of Tacoma) located at 192nd Street East, Frederickson; the Boeing Frederickson parcel (185 acres, owned by the Boeing Realty Corp.) located at 18001 Canyon Road East, Frederickson; and, J.R. & F. Randles parcel (160 acres—contiguous to the Boeing parcel—owned by J.R. & F. Randles) located at 19209 Canyon Road East, Frederickson; *Proposed Site 4a:* Fife Business Park (23 acres, owned by Team Fife LLC), Pacific Highway East, Fife; *Proposed Site 4b:* Rainier Corporate Park East (33 acres, owned by Riggs & Co.), 70th Avenue East, Fife; and, *Proposed Site 4c:* Trans-Pacific Industrial Park (89 acres, owned by Telephone Transpacific Corporation), 20th Street East, Fife; *Proposed Site 5:* Lakewood Industrial Park (170 acres, owned by Northwest Building LLC), 4700 100th Street Southwest, Lakewood; *Proposed Site 6:* Puyallup Industrial Park (79 acres, owned by Northwest Building LLC), intersection of State Roads 167, 512 and 161, Puyallup; and, *Proposed Site 7:* Cascadia Development Corp. Industrial Park (423 acres, owned by the Cascadia Development Corp.), State Road 410, South Prairie, Washington. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

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 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 2, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 17, 2000.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 950 Pacific Avenue, Suite 410, Tacoma WA 98402

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue NW, Washington, DC 20230

Dated: February 23, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–5215 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–815]

Gray Portland Cement and Cement Clinker from Japan; Final Results of Antidumping Duty Expedited Sunset Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Expedited Sunset Review: Gray Portland Cement and Cement Clinker From Japan.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') published the notice of initiation of sunset review of the antidumping duty order on gray portland cement and cement clinker from Japan (64 FR 41915), pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). The merchandise covered by this order is gray cement, which is hydraulic cement and the primary component of concrete, and cement clinker, which is an intermediate material produced when manufacturing cement and has no use other than grinding into finished cement. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party, and inadequate response (in this case no response) from respondent interested parties, we determined to conduct an expedited sunset review. Based on our analysis of the comments received, we find that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the levels listed below in the section entitled *Final Results of the Review*.

EFFECTIVE DATE: March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act, are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR Part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (*Sunset Policy Bulletin*).

Background

On August 2, 1999, the Department published the notice of initiation of sunset review of the antidumping duty order on gray portland cement and cement clinker from Japan (64 FR 41915). We invited parties to comment. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party, and inadequate response (in this case no response) from respondent interested parties, we determined to conduct an expedited sunset review. The Department is conducting this sunset review in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Therefore, on December 3, 1999, the Department determined that the sunset review of the antidumping duty order on gray portland cement and cement clinker from Japan is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than February 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

Scope of Review

The products covered by this order are gray portland cement and cement clinker (''portland cement'') from Japan. Gray portland cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Microfine cement was specifically excluded from the antidumping duty order. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule (''HTS'') item number 2523.29, and cement clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under item number 2523.90 as *other hydraulic cements.* The Department made two scope rulings regarding the subject merchandise.[2]

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Joseph A. Spetrini Acting Assistant Secretary, dated February 28, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/, under the heading *Japan*. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporter	Margin (percent)
Nihon	69.89
Onoda	70.52
All others	70.23

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections section 751(c), 752, and 777(i) of the Act.

Dated: February 28, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–5213 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Extension of Time Limit for Final Results of Five-Year Reviews,* 64 FR 67847 (December 3, 1999).

[2] *See Scope Rulings,* 57 FR 19602 (May 7, 1992), classes G and H of *oil well cement* are within the scope of the order; and *Scope Rulings,* 58 FR 27542 (May 10, 1993), nittetsu super fine cements is not within the scope of the order.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings From the People's Republic of China; Final Results of Full Sunset Review:

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Full Sunset Review: Tapered Roller Bearings from the Peoples Republic of China.

SUMMARY: On October 22, 1999, the Department of Commerce (''the Department'') published a notice of preliminary results of the full sunset review of the antidumping duty order on tapered roller bearings (''TRBs'') from the People's Republic of China (64 FR 57034) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). We provided interested parties an opportunity to comment on our preliminary results. We received comments from both domestic and respondent interested parties and held a public hearing. As a result of this review, the Department finds that revocation of this order would be likely to lead to continuation or recurrence of dumping.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–1930 or (202) 482–1560, respectively.

Effective Date: March 3, 2000.

Statute and Regulations:

This review was conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*''), and in 19 CFR Part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3 *''Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

On October 22, 1999, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of preliminary results of the full sunset review of the antidumping duty order on TRBs pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). In our preliminary results, we found that revocation of the order would be likely to lead to continuation or recurrence of dumping. In addition, we preliminarily determined the following margins likely to prevail if the order were revoked:

Producer/exporter	Margin (percent)
Zheijiang Changshan Changhe Bearing Co. (''ZCCBC'')	0.00
China National Machinery Import & Export Corp. (''CMC'')	0.03
Zheijiang Wanxiang Group	0.03
Zheijiang Machinery Import & Export Corp	0.11
Luoyang	3.20
Premier	5.43
Liaoning	9.72
Guizhou Machinery	21.79
Wafangdian	29.40
Jilin	29.40
China National Machinery Import & Export Corp. (''CMEC'')	29.40
Guizhou Automotive	29.40
Tianshui Hailin	29.40
Xiangyiang	29.40
Xibei	29.40
All Others	29.40

On December 7, 1999, within the deadline specified in 19 CFR 351.209(c)(1)(i), we received a case brief on behalf of domestic interested parties, The Timken Company (''Timken'') and The Torrington Company (''Torrington'') (collectively ''domestic interested parties''). We also received a case brief on behalf of Zheijiang Machinery Import & Export Corporation (''Zheijiang Machinery''); Liaoning Mec Group, Ltd. (''Liaoning''); Luoyang Bearing Corporation (Group) (''Luoyang''); Zheijiang Changshan Changhe Bearing Co., Ltd. (''ZCCBC''); Zheijiang Wanxiang Group (''Wanxiang''); China National Machinery Import & Export Corporation (''CMC''); [1] Xibei Bearing Group Import & Export Co., Ltd. (''Xibei''); Xiangyiang Bearing Factory (''Xiangyiang''); and the China TRB Sunset Coalition (''China Coalition'') (collectively ''respondent interested parties''). On December 13, 1999, within the deadline specified in 19 CFR 351.309(d), the Department received rebuttal comments from domestic and respondent interested parties. On December 15, 1999, the Department held a public hearing.

Scope of Review

The merchandise covered by this antidumping duty order (52 FR 22667, June 15, 1987) includes TRBs and parts thereof, finished and unfinished, from the PRC; flange, take up cartridge, and hanger units incorporating tapered roller bearings; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use. The subject merchandise was originally classified under item numbers 680.30, 680.39, 681.10, 692.32 of the Tariff Schedules of the United States Annotated (''TSUSA''); currently, according to the U.S. Customs Service, they are classifiable under item numbers 8482.20.00.10, 8482.20.00.20, 8482.20.00.30, 8482.20.00.40, 8482.20.00.50, 8482.20.00.60, 8482.20.00.70, 8482.20.00.80, 8482.91.00.50, 8482.99.15.00, 8482.99.15.40, 8482.99.15.80, 8483.20.40.80, 8483.20.80.80, 8483.30.80.20, 8708.99.80.15 and 8708.99.80.80 of the Harmonized Tariff Schedule of the United States (''HTSUS'') (*see* June 8, 1999, Memorandum to File: HTSUS Numbers for Tapered Roller Bearings). Although the above HTSUS and TSUSA subheadings are provided for convenience and customs purposes, the written description remains dispositive.

In the ninth administrative review (62 FR 61276, 61289, November 17, 1997), the Department clarified the scope of the order when it added two additional HTSUS numbers (8708.99.90.15 and 8708.99.80.80) applicable to imports of the subject merchandise which previously had not been identified in the order. The above HTSUS numbers correspond to subject merchandise previously classified under TSUSA item number 692.32 in the original antidumping order. We note that scope rulings are made on an order-wide basis.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Robert S. La Russa, Assistant Secretary for Import Administration, dated February 25, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce Building..

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/, under the heading ''China.'' The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on TRBs from China would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/exporters	Margin (percent)
Producer/Exporter:	
Zheijiang Changshan Changhe Bearing Co. (''ZCCBC'')	0.00
China National Machinery Import & Export Corp. (''CMC'')	0.03
Zheijiang Wanxiang Group	0.03
Zheijiang Machinery Import & Export Corp.	0.11
Luoyang	3.20
Premier	5.43
Liaoning	9.72
China National Machinery Import & Export Corp. (''CMEC'')	29.40
All Others	29.40

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

[1] CMC is a different and distinct company from CMEC.

Dated: February 25, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–5211 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–437–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Hungary: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Elfi Blum at (202) 482–0197, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On July 29, 1999, the Department published a notice of initiation of administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished or unfinished, from Hungary, covering the period June 1, 1998 through May 31, 1999 (64 FR 41075). The preliminary results are currently due no later than February 29, 2000.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore the Department is extending the time limit for completion of the preliminary results until no later than June 28, 2000. *See* Decision Memorandum from Edward C. Yang to Joseph A. Spetrini, dated February 25, 2000, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: February 25, 2000.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00–5214 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–802]

Uranium From Ukraine; Final Results of Expedited Sunset Review of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Expedited Sunset Review: Uranium from Ukraine.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the antidumping duty order on uranium from Ukraine (64 FR 41915) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and adequate substantive comments filed on behalf of domestic interested parties and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited review. As a result of this review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

FOR FURTHER INFORMATION CONTACT: Kathryn B. McCormick or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1930 or (202) 482–1560, respectively.

EFFECTIVE DATE: March 3, 2000.

Statute and Regulations

This review is being conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in *Procedures for Conducting Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) (''*Sunset Regulations*''), and in CFR part 351 (1999) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

Background

On August 2, 1999, the Department initiated a sunset review of the antidumping duty order on uranium from Ukraine (64 FR 41915), pursuant to section 751(c) of the Act. The Department received Notices of Intent to Participate on behalf of domestic interested parties, the Ad Hoc Committee of Domestic Uranium Producers (''the Ad Hoc Committee''), including Rio Algom Mining Corporation (''Rio Algom'') and Uranium Resources Inc. (''URI''),[1] USEC, Inc. and its subsidiary, the United States Enrichment Corporation (collectively, ''USEC''), and Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL–CIO (''PACE''), within the applicable deadline (August 17, 1999) specified in section 351.218(d)(1)(i) of the *Sunset Regulations*. On August 27, 1999, we received a notice of intent to participate on behalf of the Ad Hoc Utilities Group (''AHUG'').[2] The Ad Hoc Committee claimed interested-party status under section 771(9)(C) of the Act, as the only

[1] The Ad Hoc Committee included Cotter corporation in its Notice of Intent to Participate; however, Cotter Corporation was not included in the Ad Hoc Committee's substantive response of September 1, 1999.

[2] AHUG consists of Ameren UE, Baltimore Gas and Electric Co., Carolina Power and Light Co., Commonwealth Edison Co., Consumers Energy, Duke Power Co., Entergy Services, Inc., FirstEnergy Nuclear Operating Co., Florida Power and Light Co., Northern States Power Co., PECO Energy Co., Southern Nuclear Operating Co., Texas Utilities Electric Co., and Virginia Power.

U.S. producers of a domestic like product; AHUG claimed interested-party status as industrial users of uranium;[3] PACE claimed interested-party status as a union representing workers of two domestic gaseous diffusion plants that produce uranium products.

The Ad Hoc Committee claims that it was the original petitioner in the underlying antidumping investigation (*see* September 1, 1999, Substantive Response of the Ad Hoc Committee at 1). AHUG did not submit a summary of its past participation in the proceeding.

On September 1, 1999, we received complete substantive responses from the above domestic interested parties and industrial users, with the exception of USEC and PACE,[4] within the 30-day deadline specified in the *Sunset Regulations* under section 351.218(d)(3)(i). On September 2, 1999, we received a request for an extension to file rebuttal comments from AHUG.[5] Pursuant to 19 CFR 351.302(b)(1999), the Department extended the deadline for all participants eligible to file rebuttal comments until September 13, 1999.[6] Without a substantive response from respondent interested parties, the Department, pursuant to 19 CFR 351.218(e)(1)(ii)(C), determined to conduct an expedited, 120-day review of this order.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, an order in effect on January 1, 1995). This review concerns a transition order within the meaning of section 751(c)(6)(C)(ii) of the Act. Accordingly, on December 3, 1999, the Department determined that the sunset review of this order is extraordinarily complicated, and extended the time limit for completion of the final results of this review until not later than February 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[7]

Scope of Review

The merchandise subject to this antidumping duty order includes Ukrainian natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compounds; uranium enriched in U^{235} and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U^{235} or compounds or uranium enriched in U^{235}. Low enriched uranium (''LEU'') is included within the scope of the order; highly enriched uranium (''HEU'') is not. LEU is uranium enriched in U^{235} to a level of up to 20 percent, while HEU is uranium enriched in U^{235} to a level of 20 percent or more. The uranium subject to this order is provided for under subheadings 2612.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50 of the Harmonized Tariff Schedule of the United States (''HTSUS'').[8] Although the above HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive.

The Department clarified, in the scope of the order, that: ''milling'' or ''conversion'' performed in a third country does not change the country of origin for the purposes of this order. Milling consists of processing uranium ore into uranium concentrate. Conversion consists of transforming uranium concentrate into natural uranium hexafluoride (UF_6). Since milling or conversion does not change the country of origin, uranium ore or concentrate of Ukrainian origin that is subsequently milled and/or converted in a third country will still be considered of Ukrainian origin and subject to antidumping duties (58 FR 45483, August 30, 1993).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this sunset review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Robert S. La Russa, Assistant Secretary for Import Administration, dated February 28, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail were the order revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099, of the main Commerce building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/, under the heading ''Ukraine.'' The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

We determine that revocation of the antidumping duty order on uranium from Ukraine would be likely to lead to continuation or recurrence of dumping at the following percentage weighted-average margin:

Manufacturer/exporters	Margin (percent)
All Ukrainian manufacturers/exporters	129.29

This five-year (''sunset'') review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: February 28, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–5210 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

[3] The Department notes that, although industrial users are allowed to participate in sunset reviews, they are not considered ''interested parties'' as defined in the statute and regulations. *See* sections 771(9) and 777(h) of the Act, and 19 CFR 351.32.

[4] *See* September 9, 1999, Letter to the Secretary from Philip H. Potter withdrawing PACE from participation in the sunset reviews of uranium from Russia, Uzbekistan, and Ukraine.

[5] *See* September 2, 1999, *Request for an Extension to File Rebuttal Comments in the Sunset Reviews of Uranium from Russia, Uzbekistan, and Ukraine* from Nancy A. Fischer, Shaw Pittman, to Jeffrey A. May, Office of Policy.

[6] *See* September 3, 1999, Letter from Jeffrey A. May, Director, Office of Policy to Nancy A. Fischer, Shaw Pittman.

[7] *See Extension of Time Limit for Final Results of Five-Year Reviews*, 64 FR 67847 (December 3, 1999).

[8] *See Preliminary Determination of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine and Uzbekistan; and Preliminary Determination of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Byelarus, Georgia, Moldova and Turkmenistan*, 57 FR 23380, 23381 (June 3, 1992).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–307–804]

Gray Portland Cement and Cement Clinker From Venezuela; Final Results of Expedited Sunset Review of Suspended Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of expedited sunset review: gray portland cement and cement clinker from Venezuela.

SUMMARY: On August 2, 1999, the Department of Commerce (''the Department'') initiated a sunset review of the suspended countervailing duty investigation on gray portland cement and cement clinker from Venezuela (64 FR 41915) pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. As a result of this review, the Department finds that termination of the suspended countervailing duty investigation would be likely to lead to continuation or recurrence of a countervailable subsidy.

EFFECTIVE DATE: March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Eun W. Cho or Melissa G. Skinner, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1698 or (202) 482–1560, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR part 351 (1999). Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department Policy Bulletin 98:3—Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) (Sunset Policy Bulletin).

Background

On August 2, 1999, the Department initiated a sunset review of the suspended countervailing duty investigation on gray portland cement and cement clinker from Venezuela (64 FR 41915). We invited parties to comment. On the basis of a notice of intent to participate and adequate substantive response filed on behalf of a domestic interested party and inadequate response (in this case, no response) from respondent interested parties, the Department determined to conduct an expedited sunset review. The Department is conducting this sunset review in accordance with sections 751 and 752 of the Act.

In accordance with section 751(c)(5)(C)(v) of the Act, the Department may treat a review as extraordinarily complicated if it is a review of a transition order (*i.e.*, a suspension of an investigation in effect on January 1, 1995). This review concerns a transition suspended investigation within the meaning of section 751(c)(6)(C)(i) of the Act. Therefore, on December 3, 1999, the Department determined that the sunset review of the suspended countervailing duty investigation on portland cement from Venezuela is extraordinarily complicated and extended the time limit for completion of the final results of this review until not later than February 28, 2000, in accordance with section 751(c)(5)(B) of the Act.[1]

Scope of Review

The products covered by this suspended investigation are gray portland cement and cement clinker (''portland cement'') from Venezuela. Gray portland cement is a hydraulic cement and the primary component of concrete. Cement clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement. Oil well cement is also included within the scope. Microfine cement was specifically excluded from the scope. Gray portland cement is currently classifiable under the Harmonized Tariff Schedule (''HTS'') item number 2523.29, and cement clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under item number 2523.90 as other hydraulic cements.

The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive as to the scope of the product coverage.

Analysis of Comments Received

All issues raised in substantive responses by parties to this sunset review are addressed in the Issues and Decision Memorandum (''Decision Memo'') from Jeffrey A. May, Director, Office of Policy, Import Administration, to Joseph A. Spetrini Acting Assistant Secretary, dated February 28, 2000, which is hereby adopted and incorporated by reference into this notice. The issues discussed in the attached Decision Memo include the likelihood of continuation or recurrence of countervailable subsidy and the magnitude of the net subsidy likely to prevail were the suspension agreement terminated. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in B–099.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/, under the heading Venezuela. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

We determine that termination of the suspended countervailing duty investigation would be likely to lead to continuation or recurrence of countervailable subsidy. However, we have no information whether the program, which gave rise to the net countervailable subsidy in the investigation, has been altered to effectuate any change in the net countervailable subsidy since the subsidy agreement. Consequently, we cannot determine the net countervailable subsidy likely to prevail under the instant review.

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance

[1] See Extension of Time Limit for Final Results of Five-Year Reviews, 64 FR 67847 (December 3, 1999).

with sections section 751(c), 752, and 777(i) of the Act.

Dated: February 28, 2000.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 00–5212 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022900C]

Atlantic Sea Scallop Fishery Management Plan Framework Adjustment 13; Proposed Information Collection; Request for Comments

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

ACTION: Proposed Collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 2, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David M. Gouveia, NMFS, 1 Blackburn Drive, Gloucester, MA 01930, 978–281–9280.

SUPPLEMENTARY INFORMATION:

I. Abstract

The regulations implementing Framework Adjustment 11 to the Atlantic Sea Scallop Fishery Management Plan (FMP) established the Georges Bank Sea Scallop Exemption Program (SEP), which provided vessels permitted in the limited access scallop program short-term access to the groundfish closed area on Georges Bank. The Vessel Monitoring System (VMS) was considered to be one of the major tools for monitoring and enforcing the regulations pertaining to the SEP. Vessels participating in the SEP were required to use a VMS unit for the purposes of monitoring Days-At-Sea under the scallop regulations. This submission requests comments on similar collection-of-information requirements, as well as new requirements, for the proposed Framework Adjustment 13 to the Atlantic Sea Scallop FMP. The collection-of-information requirements are: (1) monthly reporting of intention to fish in the SEP through the VMS e-mail; (2) daily reporting of scallops kept, Fishing Vessel Trip Report log page, and, for observed trips, scallops kept and yellowtail flounder caught on observed tows through the VMS e-mail messaging system for vessels fishing in the SEP; (3) installation of a VMS unit on occasional and general category vessels; (4) notice requirements for observer deployment; (5) documentation of installation of a VMS unit; (6) declaration into the SEP through the VMS prior to leaving the dock; (7) an increase in the polling frequency of the VMS from once every hour to once every thirty minutes; (8) requirements for research proposals utilizing a research set-aside in the allocations; and (9) requirements for final reports from research conducted with the research set-aside.

II. Method of Collection

A combination of reporting methods will be involved, including forms, e-mail communications, phone calls, and automatic electronic transmissions.

III. Data

OMB Number: None

Form Number: None

Type of Review: Regular submission

Affected public: Business and other for-profit

Estimated Number of Respondents: 408

Estimated Time Per Response: 2 minutes for a monthly e-mail notifications of intent to fish in the SEP; 10 minutes for an e-mail messaging of catch; 1 hour for the installation of a VMS unit; 2 minutes for a notification for purposes of observer deployment, 5 minutes for submitting proof of VMS installation; 2 minutes for declaring into the SEP through the VMS prior to leaving the dock; 30 seconds for each additional automated VMS report; 56 hours for a research proposal; and 440 hours for a final report from research conducted with research set-asides.

Estimated Total Annual Burden Hours: 10,474

Estimated Total Annual Cost to Public: $593,422

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2000.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 00–5222 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022900B]

Southwest Region Logbook Family of Forms; Proposed Information Collection; Request for Comments

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

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 2, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mr. Alvin Katekaru, Pacific Islands Area Office, Southwest Region, NMFS, 1601 Kapiolani Blvd., Honolulu HI 96814–4700; telephone 808–973–2935 ext. 207.

SUPPLEMENTARY INFORMATION:

I. Abstract

Federal reporting requirements are established for four fisheries (pelagics, crustaceans, bottomfish, and precious corals) in the western Pacific region managed under the Magnuson-Stevens Fishery Conservation and Management Act. This information collection covers the information that must be provided to NMFS to meet these reporting requirements, which include fishing logbooks, notifications of intended vessel departure and return times and other actions, experimental fishing permit reports, and transshipment and sales reports. These reports are necessary to provide information to evaluate the effects of fishing on the stocks and to assess the need for changes in management to ensure that overfishing will be prevented and the optimum yield from the fisheries will be obtained.

II. Method of Collection

Typically, the holder of a permit for the fisheries is provided with a copy of any logbook or other reporting forms and with instructions for making any required reports. In many cases, logbooks are collected from permit holders at the docks when the vessel returns from a trip. Other reports are collected by phone or are received through regular mail. The option of electronic reporting is provided in the Northwestern Hawaiian Islands Crustaceans Fishery and the potential for electronic reporting is being investigated for other fisheries.

III. Data

OMB Number: 0648–0214.
Form Number: None.
Type of Review: Regular submission.
Affected Public: Business or other for-profit organizations.
Estimated Number of Respondents: 174.
Estimated Time Per Response: 5 minutes for notifications; 5 minutes for sales reports, pre-offloading reports, and in-season catch reports in the crustacean fishery; 3 minutes per page for logbook entries in the crustacean fishery; 5 minutes per day for logbook entries in the precious coral and western Pacific pelagic fisheries; 5 minutes for protected species interaction reports in the western Pacific bottomfish fishery; 15 minutes for sales reports in the precious coral fishery; 1 hour for observer placement information in the longline fishery for western Pacific pelagics; 1 hour for requests for exemptions to area closures in the western Pacific pelagic fishery; 4 hours for claims for lost fishing time due to sick observers on longline vessels in the western Pacific pelagic fishery; and 4 hours for experimental fishing reports.
Estimated Total Annual Burden Hours: 1,130.
Estimated Total Annual Cost to Public: $5,000.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2000.

Linda Engelmeier,

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

[FR Doc. 00–5223 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022400A]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

DATES: The meetings will be held on March 20–23, 2000.

ADDRESSES: These meetings will be held at the Adams Mark Riverwalk Hotel, 111 Pecan Street East, San Antonio, TX; telephone: 210–354–2800.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

SUPPLEMENTARY INFORMATION:

Council

March 22

8:30 a.m.—Convene.

8:45 a.m. - 12:00 noon—Receive a report of the Joint Reef Fish/Mackerel Committees.

1:30 p.m. - 2:00 p.m.–Receive a report of the Red Drum Management Committee.

2:00 p.m. - 4:00 p.m.–Receive a report of the Reef Fish Management Committee.

4:00 p.m. - 4:30 p.m.–Receive a report of the Administrative Policy Committee.

4:30 p.m. - 4:45 p.m.–Receive a report of the Habitat Protection Committee.

4:45 p.m. - 5:00 p.m.–Receive a report of the Stone Crab Management Committee.

March 23

8:30 a.m. - 9:30 a.m.—Receive a report of the Mackerel Management Committee.

9:30 a.m. - 9:45 a.m.—Receive a report of the Joint Marine Reserves/Reef Fish Management Committees.

9:45 a.m. - 10:00 a.m.—Receive a report of the Shrimp Management Committee.

10:00 a.m. - 10:15 a.m.—Receive the NMFS Billfish Advisory Panel (AP) Report.

10:15 a.m. - 10:30 a.m.—Receive the NMFS HMS AP and International Commission for the Conservation for Atlantic Tunas Advisory Committee Reports.

10:30 a.m. - 11:00 a.m.—Receive Enforcement Reports.

11:00 a.m. - 11:15 a.m.—Receive a report of the Coral Reef Task Force and South Atlantic Fishery Management Council Liaison.

11:15 a.m. - 11:30 a.m.—Receive a report of the NOAA Strategic Planning Meeting.

11:30 a.m. - 11:45 a.m.—Receive the NMFS Regional Administrator's Report.

11:45 a.m. - 12:15 p.m.—Receive Director's Reports.

12:15 p.m.- 12:30 p.m.—Other Business.

Committees

March 20

9:00 a.m. - 10:00 a.m.—Convene the Administrative Policy Committee to discuss the legal status of National Standard Guidelines.

10:00 a.m. - 11:30 a.m.–Convene the Habitat Protection Committee to hear a report on the effects of using oil dispersants on marine organisms in shallow water, and a report on the NMFS workshop on the effects of fishing gear on the habitat.

11:30 a.m. - 12:00 noon—Convene the Red Drum Management Committee to review recommendations of the Red Drum Stock Assessment Panel for a subsequent meeting to review a new stock assessment.

1:00 p.m. - 5:30 p.m.—Convene the Joint Reef Fish/Management Committees to review the proposal from the Ad Hoc Charter Vessel/Headboat Advisory Panel for a new Federal permitting system for recreational for-hire vessels. Such a system would require development of a fishery management plan amendment for consideration by the public at hearings later in the year. The full Council will discuss the proposal from 8:45 a.m. to 12:00 noon on Wednesday.

March 21

8:30 a.m. - 9:30 a.m.—Convene the Stone Crab Management Committee to hear a report on a trap certificate program for the stone crab fishery, that is under development by the state of Florida.

9:30 a.m. - 10:30 a.m.—Convene the Shrimp Management Committee to review the scoping workshop summaries on the Options Paper for Shrimp Amendment 10 which addresses reduction of trawl bycatch in the eastern Gulf. Based on that review, the Committee will recommend further action to the Council.

10:30 a.m. - 12:00 noon—Convene the Joint Marine Reserves/Reef Fish Management Committees to discuss an Options Paper for Tortugas 2000 Marine Reserves Amendment. Based on that discussion a draft amendment will be developed for Council consideration at the May, 2000 meeting.

1:00 p.m. - 2:30 p.m.—Convene the Mackerel Management Committee to review recommendations from an InterCouncil Committee meeting of the Gulf, South Atlantic, and Caribbean Fishery Management Councils regarding a potential Dolphin/Wahoo Fishery Management Plan and will develop recommendations regarding future actions, including scheduling of public hearings.

2:30 p.m. - 5:30 p.m.—Convene the Reef Fish Management Committee to review a Preliminary Amendment 18 Scoping Document. This document will eventually become a major amendment regulating primarily the grouper fishery. At this preliminary state the Committee and Council will be identifying management measures for which staff should develop analyses of the biological, economic, and social impacts. Development of the draft amendment will continue over the next several Council meetings, with public hearings likely being scheduled in the fall.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 13, 2000.

Dated: February 28, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–5224 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022200I]

Mid-Atlantic Fishery Management Council, Public Meetings; Corrections

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

ACTION: Correction of public meeting notice.

SUMMARY: The Mid-Atlantic Fishery Management Council (MAFMC) substitutes a meeting of the Joint MAFMC/New England Fishery Management Council (NEFMC) Spiny Dogfish Committee in place of its Spiny Dogfish Working Group meeting and adds an agenda item to consider the recommendations of this committee to its meeting agenda published in the **Federal Register** on February 29, 2000. The purpose of the meeting and additional agenda item is to come to an agreement with the NEFMC on how to manage the spiny dogfish fishery resource for the upcoming fishing year. The NEFMC, at a later date in March, will consider the recommendations of the Joint Spiny Dogfish Committee.

DATES: The Joint Spiny Dogfish Committee meeting will be on Tuesday, March 14, 2000, from 1:00 until 5:00 p.m. The MAFMC will consider the recommendations of that committee on Thursday, March 16, 2000. The NEFMC will consider the recommendations of the Joint Spiny Dogfish Committee at its March 21–23, 2000, meeting in Gloucester, MA.

ADDRESSES: The MAFMC meeting will be held at the Wyndham Garden Hotel, 173 Jennifer Road, Annapolis, MD, telephone 410–266–3131.

Council Addresses: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904, telephone 302–674–2331; or New England Fishery Management Council, 50 Water Street, The Tannery - Mill 2, Newburyport, MA 019150, telephone 978–465–0492

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, telephone 302–674–2331, ext. 19; or Paul J. Howard, Executive Director, New England Fishery Management Council, telephone 978–465–0492.

SUPPLEMENTARY INFORMATION: The original notice of these meetings was published in the **Federal Register** on February 29, 2000 (65 FR 10771).

Revise the **SUMMARY** to read: ''The Mid-Atlantic Fishery Management Council (Council) and its Monkfish Working Group, Comprehensive Management Committee, Surfclam and Ocean Quahog Committee and Industry Advisory Panel, Squid-Mackerel-Butterfish Committee, Information and Education Committee, and Executive Committee and the Joint Spiny Dogfish Committee of the Mid- Atlantic and New England Fishery Management Councils will hold public meetings.

Under **SUPPLEMENTARY INFORMATION** revise the Tuesday, March 14th, 1:00–3:00 p.m. entry to read:

From 1:00–5:00 p.m., the Joint Spiny Dogfish Committee will meet.

Revise the paragraph after ''Agenda items for this meeting are:'' and add another paragraph to read:

Discuss and recommend area adjustments through the amendment process to the Monkfish Fishery Management Plan; review the recommendations of the Joint Spiny Dogfish Committee regarding management of the Spiny dogfish resource for the upcoming year and make recommendations for its management; discuss the research set aside amendment and summer flounder workshop(s) postponement; receive assessment information on Atlantic mackerel and surfclams; discuss 5-year quotas and a new overfishing definition for surfclams; discuss mackerel limited entry, *Illex* real time management, an overfishing definition for *Loligo*, and area closures to protect *Loligo* egg masses; and consider distribution of the *Loligo* squid quota into time periods.

The purpose of consideration of the recommendations of the Joint Spiny Dogfish Committee is for the Mid-Atlantic and New England Fishery Management Councils to come to agreement on how to manage the spiny dogfish resource for the upcoming fishing year. According to the FMP, which was approved on September 29, 1999, the measures that may be considered for implementation in addition to a quota, include, but are not limited to, the following: Minimum or maximum fish sizes, seasons, mesh size restrictions, trip limits, or other gear restrictions.''

Dated: February 29, 2000.

Richard W. Surdi,

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

[FR Doc. 00–5252 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 022900A]

New England Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Oversight Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on March 15, 2000, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Yokens Conference Center, Route 1, Portsmouth, NH 03801; telephone: (603) 433–3338.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION: The committee will focus on the issues associated with the management objectives for Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Amendment 13 will implement stock-rebuilding programs for overfished stocks in the Northeast multispecies fishery as mandated by the Sustainable Fisheries Act, and modify the FMP as the Council deems appropriate based on public comments and analysis of alternative management programs. This meeting will involve a review of current overfishing definitions and control rules for the purpose of specifying management goals for the amendment. The committee will forward its recommendations and any unresolved issues to the Council for consideration at the March 22–23 Council meeting.

Although non-emergency issues not contained in this agenda may come before this committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: February 29, 2000.

Richard W. Surdi,

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

[FR Doc. 00–5220 Filed 3–2–00; 8:45 am]

BILLING CODE 3510–22–F

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 16 March 2000 at 10:00 AM in the Commission's offices at the National Building Museum (Pension Building), Suite 312, Judiciary Square, 441 F Street, NW, Washington, DC, 20001. Items of discussion will include designs for projects affecting the appearance of Washington, DC., including buildings and parks.

Inquiries regarding the agenda and request to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address to all 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, 24 February 2000

Charles H. Atherton,

Secretary.

[FR Doc. 00–5104 Filed 3–2–00; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Proposed new Collection; Comment Request

AGENCY: DoD, Office of the Assistant Secretary of Defense for Health Affairs/TMA.

ACTION: Notice.

SUMMARY: In accordance with section 3506 (c)(2)(A) of the Paperwork

Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Health Affairs/TMA announces proposed new public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed new collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 2, 2000.

ADDRESSES: Written comments and recommendations on the information collection should be sent to the Office of the Assistant Secretary of Defense (Health Affairs) TRICARE Management Activity, Skyline Five, suite 810, 5111 Leesburg Pike, Falls Church, Virginia 22041–3206. Attention: Captain Charles Hostettler.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call CAPT Charles Hostettler, Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity, (703) 681–1740.

Title; Associated Form; and OMB Number: TRICARE Pharmacy Redesign Pilot Program Enrollment Application Form X407.

Needs and Uses: The collection instrument serves as an application form for enrollment in the TRICARE Pharmacy Redesign Pilot Program. The information collected will be used to provide the Managed Care Support Contractors, contracted to supply administrative support, with the data to determine beneficiary eligibility, other health insurance liability, and premium payment.

Affected Public: Individuals or household.

Annual Burden Hours: 333.

Number of Respondents: 2,000.

Responses Per Respondent: 1.

Average Burden Per Response: 10 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

A. Background

In June 1998, the General Accounting Office (GAO) testified before the Subcommittee on Military Personnel, Committee on Armed Services, House of Representatives, that over the past several years, concern about the costs and quality of DoD's pharmacy benefit has surfaced. GAO recommended that DoD establish a more system-wide approach to managing its pharmacy benefit by establishing a uniform, incentive-based formulary across its pharmacy programs. Furthermore, GAO recommended that a system-wide pharmacy benefit be granted to Medicare-eligible retirees who are excluded from the contractor retail network and NMOP pharmacy systems.

In response to the June 1998 GAO report, the FY 1999 Strom Thurmond National Defense Authorization Act for fiscal Year 1999 for Fiscal year 1999 (P.L. 105–261) directed DoD to develop a system-wide pharmacy redesign plan and to implement the system-wide redesigned benefit at two sites for Medicare-eligible beneficiaries.

An eligible beneficiary for the pharmacy redesign demonstration is a member or former member of the uniformed services as described in section 1074(b) of title 10; a dependent of the member described in section 1076(a)(2)(B) or 1076(b) of title 10; or a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days, who meets the following requirements: (a) 65 years of age or older, (b) entitled to Medicare Part A, (c) enrolled in Medicare part B, and (d) resides in an implementation area.

The pharmacy redesign implantation will be evaluated by an independent entity outside the Department of Defense. The evaluation shall include: (a) An analysis of the cost of the pharmacy redesign implementation under TRICARE, and also to the eligible individuals who participate in the demonstration, (b) an assessment of the eligible beneficiaries' satisfaction with the redesigned pharmacy benefit, (c) an assessment of the effect, if any, on military medical readiness, (d) a description of the rate of participation, and (e) an evaluation of any other matters that the Department considers appropriate.

The DoD component responsible for the conduct of the project is the TRICARE Management Activity.

Dated: February 28, 2000.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–5090 Filed 3–2–00; 8:45am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Public Affairs, DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense for Public Affairs announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 2, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to The Office of the Assistant Secretary of Defense for Public Affairs, ATTN: DPCR (Mr. Michael Byers), 1400 Defense, The Pentagon, Washington, DC 20301–1400.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call the Directorate for Programs and Community Relations, at (703) 695–6108.

Title, Associated Form; and OMB Number: ''Request for Armed Forces Participation in Public Events (Non-Aviation),'' DD Form 2536, and ''Request for Military Aerial Support,'' DD Form 2535, OMB Number 0704–0290.

Needs and Uses: The information collection requirement is necessary to evaluate the eligibility of events to receive Armed Forces community relations support and to determine whether requested military assets are available.

Affected Public: Individuals or households; State or local governments;

Federal agencies or employees; non-profit institutions.

Annual Burden Hours: 5,547.

Number of Respondents: 43,000.

Responses per Respondent: 1.

Average Burden per Response: 8 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are individuals or representatives of Federal and non-Federal government agencies, community groups, non-profit organizations, and civic organizations requesting Armed Forces support for patriotic events conducted in the civilian domain. DD Forms 2535 and 2536 record the type of military support requested, event data, and sponsoring organization information. The completed forms provide the Armed Forces the minimum information necessary to determine whether an event is eligible for military participation and whether the desired support permissible and/or available. If the forms are not provided, the review process is greatly increased because the Armed Forces must take additional written and telephonic inquiries with the event sponsor. In addition, use of the forms reduces the event sponsor's preparation time because the forms provide a detailed outline of information required, eliminate the need for a detailed letter, and contain concise information necessary for determining appropriateness of military support. Use of forms is essential to reduce preparation and processing time, increase productivity, and maximize responsiveness to the public.

Dated: February 28, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–5091 Filed 3–2–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

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

Title, Form Number, and OMB Number: Contract Modifications—Defense Federal Acquisition Regulation Supplement (DFARS) Part 243 and Associated Clauses at 252.243; OMB Number 0704–0397.

Type of Request: Extension.

Number of Respondents: 440.

Responses per Respondent: 1.

Annual Responses: 440.

Average Burden Per Response: 4.8 hours.

Annual Burden Hours: 2,120.

Needs and Uses: The information collection required by the clause at DFARS 252.243–7002, Requests for Equitable Adjustment, implements 10 U.S.C. 2410(a). DoD contracting officers and auditors use this information to evaluate contractor requests for equitable adjustment to contract terms. The clause requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete. The clause also requires contractors to fully disclose all facts relevant to the requests for adjustment.

Affected Public: Business or Other For-Profit, Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD (Acquisition), Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: February 28, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–5092 Filed 3–2–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Preparation of a Supplement to the National Missile Defense Deployment Draft Environmental Impact Statement

AGENCY: Ballistic Missile Defense Organization.

ACTION: Notice of availability.

SUMMARY: The Ballistic Missile Defense Organization (BMDO) announces the availability of a supplement to the National Missile Defense (NMD) Deployment Draft Environmental Impact Statement (EIS). This supplement addresses the potential environmental impacts of proposed replacement of interior electronic hardware and computer software at early warning radar (EWR) facilities at Clear Air Station (AS), Alaska, Beale Air Force Base (AFB), California, and Cape Cod AS, Massachusetts as part of the NMD system. The proposed NMD modifications would not result in any change to peak or average radiated power levels at these facilities, and power density levels would remain well-within current safety standards.

The supplement has been prepared to support a Department of Defense recommendation, currently scheduled for Summer 2000, on whether to deploy the NMD system. The U.S. Air Force, which operates and has real property accountability over the PAVE PAWS EWR facilities, recently announced that it will be conducting an EIS that addresses maintenance and sustainment of its current EWR operations at Clear AS, Beale AFB, and Cape Cod AS. For this reason, if the proposed action in this supplement is selected, its implementation is contingent upon the outcome of the Air Force EIS. The BMDO would reassess its proposed usage of the EWR facilities in light of the results of the Air Force EIS prior to installation of the NMD modifications.

COMMENTS: To obtain a copy of the supplement to the NMD Deployment Draft EIS, please write: U.S. Army Space and Missile Defense Command, Attn: SMDC-EN-V, Post Office Box 1500, Huntsville, Alabama 35807. Individuals or organizations may provide comments on the supplement by sending written comments to: U.S. Army Space and Missile Defense Command, Attn: SMDC-EN-V, Post Office Box 1500, Huntsville, Alabama 35807.

DATES: Public comments are invited and must be postmarked by April 17, 2000.

Dated: February 25, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 00–4970 Filed 3–2–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary; Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: 24 March 2000 (800am to 1600pm).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill BLVD, Washington, DC 20340.

FOR FURTHER INFORMATION CONTACT: Maj Donald R. Culp, Jr., USAF, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328, (202) 231–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(l), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: February 28, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–5089 Filed 3–2–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Prepare an Environmental Impact Statement for the Initial F–22 Operational Beddown

The United States Air Force (Air Force) is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) to assess the potential environmental impacts of a proposal to beddown the initial F–22 Operational Wing. The F–22 air superiority fighter is being developed to replace the F–15 aircraft beginning in 2004. A total of 72 operational aircraft, grouped into three squadrons, are proposed for the beddown.

The Air Force will conduct scoping meetings at five alternative locations for the initial beddown, including Langley Air Force Base (AFB), VA; Elmendorf AFB, AK; Eglin AFB, FL; Tyndall AFB, FL; and Mountain Home AFB, ID. Langley AFB, VA is the preferred alternative, however each alternative, along with any other alternatives developed as part of the scoping process, will be screened to determine if it warrants detailed analysis in the EIS. Those alternatives meeting the criteria for the initial beddown will be analyzed along with the No Action Alternative.

The Air Force will conduct the first phase of scoping meetings in each of the potential locations with a second round of meetings in those locations identified for detailed analysis. Dates, times and locations for the meetings will be announced through press releases and other media sources accessible to the public and agencies. Comments will be accepted throughout the environmental impact analysis process, however to ensure sufficient time to consider public and agency comments inputs in the screening process and preparation of the Draft EIS, comments should be submitted to the address below by June 30, 2000.

HQ ACC/CEVP, Attn: Ms. Brenda Cook, 129 Andrews Street, Suite 102, Langley AFB, VA 23665–2769.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 00–5180 Filed 3–2–00; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Proposed Salinas Valley Water Project, Monterey County, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE), San Francisco District, has received an application for a Department of the Army authorization from the Monterey County Water Resources Agency (MCWRA) to construct a surface water diversion structure in the Salinas River near the City of Salinas, Monterey County, California, as part of the Salinas Valley Water Project (SVWP). In accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), the USACE has determined that the proposed action may have a significant impact on the quality of the human environment and therefore requires the preparation of an Environmental Impact Statement (EIS). A combined Environmental Impact Report (EIR)/EIS will be prepared with USACE as the Federal lead agency and the MCWRA as the local lead agency (under the California Environmental Quality Act, of CEQA).

The purpose of the proposed action is to provide for the long-term management and protection of groundwater resources in the Salinas River Basin by meeting the following objectives: Stopping seawater intrusion; Providing adequate water supplies to meet current and future (year 2030) needs; and Hydrologically balancing the groundwater basin in the Salinas Valley. The proposed action would: (1) Provide a source of water to the Basin by changing the operational programs (rule curves) of the upstream Nacimiento and San Antonio reservoirs, and capturing water from April through November via a surface diversion structure (inflatable dam) to provide water for agriculture; and (2) maintain and increase present conservation release practices to recharge the groundwater basin.

DATES: A scoping meeting for this project will be held on April 5, 2000, 3:30 p.m. to 5:00 p.m.

ADDRESSES: The scoping meeting will be held at the Monterey County Water Resources Agency, 893 Blanco Circle, Salinas, California 93901–4455. Mail comments to: Robert F. Smith, U.S. Army Corps of Engineers, 333 Market Street, CESPN–OR–R, San Francisco, CA 94105–2197, or; Curtis Weeks, Interim General Manager, Monterey County Water Resources Agency, 893 Blanco Circle, Salinas, California 93901–4455.

FOR FURTHER INFORMATION CONTACT: Robert Smith, 415–977–8450, or electronic mail: rsmith@spd.usace.army.mil. Curtis Weeks, 831–755–4860.

SUPPLEMENTARY INFORMATION: Groundwater is the source for almost all of the water needs (agricultural and urban) in the Salinas Valley Groundwater Basin. In the northern coastal areas of the Basin, most groundwater extraction occurs from two groundwater supplies, the 180-Foot and 400-Foot Aquifers. An ongoing imbalance between the rate of groundwater withdrawal and recharge has resulted in overdraft conditions in the Salinas Valley Groundwater Basin that have allowed seawater from Monterey Bay to intrude inland into both of these aquifers in the northern Salinas Valley. By 1995 seawater was

estimated to affect as much as 19,788 acres overlaying the 180-Foot Aquifer and 9,797 acres overlaying the 400-Foot Aquifer. As a result, urban and agricultural supply wells have been abandoned or destroyed in some locations. To halt further groundwater degradation and prevent seawater from moving further inland, aquifer pumping and recharge rates would need to be brought into balance.

Water needs, both existing and future, were considered as an integral part of the development and design of the proposed action. Without the development of water supplies to augment existing groundwater supplies, both existing and future water needs (the year 2030 was used for the future planning horizon) would result in further Basin overdraft and seawater intrusion.

1. *Description of Proposed action:* The project area is located in Monterey County and northern San Luis Obispo County (Lake Nacimiento's location), California. The following specific project components are being proposed:

a. *Nacimiento Spillway Modification:* The proposed spillway modification would increase the flexibility of reservoir operations by altering the flood rule curve to maintain higher water levels during the winter and spring months. The additional storage gained at Nacimiento would be released for Basin recharge and diversion later in the year. The existing spillway would be modified by lowering the spillway crest by approximately 8 feet and installing an inflatable rubber dam or radial gates. In anticipation of a significant storm, the rubber dam/gates would be deflated/opened, increasing the capacity of the existing spillway to safely pass the event. Once the event has ended or at a point late in the winter season, the rubber dam/gates would be inflated/closed to restore reservoir water levels.

b. *Reoperation of Reservoirs:* The operation of the Nacimiento and San Antonio reservoirs serves two purposes: flood control and conservation (groundwater recharge through the Salinas River). The proposed spillway modification of Nacimiento would allow changes in the ways both reservoirs are operated (timing/quantity of water releases) in order to provide the source water for the action, while assuring the provision of adequate flood control capacity and at the same time maximizing conservation releases. Reoperation would involve changes to operational programs (rule curves) rather than physical improvements.

c. *Salinas River Recharge, Conveyance and Diversion:* The Salinas River would continue to provide for the recharge of the groundwater basin, and would serve as conveyance for a proposed downstream diversion facility. The diversion facility would include an inflatable dam that is proposed to operate from April to November. The proposed surface diversion facility would divert water in the Salinas River at Salachi Ranch Road into the existing Castroville Seawater Intrusion Project (CSIP) distribution pipeline for delivery to agricultural users for irrigation. The diversion facility would impound water an estimated 2 miles upstream when the dam is operational. The CSIP pipeline could potentially require expansion (*i.e.*, enlargement of the irrigation service area) to facilitate the use of all the water to be diverted by the diversion facility.

d. *Delivery Area Pumping Restrictions:* Pumping restrictions would be imposed within the project delivery areas to avoid unregulated pumping by those who receive direct water deliveries from the proposed action.

2. *Reasonable Alternatives:* In accordance with the requirements of section 15124 of the State CEQA Guidelines and 40 CFR 1502.14, reasonable alternatives to the proposed action will be evaluated in the Draft EIR/EIS as listed below:

a. *Proposed Action (Preferred Alternative):* This alternative is the proposed action and is described above.

b. *Subsurface Diversion:* This is the alternative generally evaluated in the 1998 Draft EIR. This alternative would include the following components: (1) Modification of the Nacimiento Spillway; (2) reoperation of the Nacimiento and San Antonio reservoirs; (3) subsurface diversion, storage and use of Salinas River water; (4) treatment and delivery (to agricultural and possibly urban uses); (5) storage of recycled water (produced during low irrigation demand periods by the Monterey County Water Recycling Projects) in either the groundwater basin or a surface reservoir and delivery to agricultural uses during the irrigation season; and (6) delivery area pumping restrictions. This alternative differs from what was addressed in the 1998 Draft EIR in that it does not include a nitrate management plan.

c. *Alternative Location:* This alternative would be the same as the proposed action, except that the in-stream surface diversion facility would be developed at a different location in the Salinas River. The location of the diversion facility under this alternative will be determined after initial evaluation of the environmental effects of the diversion facility under the Proposed Action, with attention given to an alternative site which could reduce any significant environmental effects of the diversion facility under the Proposed Action.

d. *No Action—No Action:* Under this alternative, the MCWRA would implement no actions to address seawater intrusion and hydrologic balance in the Basin, while future water needs would occur as project.

e. *No Action—Total Demand Management:* This alternative assumes that in the event that the proposed action would not proceed, the MCWRA would implement forced reductions in groundwater pumping to stop seawater intrusion and bring the Basin into hydrologic balance.

f. *No Action—State Adjudication:* Implementation of this alternative would result in judicial control over the water resources in the Basin to include possibly: (1) Some type of restriction on water use; (2) reservoir reoperation; (3) forced conservation; or (4) reclamation.

3. *Scoping Process:* Pursuant to CEQA and NEPA, the MCWRA and USACE must include a ''scoping'' process for the Draft EIR/EIS. Scoping primarily involves determining the scope of issues to be addressed in the Draft EIR/EIS and identifying the anticipated significant issues for in-depth analysis. The scoping process includes public participation to integrate public needs and concerns regarding the proposed action into the process.

a. *Public Involvement Program:* Vehicles for public comment on the proposed action will include: a public workshop to be conducted jointly by the MCWRA and USACE; the preparation of the Draft EIR/EIS and receipt of public comment in response to the Draft EIR/EIS; and public hearings.

b. *Significant Issues to be Analyzed in Depth in the Draft EIR/EIS:* The following significant environmental issues have already been identified and will be analyzed in depth in the Draft EIR/EIS:

(1) *Hydrology:* The effect of the proposed action on Basin groundwater balance, seawater intrusion, groundwater levels, stream flows, reservoir storage levels, surface water levels, downstream flooding potential, and sediment transport will be evaluated.

(2) *Public Health and Safety:* The water quality and flooding effects of the proposed action will be evaluated. The regulatory requirements/impacts of development of the proposed surface diversion facility in the Salinas River will be evaluated.

(3) *Fisheries.* The influence of the proposed action on existing fishery

resources in Nacimiento and San Antonio reservoirs, the Salinas River and its major tributaries, and the Salinas River Lagoon will be evaluated. In this evaluation, special attention will be given to sensitive and listed species such as steelhead, *Oncorhynchus mykiss.*

(4) *Terrestrial Biological Resources:* The potential for the proposed action to affect terrestrial biological resources at the Nacimeinto and San Antonio Reservoirs, the Salinas River and its tributaries, and the Salinas River Lagoon will be evaluated. Special attention will be given to sensitive and listed species such as least Bell's vireo (*Vireo bellii pusillus*), California red-legged frog (*Rana aurora draytonii*), and bald eagle (*Haliaeetus leucocephalus*).

c. *Environmental Review/ Consultation Requirements:*

- National Environmental Policy Act.
- Section 404 of Clean Water Act.
- Section 10 of Rivers & Harbors Act.
- Endangered Species Act.
- Magnuson-Stevens Act Provisions; Essential Fish Habitat.
- Clean Air Act.
- National Historic Preservation Act.
- Fish and Wildlife Coordination Act.
- Coastal Zone Management Act.
- Council on Environmental Quality Memorandum—Analysis of Impacts on Prime and Unique Agricultural Lands.

4. *Scoping Meeting/Availability of Draft EIR/EIS:* The MCWRA and the USACE will hold a scoping meeting to provide information on the project and receive oral comments on the scope of the document. The Draft EIR/EIS is expected to be available for public review in September 2000.

(Authority: 40 CFR part 1501.7)

Dated: February 18, 2000.

Calvin C. Fong,

Chief, Regulatory Branch.

[FR Doc. 00–5105 Filed 3–2–00; 8:45 am]

BILLING CODE 3710–19–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 2, 2000.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: February 28, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Financial Report for the Endowment Challenge Grant Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 300.

Burden Hours: 900.

Abstract: The financial report requires investment data from institutions for the purpose of assessing their progress in increasing their endowment fund resources. The data is also used to monitor compliance with regulatory provisions. The most recent grantees affected were awarded in 1995. This financial report is only due from existing grant winners.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Written comments or questions regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe__Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–5128 Filed 3–2–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 3, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public

participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 28, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Application Package for the Jacob K. Javits Fellowship Program.

Frequency: Annually.

Affected Public: Individual or households.

Reporting and Recordkeeping Hour Burden:

Responses: 2,000.

Burden Hours: 10,000.

Abstract: These instructions and forms provide the U.S. Department of Education the information needed to select fellows for the Javits Program.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Questions regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe__Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–5127 Filed 3–2–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Sandia

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM–SSAB), Kirtland Area Office (Sandia)

DATES: Wednesday, March 15, 2000: 6:00 p.m.–9:00 p.m. (MST)

ADDRESSES: Barelas Senior Citizens Center 714 7th Street, SW Albuquerque, NM 87102

FOR FURTHER INFORMATION CONTACT: Mike Zamorski, Acting Manager, Department of Energy Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185 (505) 845–4094.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

6:00 p.m. Check-In/Agenda Approval/ Minutes
6:15 p.m. Updates: Contractor Mixed Waste Landfill (MWLF) and No Further Action (NFA) Items
6:30 p.m. Site Status—Road Map of Environmental Restoration Sites
6:45 p.m. Transition Plan
7:15 p.m. Public Comment
7:30 p.m. Break
7:45 p.m. Task Group Updates/ Comment on Sierra Club Presentation/ Stewardship Task Group/Idaho Chairs Conference/ Evaluation of Coordinating Council
8:15 p.m. Discussion of Concept and Terms
8:45 p.m. Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Mike Zamorski's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Mike Zamorski, Manager, Department of Energy Kirtland Area Office, P.O. Box 5400, MS–0184, Albuquerque, NM 87185, or by calling (505) 845–4094.

Issued at Washington, DC on February 28, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–5167 Filed 3–2–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER00–939–000; ER00–1049–000 and ER00–1115–000 (Not consolidated)]

Lake Worth Generation L.L.C.; Calcasieu Power, LLC; Calpine Construction Finance Company, L.P., Issuance of Order

February 28, 2000.

Lake Worth Generation L.L.C., Calcasieu Power, LLC, Calpine Construction Finance Company, L.P. (hereafter, ''the Applicants'') filed with the Commission rate schedules in the above-captioned proceedings, respectively, under which the Applicants will engage in wholesale electric power and energy transactions at market-based rates, and for certain waivers and authorizations. In particular, certain of the Applicants may also have requested in their respective applications that the Commission grant blanket approval under 18 CFR Part 34

of all future issuances of securities and assumptions of liabilities by the Applicants. On February 23, 2000, the Commission issued an order that accepted the rate schedules for sales of capacity and energy at market-based rates (Order), in the above-docketed proceedings.

The Commission's February 23, 2000 Order granted, for those Applicants that sought such approval, their request for blanket approval under Part 34, subject to the conditions found in Appendix B in Ordering Paragraphs (2), (3), and (5):

(2) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by the Applicants 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.

(3) Absent a request to be heard within the period set forth in Ordering Paragraph (2) above, if the Applicants have requested such authorization, the Applicants are hereby authorized to issue securities and assume obligations, and liabilities as guarantor, indorsers, surety or otherwise in respect of any security of another person, provided that such issue or assumption is for some lawful object within the corporate purposes of the Applicants, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(5) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of the Applicants' issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 24, 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. This issuance may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–5118 Filed 3–2–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP98–150–000 and CP98–151–000]

Millennium Pipeline Company, LP; Columbia Gas Transmission Corporation; Site Visit

February 28, 2000.

On Tuesday, March 7, 2000, the Federal Energy Regulatory Commission staff will conduct a limited site visit of alternative routes near mileposts 88.0 and 93.8 of the proposed Millennium Pipeline Project.

We will meet at 9 am at the Cattaraugus County Center, 303 Court Street, Little Valley, New York 14755.

For further information, call Paul AmKee, Office of External Affairs, at (202) 208–1088.

David P. Boergers,

Secretary.

[FR Doc. 00–5119 Filed 3–2–23; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER00–188–000, ER00–213–000 and EL00–22–000]

PSI Energy, Inc.; Cincinnati Gas & Electric Company; Informal Settlement Conference

February 28, 2000.

Take notice that an informal settlement conference will be convened in this proceeding on March 13, 2000, at 1 p.m., in Room 3M–2B and on March 14, 2000, at 10:00 a.m., in Room 3M–3, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, for the purpose of exploring the possible settlement of the above referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Joel Cockrell at (202) 208–1184 or Anja M. Clark at (202) 208–2034.

David P. Boergers,

Secretary.

[FR Doc. 00–5117 Filed 3–3–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG00–101–000, et al.]

Fulton Cogeneration Associates, L.P., et al.; Electric Rate and Corporate Regulation Filings

February 25, 2000.

Take notice that the following filings have been made with the Commission:

1. Fulton Cogeneration Associates, L.P.

[Docket No. EG00–101–000]

Take notice that on February 22, 2000, Fulton Cogeneration Associates, L.P. (Applicant), Nine Greenway Plaza, Houston, Texas filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant, a New York limited partnership owns the Manchief Power Station near Brush, Colorado. These facilities consist of a 250 MW single cycle peaking facility, and facilities necessary to interconnect with Public Service Company of Colorado.

Comment date: March 17, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Electric Energy, Inc.

[Docket No. ES00–18–000]

Take notice that on February 17, 2000, Electric Energy, Inc. submitted an application under Section 204 of the Federal Power Act seeking authorization to issue notes under the terms of certain unsecured revolving credit agreements or under terms substantially similar thereto in an amount not to exceed $45,000,000, from time to time, over a 24-month period.

Comment date: March 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Daniel L. Mineck

[Docket No. ID–3456–000]

Take notice that on February 18, 2000, Daniel L. Mineck filed an Application for Authority to Hold Interlocking Positions and requests that said authority be granted by the Federal Energy Regulatory Commission (the Commission) under Section 305(b) of the Federal Power Act.

Comment date: March 20, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Deseret Generation & Transmission Co-operative Inc.

[Docket No. ER00–1664–000]

Take notice that on February 22, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing an executed umbrella short-term firm point-to-point service agreement with Tri-State Generation and Transmission Association, Inc. (Tri-State) under its open access transmission tariff.

Deseret requests a waiver of the Commission's notice requirements for an effective date of February 22, 2000. Deseret's open access transmission tariff is currently on file with the Commission in Docket No. OA97–487–000.

Tri-State has been provided a copy of this filing.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. SOWEGA Power LLC

[Docket No. ER00–1668–000]

Take notice that on February 22, 2000, SOWEGA Power LLC tendered for filing, pursuant to Section 205 of the Federal Power Act, an umbrella service agreement with Coral Power, L.L.C., under SOWEGA's market-based sales tariff, SOWEGA FERC Rate Schedule No. 1.

SOWEGA seeks a waiver of the Commission's 60 day prior notice and filing requirements and requests an effective date from the Commission as of July 3, 1999.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Commonwealth Edison Company

[Docket No. ER00–1669–000]

Take notice that on February 22, 2000, Commonwealth Edison Company (ComEd), tendered for filing four Non-Firm Transmission Service Agreements with Florida Power & Light Company, (FPL), FPL Energy Power Marketing, Inc. (FPMI), British Columbia Power Exchange Corporation—Powerex (PE), and Allegheny Energy Supply Company, LLC, (AESC), and three Short-Term Firm Transmission Service Agreements with PE, AESC, and Engage Energy US L.P. (EE), under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd also tendered for filing a revised Index of Customers reflecting name changes for current customers Citizens Power Sales to Citizens Power Sales, LLC (CPS), and El Paso Power Services Company and Sonat Power Marketing Company L.P., consolidated and renamed El Paso Merchant Energy, L.P. (EPME).

ComEd requests an effective date of February 21, 2000 for the service agreements, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on FPL, FPMI, PE, AESC, EE, CPS, and EPME.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. New Century Services, Inc.

[Docket No. ER00–1661–000]

Take notice that on February 22, 2000, New Century Services, Inc. on behalf of Cheyenne Light, Fuel and Power Company, Public Service Company of Colorado, and Southwestern Public Service Company (collectively Companies), tendered for filing a Service Agreement under their Joint Open Access Transmission Service Tariff for Firm Point-to-Point Transmission Service between the Companies and British Columbia Power Exchange Corporation (Powerex).

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. Virginia Electric and Power Company

[Docket No. ER00–1662–000]

Take notice that on February 22, 2000, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and Illinova Power Marketing, Inc. Under the Service Agreement, Virginia Power will provide services to Illinova Power Marketing, Inc., under the terms of the Company's Revised Market-Based Rate Tariff designated as FERC Electric Tariff (Second Revised Volume No. 4), which was accepted by order of the Commission dated August 13, 1998 in Docket No. ER98–3771–000.

Virginia Power requests an effective date of January 28, 2000, the date service was first provided to Illinova Power Marketing, Inc.

Copies of the filing were served upon Illinova Power Marketing, Inc., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Deseret Generation & Transmission Co-operative

[Docket No. ER00–1665–000]

Take notice that on February 22, 2000, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing an executed umbrella non-firm point-to-point service agreement with Tri-State Generation and Transmission Association, Inc. (Tri-State) under its open access transmission tariff.

Deseret requests a waiver of the Commission's notice requirements for an effective date of February 22, 2000. Deseret's open access transmission tariff is currently on file with the Commission in Docket No. OA97–487–000.

Tri-State has been provided a copy of this filing.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. North American Electric Reliability Council

[Docket No. ER00–1666–000]

Take notice that on February 22, 2000, the North American Electric Reliability Council filed a revised version of its Transmission Loading Relief procedures.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Commonwealth Edison Company

[Docket No. ER00–1667–000]

Take notice that on February 21, 2000, Commonwealth Edison Company (ComEd), tendered for filing a service agreement establishing British Columbia Power Exchange Corporation-Powerex (PE), as a customer under ComEd's FERC Electric Market Based-Rate Schedule for power sales.

ComEd requests an effective date of February 21, 2000, for the Service Agreement, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of the filing were served on PE.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Western System Coordinating Council

[Docket No. ER00–1670–000]

Take notice that on February 22, 2000, the Western Systems Coordinating Council (WSCC), tendered for filing certain revision to its Unscheduled Flow Mitigation Plan (Plan). The WSCC states that these changes are intended to update and improve the terms of the Plan in light of operational experiences, changes in the industry and changes within the WSCC.

The WSCC requests an effective date of February 23, 2000, for these changes.

Copies of this filing were served on all members of the WSCC and all affected state commissions.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. New York State Reliability Council

[Docket No. ER00–1671–000]

Take notice that on February 22, 2000, the New York State Reliability Council (NYSRC), tendered for filing a new state-wide annual Installed Capacity Requirement for the New York Control Area for the Capability Year beginning on May 1, 2000 and ending April 30, 2001. The NYSRC respectfully requests Commission acceptance and approval of this filing on or before March 17, 2000, so that the revised Installed Capacity Requirement may be in place for the installed capacity auction to be conducted by the New York Independent System Operator on March 17, 2000.

A copy of this filing was served upon all persons on the Commission's official service list in Docket Nos. ER97–1523 *et al.*, and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER00–1673–000]

Take notice that on February 23, 2000, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing fully executed Netting Agreements between the Companies and FirstEnergy Corp.

Comment date: March 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Avista Corp.

[Docket No. ER00–1674–000]

Take notice that on February 23, 2000, Avista Corp. (AVA), tendered for filing with the Federal Energy Regulatory Commission executed Service Agreements for Short-Term Firm and Non-Firm Point-To-Point Transmission Service under AVA's Open Access Transmission Tariff—FERC Electric Tariff, Volume No. 8 with PP&L Montana, LLC (PPLM) and TransCanada Power.

AVA requests the Service Agreements be given respective effective dates of November 4, 1999 and January 21, 2000.

Comment date: March 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Reliant Energy Desert Basin, LLC

[Docket No. ER00–1675–000]

Take notice that on February 23, 2000, Reliant Energy Desert Basin, LLC (Reliant Energy Desert Basin), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 authorizing Reliant Energy Desert Basin to make sales at market-based rates.

Reliant Energy Desert Basin intends to sell electric power at wholesale. In transactions where Reliant Energy Desert Basin sells electric energy, it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Reliant Energy Desert Basin's Rate Schedule provides for the sale of energy and capacity at agreed prices.

Comment date: March 15, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Fulton Cogeneration Associates, L.P.

[Docket No. ER00–1676–000]

Take notice that on February 22, 2000, Fulton Cogeneration Associates, L.P. (Fulton), tendered for filing an application for an order accepting its FERC Electric Rate Schedule No. 1 which will permit Fulton to make wholesale sales of electric power to eligible customers at market-based rates. Fulton is the owner of a new generating plant located near Brush, Colorado that will be selling most of its output to Public Service Company of Colorado under a negotiated long-term purchase power agreement.

Comment date: March 14, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–5115 Filed 3–2–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–163–000; CA Clearinghouse No. SCH99041103]

Questar Southern Trails Pipeline Company; Notice of Availability, Route Inspection, and Public Meetings on a Joint Draft Environmental Impact Statement/Environmental Impact Report for the Proposed Questar Southern Trails Pipeline Project

February 25, 2000.

The staffs of the Federal Energy Regulatory Commission (FERC) and the California State Lands Commission (CSLC) have prepared a joint Draft Environmental Impact Statement/ Environmental Impact Report (EIS/R) on natural gas pipeline facilities proposed by Questar Southern Trails Pipeline Company (QST) in the above-referenced docket.

The EIS/R was prepared as required by the National Environmental Policy Act and the California Environmental Policy Act. Its purpose is to inform the public and the permitting agencies about the potential adverse and beneficial environmental impacts of the proposed project and its alternatives, and recommend mitigation measures which would reduce any significant adverse impact to the maximum extent possible and, where feasible, to a less-than-significant level. The staffs conclude that approval of the proposed project, with appropriate mitigating measures as recommended, would have limited adverse environmental impact.

Proposed Project

The Southern Trails Pipeline Project involves the conversion of an existing crude oil pipeline to natural gas service, and the construction of new pipeline, compressor station, and related facilities. The Draft EIS/R assesses the potential environmental effects of the conversion, construction, and operation of the following facilities in California, Arizona, Utah, and New Mexico:

- About 675 miles of existing pipeline to be converted from crude oil to natural gas service (592 miles of 16-inch, 80 miles of 12-inch, and 3 miles of 20-inch-diameter pipeline);

• Five new pipeline extensions totaling about 43.2 miles;

• Four reroutes/realignments of the existing pipeline totaling about 9.6 miles;

• 39 replacement segments of the existing pipeline totaling about 7.3 miles;

• 240 excavation sites along the existing pipeline totaling about 5.1 miles; and

• Seven new compressor stations (six of which would be located on existing oil pump stations sites—three sites in California; two sites in Arizona; one site in Utah; and one site in New Mexico).

The proposed project would transport 80 to 90 million cubic feet per day (MMcfd) of natural gas to customers east of California and 120 MMcfd to customers in southern California.

Comment Procedures and Public Meetings

Any persons wishing to comment on the Draft EIS/R may do so. To ensure consideration of your comments on the proposal in the Final EIS/R, it is important that we receive your comments before the date specified below. Please follow these instructions carefully to ensure that your comments are received in time and properly recorded:

• Send your comments to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1A, Washington, DC 20426;

• Reference Docket No. CP99–163–000;

• Send a copy of your comments to the following individuals:

Branch Chief, PR–11.1, Environmental Review & Compliance Branch, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Daniel Gorfain, Division of Environmental Planning & Management, California State Lands Commission, 100 Howe Avenue, Suite 100 South, Sacramento, CA 95825–8202.

• Mail your comments so that they will be received in Washington, DC on or before April 17, 2000.

In addition to written comments, the staffs will hold public meetings in the project area to receive comments on the Draft EIS/R. Meetings are scheduled for Banning, Fullerton, and Long Beach in southern California; Upper Moenkopi and Kayenta in Arizona; and Farmington, New Mexico during the period April 3–11, 2000. Specific meeting places and times are identified in table at the end of this notice. Interested groups and individuals are encouraged to attend and present oral comments on the Draft EIS/R. Priority will be given to commenters who represent groups. Transcripts of the meetings will be prepared.

After comments are reviewed, any significant new issues investigated, and modifications made to the Draft EIS/R, a Final EIS/R will be published and distributed. The Final EIS/R will contain the staffs responses to comments timely filed on the Draft EIS/R.

Comments will be considered by the FERC but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursaunt to Rule 214 of the FERC's Rules of Practice and Procedures (18 CFR 385.214).

Anyone may intervene in this proceeding based on this Draft EIS/R. You must file your request to intervene as specified above. You do not need intervener status to have your comments considered.

The Draft EIS/R has been placed in the public files of the FERC and CSLC and is available for public inspection at:

Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, (202) 208–1371.

California State Lands Commission, 100 Howe Avenue, Suite 100–South, Sacramento, CA 95825–8202, (916) 574–1889.

Copies also are available for reading at the following libraries:

California

Canyon Hills, Library, 400 Scout Trail, Anaheim, 92807

Euclid Branch Library, 1340 S. Euclid Street, Anaheim, 92804

Banning Public Library, 21 W. Nicholet Street, Banning, 92220

Beaumont District Library, 125 East 8th Street, Beaumont, 92223

Cabazon Library, 50171 Ramona Avenue, Cabazon, 92230

Cocoran Library, 650 South Main, Corona, 91720

Cypress Library, 5331 Orange Avenue, Cypress, 90630

Joshua Tree Branch Library, 6465 Park Boulevard, Joshua Tree, 92252

Angelo M Iacaboni Library, 4990 Clark Avenue, Lakewood, 90712

George Nye, Jr. Library, 6600 Del Amo Boulevard, Lakewood, 90713

Dominguez Library, 2719 E. Carson Street, Long Beach, 90810

Taft Library, 740 E. Taft Avenue, Orange, 92665

Yucca Valley Branch Library, 57098 29 Palms Highway, Yucca Valley, 92284

Arizona

Mohave County Library, 3260 North Burbank. Kingman, 86401

Kayenta Unified School #27, Kayenta, 86033

Utah

San Juan County Library, 25 West 300 South, Blanding, 84511

New Mexico

Farmington Public Library, 100 West Broadway, Farmington, 87401

Bloomfield Public Library, 333 South First, Bloomfield, 87413

A limited number of copies are available from the FERC's Public Reference and Files Maintenance Branch identified above. In addition, the Draft EIS/R has been mailed to Federal, state, and local agencies; public interest groups; individuals who have requested the Draft EIS/R; libraries; newspapers; and parties to this proceeding.

Route Inspection

On April 4, 2000, the FERC staff will conduct a ground inspection of portions of the existing pipeline right-of-way in the area between Tuba City and the Tonalea Pump Station site in Coconino County, Arizona. Anyone interested in participating in the inspection activities may contact the FERC's Office of External Affairs (identified at the end of this notice) for more details and must provide their own transportation.

Additional Questions

Additional information about the proposed project is available from Paul McKee in the FERC's Office of External Affairs ((202) 208–1088)); Daniel Gorfain at the CSLC ((916) 574–1889)); or on the FERC Internet website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS help line can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the text of formal documents issued by the FERC, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS help line can be reached at (202) 208–2474.

Daniel Gorfain,

Project Manager, California State Lands Commission.

David Boergers,

Secretary, Federal Energy Regulatory Commission.

SCHEDULE FOR DRAFT EIS/EIR PUBLIC MEETINGS

[**Note:** All meetings will last for 1 hour, or until the submission of public comments is concluded (whichever occurs later).]

Date & time	Community	Location
Monday, April 3, 2000, 1:30 pm	Upper Moenkopi, AZ	Moenkopi Community Building.
Wednesday,* April 5, 2000, 5:00 pm	Kayenta, AZ	Kayenta Chapter House.
Thursday, April 6, 2000, 7:00 pm	Farmington, NM	Holiday Inn, 600 East Broadway, Animas Room.
	Fullerton, CA	Four Points Sheraton, 1500 South Raymond Avenue, Crown 1 Room.
Monday, April 10, 2000, 7:00 pm	Long Beach, CA	Los Cerritos Elementary School, 515 West San Antonio Drive, Auditorium.
Tuesday, April 11, 2000, 6:00 pm	Banning, CA	Banning Council Chambers, 99 East Ramsey Street.

* Date and time subject to final approval of the Kayenta Chapter. Local media and on-site announcements will advise residents of any changes to the Kayenta meeting schedule.

[FR Doc. 00–5027 Filed 3–2–00; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed Rates for Central Valley and California-Oregon Transmission Projects

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposed rates.

SUMMARY: Western Area Power Administration (Western) is proposing rates for Central Valley Project (CVP) commercial firm power, power scheduling, scheduling coordinator, CVP transmission, transmission of CVP power by others, network transmission, California-Oregon Transmission Project (COTP) transmission and ancillary services. Current rates expire September 30, 2002. The proposed rates will provide sufficient revenue to repay all annual costs, including interest expense, and repay required investment within the allowable period. Rate impacts are detailed in a rate brochure to be provided to all interested parties. Proposed rates are scheduled to go into effect on October 1, 2000, to correspond with the start of the Federal fiscal year (FY), and will remain in effect through December 31, 2004, which is the end of the current (1994) CVP Power Marketing Plan. This **Federal Register** notice initiates the formal process for the proposed rates.

DATES: The consultation and comment period will begin today and will end June 2, 2000. Western will present a detailed explanation of these proposed rates at a public information forum on March 14, 2000, at 1 p.m. PST, and will receive oral and written comments at a public comment forum on April 18, 2000, at 1 p.m., see the **ADDRESSES** section. Western must receive all comments by the end of the consultation and comment period to assure consideration of the comments.

ADDRESSES: Send written comments to Mr. Jerry W. Toenyes, Regional Manager, Sierra Nevada Customer Service Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710.

FOR FURTHER INFORMATION CONTACT: Ms. Debbie Dietz, Rates Manager, Sierra Nevada Customer Service Region, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630–4710, (916) 353–4453.

SUPPLEMENTARY INFORMATION: Proposed rates for CVP commercial firm power are designed to recover an annual revenue requirement that includes the investment repayment, interest, purchase power, transmission and operation and maintenance expense. A cost of service study allocates the projected annual revenue requirement for commercial firm power between capacity and energy. Capacity revenue requirement includes: (i) 100 percent of capacity purchase costs; (ii) 50 percent of the investment repayment; (iii) 50 percent of the interest expense; (iv) 50 percent of the power operation and maintenance expense allocated to power; and (v) 100 percent of CVP and COTP transmission expense. Projected CVP and COTP transmission revenue and 50 percent of projected CVP project use revenue reduce the annual costs that determine the capacity revenue requirement. The energy revenue requirement includes: (i) 100 percent of energy purchase costs; (ii) 50 percent of the investment repayment; (iii) 50 percent of the interest expense; and (iv) 50 percent of the power operation and maintenance expense allocated to power. Projected surplus power revenue, and 50 percent of projected CVP project use revenue reduce annual costs to determine the energy revenue requirement. The resulting capacity/energy revenue requirement split varies from 27 percent allocated to capacity from October 2003 through December 2004 to 38 percent allocated to capacity in FY 2001. The average capacity/energy revenue requirement split for the rate period is 32 percent to capacity and 68 percent to energy.

Western also developed proposed rates for CVP commercial firm power with the transmission revenue requirement removed from the commercial firm power revenue requirement. These rates would apply if Western joins the California Independent System Operator (CAISO) and if the CAISO uses the transmission revenue requirement to develop a regional transmission rate. Western has not made a decision on joining the CAISO. The decision to join the CAISO is not part of this rate adjustment public process. These proposed power rates with the transmission revenue requirement removed are designed to recover an annual revenue requirement that includes investment repayment, interest, purchase power and operation and maintenance expense. A cost of service study allocates projected annual revenue requirement for firm power between capacity and energy. Capacity revenue requirement includes: (i) 100 percent of capacity purchase costs; (ii) 50 percent of the investment repayment; (iii) 50 percent of the interest expense; and (iv) 50 percent of the power operation and maintenance expense allocated to power. Fifty percent of the projected CVP project use revenue reduces the annual cost to determine the capacity revenue requirement. Energy revenue requirement includes: (i) 100 percent of energy purchase costs; (ii) 50 percent of the investment repayment; (iii) 50 percent of the interest expense; and (iv) 50 percent of the power operation and maintenance expense allocated to power. Projected surplus power revenue, and 50 percent of the projected CVP project use revenue reduce the annual cost to determine the energy revenue requirement. The resulting capacity/energy revenue requirement split varies from 21 percent

allocated to capacity during October 2003 through December 2004 to 30 percent allocated to capacity in FY 2001. The average capacity/energy revenue requirement split for the rate period is 25 percent to capacity and 75 percent to energy.

Both sets of proposed rates, *i.e.,* the proposed rates for the CVP commercial firm power and the proposed rates for CVP commercial firm power with the transmission revenue requirement removed, include an Annual Energy Rate Alignment (AERA). Western will apply the AERA to firm energy purchased at or above an average annual load factor of 80 percent. The AERA is set to ensure that customers would pay at least the equivalent of the CVP composite rate for purchases from Western. The billing for the AERA will occur at the end of each FY.

Both sets of proposed rates also include a tier capacity rate. Western will apply the tier capacity rate to monthly capacity purchases at or above 90 percent of the customers' Contract Rate of Delivery (CRD). The tier capacity factor of 90 percent is an approximation based on the ratio of the sum of CVP Project Dependable Capacity, Northwest capacity credit and minimum monthly Pacific Gas and Electric Company capacity purchases to Western's system simultaneous load level.

Proposed rates for CVP commercial firm power, the applicable revenue requirement split between capacity and energy, tier capacity rate and AERA are in Table 1.

TABLE 1.—PROPOSED COMMERCIAL FIRM POWER RATES

Effective period	Total composite mills/kWh	Capacity $/kWmo	Energy mills/kWh	Capacity/energy split	Tier capacity $/kWmo	AERA mills/kWh
10/01/00 to 09/30/01	15.37	3.33	9.49	38/62	5.16	5.50
10/01/01 to 09/30/02	15.77	2.95	10.52	33/67	5.29	5.25
10/01/02 to 09/30/03	18.65	2.98	13.33	29/71	5.42	5.00
10/01/03 to 12/31/04	20.80	3.12	15.32	27/73	5.58	5.00

The proposed rates for CVP commercial firm power with the transmission revenue requirement removed, applicable revenue requirement split between capacity and energy, tier capacity rate and AERA are in Table 1A.

TABLE 1A.—PROPOSED COMMERCIAL FIRM POWER RATES WITH THE TRANSMISSION REVENUE REQUIREMENT REMOVED FROM THE COMMERCIAL FIRM POWER REVENUE REQUIREMENT

Effective period	Total composite mills/kWh	Capacity $/kWmo	Energy mills/kWh	Capacity/energy split	Tier capacity $/kWmo	AERA mills/kWh
10/01/00 to 09/30/01	13.55	2.23	9.49	30/70	5.16	5.50
10/01/01 to 09/30/02	14.22	2.00	10.52	26/74	5.29	5.25
10/01/02 to 09/30/03	17.12	2.05	13.33	22/78	5.42	5.00
10/01/03 to 12/31/04	19.20	2.14	15.32	21/79	5.58	5.00

The Deputy Secretary of the Department of Energy (DOE), approved the existing Rate Schedule CV–F9 for CVP commercial firm power on September 19, 1997 (Rate Order No. WAPA–77, 62 FR 50924, September 29, 1997). The Federal Energy Regulatory Commission (FERC) confirmed and approved the rate schedule on January 8, 1998, under FERC Docket No. EF97–5011–000 (82 FERC ¶ 62,006). The existing Rate Schedule CV–F9 became effective on October 1, 1997, for the period ending September 30, 2002. Under Rate Schedule CV–F9, the composite rate on October 1, 2000, is 18.56 mills per kilowatthour (mills/kWh), the base energy rate is 10.51 mills/kWh, the AERA energy rate is 4.09 mills/kWh and the capacity rate is $3.81 per kilowattmonth (kWmo). The proposed rates for CVP commercial firm power will result in an overall composite rate decrease of approximately 17 percent on October 1, 2000, when compared with the current CVP commercial firm power rates under Rate Schedule CV–F9. Table 2 provides a comparison of the current rates in Rate Schedule CV–F9 and the proposed rates along with the percentage change in the rates.

TABLE 2.—COMPARISON OF CURRENT AND PROPOSED RATES[1]

Percentage change in commercial firm power rates								
Effective period	Total composite rate	Percent change	Base capacity $/kWmo	Percent change	Base energy mills/kWh	Percent change	AERA mills/kWh	Percent change
Current Rate Schedule								
Existing 10/01/00 to 09/30/01	18.56	.....	3.81	.....	10.51	.....	4.09	.....
Proposed Rates								
10/01/00 to 09/30/01	15.37	−17	3.33	−13	9.49	−10	5.50	34
10/01/01 to	15.77	−15	2.95	−23	10.52	.....	5.25	28
10/01/02 to 09/30/03	18.65	.....	2.98	−22	−13.33	27	5.00	22
0/01/03 to 12/31/04	20.80	12	3.12	−18	15.32	46	5.00	22

[1] The percent changes do not include the impacts of the tier capacity rates.

The proposed rates for CVP commercial firm power with the transmission revenue requirement removed will result in an overall composite rate decrease of approximately 27 percent on October 1, 2000, when compared with the current CVP commercial firm power rates under Rate Schedule CV–F9. Table 2A provides a comparison of the current rates in Rate Schedule CV–F9 and the proposed rates along with the percentage change in the rates.

TABLE 2A.—COMPARISON OF CURRENT AND PROPOSED RATES WITH THE TRANSMISSION REVENUE REQUIREMENT REMOVED [2]

Percentage change in commercial firm power rates								
Effective period	Total composite rate	Percent change	Capacity $/kWmo	Percent change	Base energy mills/kWh	Percent change	AERA mills/kWh	Percent change
Current Rate Schedule								
Existing 10/01/00 to 09/30/01	18.56	.....	3.81	.....	10.51	.....	4.09	.....
Proposed Rates with the transmission revenue requirement removed								
10/01/00 to 09/30/01	13.55	−27	2.23	−41	9.49	−10	5.50	34
10/01/01 to 09/30/02	14.22	−23	2.00	−48	10.52	.....	5.25	28
10/01/02 to 09/30/03	17.12	−8	2.05	−46	13.33	27	5.00	22
10/01/03 to 12/31/04	19.20	3	2.14	−44	15.32	46	5.00	22

[2] The percent changes do not include the impacts of the tier capacity rates. These rates do not include the cost of transmission, therefore, the customer is required to buy transmission at an additional cost.

Adjustment Clauses Associated With the Proposed Rates for CVP Commercial Firm Power

Power Factor Adjustment

This provision in Rate Schedule CV–F9, will remain the same under the proposed rates for CVP commercial firm power.

Low Voltage Loss Adjustment

This provision in Rate Schedule CV–F9, will remain the same under the proposed rates for CVP commercial firm power.

Revenue Adjustment

The Revenue Adjustment Clause (RAC) provides for a comparison between the projected net revenues in the rate adjustment power repayment study to the actual net revenues. If the actual net revenue is more than the projected net revenue, CVP preference customers receive a credit. If actual net revenue is less than the projected net revenue, CVP preference customers may pay a surcharge, if needed, to make a minimum investment payment. The limit for the RAC credit or surcharge is $20 million, plus any purchase power contract adjustments during the FY for which the RAC is being calculated. The RAC is calculated annually and the associated distribution of the RAC credit or surcharge occurs during a 9-month period on power bills issued in January through September. For customers whose RAC credits cannot be fully credited through nine equal monthly amounts, Western has the option to increase the RAC credit during August and September.

Proposed Rate for Power Scheduling Service

The proposed rate for power scheduling service is $84.38 per hour and is based on costs incurred to provide the service. Power scheduling service provides for scheduling resources to meet load and reserve requirements.

Proposed Rate for Scheduling Coordinator Service

The proposed rate for scheduling coordinator service is $75.54 per hour and is based on costs incurred to provide the service. Scheduling coordinator service provides scheduling, real-time dispatching and financial settlements with the CAISO.

Proposed Formula Rate for CVP Transmission

The proposed formula rate for firm CVP transmission includes two components.

$$\text{Component 1: } \frac{\text{transmission revenue requirement}}{(\text{CVP capacity} + \text{total transmission capacity under long term contracts}).}$$

Component 1 is the ratio of Western's transmission revenue requirement to the sum of the maximum operating capacity of the Northern CVP power plants (CVP capacity) and the total transmission capacity under long-term contract between Western and other parties. Northern CVP power plants are J.F. Carr, Folsom, Keswick, Nimbus, Shasta, Spring Creek and Trinity.

Component 2: Pass through of any transmission-related costs incurred by Western due to electric industry restructuring or other changes in the industry. The costs in Component 2, as well as any changes to these costs, will be directly passed through to each appropriate transmission customer.

Western will revise the rate resulting from Component 1 of the proposed formula rate based on: (i) Updated data as of April 30 of each year; and (ii) a change in the numerator or denominator that results in a rate change of at least $.05 per kWmo. The rate resulting from the proposed formula rate for firm CVP transmission for FY 2001 is $0.73 per kWmo, a 43-percent increase from the existing rate of $0.51 per kWmo, under Rate Schedule CV–FT3. Based on a contract agreement to provide transmission service in the future, the

rate resulting from the proposed formula rate for firm CVP transmission for FY 2002 is $.58 per kWmo, a 14-percent increase from the existing rate of $.51 per kWmo.

The rate resulting from the proposed formula rate for nonfirm CVP transmission service for FY 2001 is 1.00 mill/kWh. The proposed formula rate for nonfirm CVP transmission is based on the same two components used in the proposed formula rate for firm CVP transmission. Firm or nonfirm transmission service for 1 year or less may be at rates lower than the rates resulting from the proposed formula rate if these cost-based rates are higher than the current rate for transmission sales.

The proposed formula rate for CVP transmission service is based on a revenue requirement that recovers: (i) The CVP transmission system costs for facilities associated with providing all transmission service; (ii) the nonfacilities costs allocated to transmission service; and (iii) any transmission-related costs incurred by Western due to electric industry restructuring or other changes in the industry. The proposed formula rate includes Western's cost for scheduling, system control and dispatch service and reactive supply and voltage control associated with the transmission service. The proposed formula rate is applicable to existing CVP firm transmission service and future point-to-point transmission service.

Proposed Rate for Transmission of CVP Power by Others

Western will directly pass through transmission service costs it incurs for delivering CVP power over a third party's transmission system to the requesting CVP customer. Rates under this schedule are proposed to be automatically adjusted as third party transmission costs are adjusted.

Proposed Formula Rate for Network Transmission

If Western offers network transmission service, its proposed formula rate is the product of the network customer's load ratio share times one-twelfth of the annual network transmission revenue requirement. The load ratio share is the network customer's hourly load coincident with Western's monthly CVP transmission system peak minus the coincident peak for all firm CVP (including reserved capacity) point-to-point transmission service. The proposed formula rate for network transmission service is based on a revenue requirement that recovers: (i) CVP transmission system costs for facilities associated with providing all transmission service; (ii) the nonfacilities costs allocated to transmission service; and (iii) any transmission-related costs incurred by Western due to electric industry restructuring or other changes in the industry. The proposed formula rate includes Western's cost for scheduling, system control and dispatch service and reactive supply and voltage control needed to provide the transmission service.

Proposed Formula Rate for COTP Transmission

The proposed formula rate for COTP transmission includes two components.

$$\text{Component 1: } \frac{\text{Transmission Revenue Requirement}}{\text{Western's share of COTP Seasonal Capacity}}$$

Component 1 is the ratio of the transmission revenue requirement to Western's share of COTP seasonal capacity. Western will update the rate resulting from Component 1 at least 15 days before the start of each California-Oregon Intertie (COI) rating season. Seasonal definitions for summer, winter and spring are June through October, November through March and April through May, respectively.

Component 2: Pass through of any transmission-related costs incurred by Western due to electric industry restructuring or other changes in the industry. The costs in Component 2, as well as any changes to these costs, will be directly passed through to each appropriate transmission customer.

The rates resulting from the proposed formula rate for firm COTP transmission service for FY 2001 are: summer—$1.47 per kWmo, winter—$1.66 per kWmo and spring—$1.53 per kWmo. These rates resulting from the proposed formula rate result in a 10-percent increase during the summer, a 24-percent increase during the winter and a 14-percent increase during the spring compared to the existing rate of $1.34 per kWmo.

The proposed formula rate for nonfirm COTP transmission is based on the same two components used in the proposed formula rate for firm COTP transmission. Rates resulting from the proposed formula rate for nonfirm transmission service for FY 2001 are: summer—2.01 mills/kWh, winter—2.28 mills/kWh and spring—2.10 mills/kWh. These rates for nonfirm COTP transmission service result in a 39-percent increase during the summer, a 57-percent increase during the winter and a 45-percent increase during the spring compared to the existing rate of 1.45 mills/kWh. Firm or nonfirm transmission service for 1 year or less may be at rates lower than the rates resulting from the proposed formula rate if these cost-based rates are higher than the current rate for transmission sales.

Rates resulting from the proposed formula rate for COTP transmission service are based on a revenue requirement that recovers: (i) Western's share of COTP transmission system costs for facilities associated with providing all transmission service; (ii) Western's share of the nonfacilities costs allocated to transmission service; and (iii) any transmission-related costs incurred by Western due to electric industry restructuring or other changes in the industry. The rates resulting from the proposed formula rate include Western's cost for scheduling, system control and dispatch service and reactive supply and voltage control associated with transmission service. The proposed formula rate would apply to existing COTP transmission service and future point-to-point transmission service.

Proposed Rates for Ancillary Services

Western will provide ancillary services, subject to availability, at the proposed rates in Table 3. Western designed these proposed rates to recover only the costs it incurs for providing the service(s). Sales of ancillary services of 1 year or less may be at rates lower than the proposed rates if these cost-based rates are higher than the current rate for ancillary service sales.

TABLE 3.—PROPOSED RATES FOR ANCILLARY SERVICES

Ancillary service type	Rate
Transmission Scheduling, System Control and Dispatch Service—required to schedule movement of power through, out of, within, or into a control area.	Appropriate transmission rates include Western's cost.
Reactive Supply and Voltage Control—reactive power support provided from generation facilities necessary to maintain transmission voltages within acceptable limits of the system.	Appropriate transmission rates include Western's cost.
Regulation and Frequency Response Service—provides generation to match resources and loads on a real-time continuous basis.	Monthly: $1.78 per kWmonth. Weekly: $0.42 per kWweek. Daily: $0.06 per kWday.
Energy Imbalance Service—provided when a difference occurs between the scheduled and actual delivery of energy to a load or from a generation resource within a control area over a single month.	*Within Limits of Deviation Band:* Accumulated deviations are to be corrected or eliminated within 30 days. Any net deviations that are accumulated at the end of the month (positive or negative) are to be exchanged with like hours of energy or charged at the composite rate for CVP commercial firm power then in effect.
Hourly Deviation (MW)—net scheduled amount of energy for the hour minus the hourly net metered (actual delivered) amount.	*Outside Limits of Deviation Band:* (i) Positive Deviations—The greater of no charge, or any additional cost incurred. (ii) Negative Deviations—during on-peak hours, the greater of 3 times the proposed rates for CVP commercial firm power or any additional cost incurred. During off-peak hours, the greater of the proposed rates for CVP commercial firm power or any additional cost incurred.
Spinning Reserve Service—provides capacity available the first 10 minutes to take load and is synchronized with the power system.	Monthly: $1.95 per kWmonth. Weekly: $0.42 per kWweek. Daily: $0.06 per kWday. Hourly: $0.0027 per kWh.
Supplemental Reserve Service—provides capacity not synchronized, but can be available to serve loads within 10 minutes.	Monthly: $1.77 per kWmonth. Weekly: $0.42 per kWweek. Daily: $0.06 per kWday. Hourly: $0.0024 per kWh.

Since the proposed rates constitute a major rate adjustment as defined by the procedures for public participation in general rate adjustments, as cited below, Western will hold both a public information forum and a public comment forum. After reviewing public comments, Western will recommend the Deputy Secretary of DOE approve the proposed rates (and as amended) on an interim basis.

Legal Authority

These proposed rates for CVP and COTP power, transmission and power-related services are being established pursuant to the DOE Organization Act, 42 U.S.C. 7101–7352; the Reclamation Act of 1902, ch. 1093, 32 Stat. 388, as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939, 43 U.S.C. 485h(c); and other acts that specifically apply to the projects involved.

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to Western's Administrator; and (2) the authority to confirm, approve and place into effect on a final basis, to remand, or to disapprove such rates to FERC. In Delegation Order No. 0204–172, effective November 24, 1999, the Secretary of Energy delegated the authority to confirm, approve and place such rates into effect on an interim basis to the Deputy Secretary. Existing DOE procedures for public participation in power rate adjustments (10 CFR part 903) became effective on September 18, 1985 (50 FR 37835).

Availability of Information

All brochures, studies, comments, letters, memoranda, or other documents made or kept by Western for developing the proposed rates, are available for inspection and copying at the Sierra Nevada Regional Office, located at 114 Parkshore Drive, Folsom, California 95630–4710.

Regulatory Procedural Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined that this action does not require a Regulatory Flexibility analysis since it applies to rates or services for public property.

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321, *et seq.*; Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and DOE NEPA Regulations (10 CFR part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to rates or services and involves matters of procedure.

Dated: February 18, 2000.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 00–5168 Filed 3–2–00; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6546–9]

Access to Confidential Business Information by Booz-Allen, & Hamilton, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is authorizing Booz-Allen, & Hamilton, Inc. to participate in reviews of selected Superfund cost recovery documentation and records management. During the review, the contractor will have access to information which has been submitted to EPA under section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Some of this information may be claimed or determined to be Confidential Business Information (CBI).

DATES: The contractor (Booz-Allen, & Hamilton, Inc.) will have access to this data five working days from the date of this notice.

ADDRESSES: Send or deliver, written comments to Veronica Kuczynski, U.S. Environmental Protection Agency, Office of the Comptroller (3PM30), 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Veronica Kuczynski, Office of the Comptroller, (3PM30), 1650 Arch Street, Philadelphia, Pennsylvania 19103, Telephone (215) 814–5169.

SUPPLEMENTARY INFORMATION: Under EPA Interagency Agreement with General Services Administration, Contract GSOOT96AHD0002, Task Order #19990712, Booz-Allen, & Hamilton, Inc. will be conducting an on-site review of the procedures and systems currently in place for compliance with Superfund cost recovery and record keeping requirements in the State of Maryland. This review involves conducting transaction testing to evaluate recipient conformance with applicable regulations and acceptable business practices and documenting findings. The contractor will examine transactions for the following:

(1) Expenditures Review: expenditure documentation such as expense reports, timesheets, and purchase requests from the point of origination to the point of payment to determine compliance with such requirements as site-specific accounting data, authorizing signature and reconciliation of timesheets to expense reports.

(2) Financial Reports: review financial drawdowns, Financial Status Reports, and internal status reports, to determine if information is consistent between these documents, if recipient is properly using information, and if the reports are submitted when required.

(3) Recordkeeping Procedures: review samples of Superfund documentation to determine the effectiveness of the recipient procedures to manage and reconcile this documentation (focusing on site-specific documentation, retention schedules, and the ability of the recipient to provide EPA with required financial documentation for cost recovery purposes in the specified time frame).

In providing this support, Booz-Allen, & Hamilton, Inc., employees may have access to recipient documents which potentially include financial documents submitted under section 104 of CERCLA, some of which may contain information claimed or determined to be CBI.

Pursuant to EPA regulations at 40 CFR part 2, subpart B, EPA has determined that Booz-Allen, & Hamilton, Inc., requires access to CBI to provide the support and services required under the Delivery Order. These regulations provide for five working days notice before contractors are given access to CBI.

Booz-Allen, & Hamilton, Inc. will be required by contract to protect confidential information. These documents are maintained in recipient office and file space.

Dated: February 24, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 00–5204 Filed 3–2–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6251–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 14, 2000 Through February 18, 2000 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 9, 1999 (63 FR 17856).

Draft EISs

ERP No. D–AFS–J65310–00 Rating EC2, Dakota Prairie Grasslands, Nebraska National Forest Units and Thunder Basin National Grassland, Land and Resource Management Plans 1999 Revisions, Implementation, MT, NB, WY, ND and SD.

Summary: EPA expressed concern that as the public dialogue takes place on roadless areas that an interim plan be in place that reserves current roadless areas until a plan is in place. EPA requested that a section be added to discuss the government-to-government consultation process with affected Indian Tribes and that stipulations on oil and gas leases require pits to be netted. EPA also suggested that portions of the Little Missouri River that course through the Grasslands be proposed for scenic and/or wild designation.

ERP No. D–AFS–K65224–AZ Rating EC2, Williams Ski Area Expansion on Bill Williams Mountain, Implementation, Special-Use-Permit, Kaibab National Forest, Williams Ranger District, Coconino County, AZ.

Summary: EPA expressed concerns with the potential for the proposed project to impact water and cultural resources. EPA requested that the FEIS more thoroughly address those issues and discuss the consultation process with affected tribes.

ERP No. D–BLM–K39058–CA Rating EO2, Cadiz Groundwater Storage and Dry-Year Supply Program, Construction and Operation, Amendment of the California Desert Conservation Area (CDCA) Plan, Issuance of Right-of-Way Grants and Permits, San Bernardino County, CA.

Summary: EPA objected to the project based on the potential significant impacts and the lack of an air conformity determination. The project would also adversely affect many ephemeral washes and other sensitive habitats, but mitigation measures do not appear sufficient to protect resources. EPA recommended that a draft conformity determination be issued prior to issuance of the FEIS.

ERP No. D–BOP–E80002–SC Rating EC2, South Carolina—Federal Correctional Institution, Construct and Operate, Possible Sites: Andrew, Bennettsville, Oliver and Salters, SC.

Summary: EPA expressed concern regarding potential wetland impacts and requested that additional information be included in the Final EIS.

ERP No. D–FAA–F51046–MN Rating EC2, Flying Cloud Airport Expansion, Extension of the Runways 9R/27L and 9L/27R, Long-Term Comprehensive Development, In the City of Eden Prairie, Hennepin County, MN.

Summary: EPA requested additional information on noise mitigation to assure that residents of Eden Prairie and the resources of the Minnesota Valley National Wildlife Refuge are adequately protected.

ERP No. D–SFW–K05056–CA Rating EC2, High Desert Power Project, Construction and Operation, A Combined-Cycle Natural Gas-Fueled Electrical Generation Power Planet, Approval of Incidental Taking Authorization under Sections 7 and 10 of the Federal ESA, San Bernardino County, CA.

Summary: EPA expressed concern with the High Desert Power Project (HDPP) due to the need to characterize the trichloroethane (TCE) groundwater plume under the power plant site prior to the plant's design and construction and potential UIC permit requirements. EPA urged selection of the power plant without the 32-mile natural gas pipeline, given the potential adverse effects of the pipeline on special status species and the expectation of sufficient natural gas from the 3.5 mile pipline.

Final EIS

ERP No. F–BIA–K61146–CA Programmatic—Cabazon Resource Recovery Park Section 6 General Plan, Implementation, Approval of Master Lease and NPDES Permit, Mecca, CA.

Summary: EPA had no major objections to the EIS but requested that BIA's Record of Decision reflect the commitments found in the FEIS, especially for mitigation measures.

Dated: February 29, 2000.

B. Katherine Biggs,

Associate Director.

[FR Doc. 00–5198 Filed 3–2–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6251–6]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa. Weekly receipt of Environmental Impact Statements. Filed February 21, 2000 through February 25, 2000. Pursuant to 40 CFR 1506.9.

EIS No. 000052, DRAFT EIS, AFS, MT, Spar and Lake Subunits Forest Health Project, improvements, Kootenai National Forest, Three Rivers Ranger District, Lincoln County, MT. Due: April 17, 2000. Contact: Michael L. Balboni (406) 295–4693.

EIS No. 000053, FINAL EIS, AFS, ID, Coeur d'Alene River Ranger District Noxious Weed Control Project, treating 76 specific sites across district, Kootenai and Shoshone Counties, ID. Due: April 03, 2000. Contact: Val Goodnow (208) 664–2318.

EIS No. 000054, DRAFT EIS, AFS, CA, Pendola Fire Restoration Project, Implementation, Tahoe National Forest, Downieville Ranger District, Yuba County, CA. Due: April 17, 2000. Contact: Jeanne M. Masquelier (530) 288–3231.

EIS No. 000055, FINAL EIS, BLM, NV, South Pipeline Mine Project, Proposal to Extend Gold Mining Operations, Implementation, Lander County, NV. Due: April 03, 2000. Contact: Gary Foulkes (775) 635–4060.

EIS No. 000056, FINAL EIS, NPS, TX, Padre Island National Seashore Oil and Gas Management Plan, Implementation, Kleberg, Kenedy and Willacy Counties, TX. Due: April 03, 2000. Contact: Linda Dansby (505) 988–6095.

EIS No. 000057, REGULATORY DRAFT, AFS, OR, ID, OR, ID, Hells Canyon National Recreation Area (HCNRA), Comprehensive Management Plan, Revised and Updated Information on Five Alternatives, Implementation, Wallowa-Whitman National Forest, Nez Perce and Payette National Forests, Bake and Wallowa Counties, or and Nez Perce and Adam Counties, ID. Due: June 20, 2000. Contact: Elaine Kohrman (541) 523–1331.

EIS No. 000058, DRAFT EIS, FRC, CA, UT, AZ, NM, Southern Trails Pipeline Project (CP99–163–000), Conversion of an Existing Crude Oil Pipeline (known as the ARCO Four Corners Pipeline Line 90 System), Construction and Operation, CA, AZ, UT and NM. Due: April 17, 2000. Contact: Paul McKee (202) 208–1088.

EIS No. 000059, DRAFT EIS, DOE, TN, Treating Transuranic (TRU)/Alpha Low-Level Waste at the Oak Ridge National Laboratory, Construct, Operate, and Decontaminate/ Decommission of Waste Treatment Facility, Oak Ridge, TN. Due: April 17, 2000. Contact: Clayton Gist (865) 241–3498.

EIS No. 000060, FINAL EIS, USN, CA, Hunters Point (Former) Naval Shipyard Disposal and Reuse, Implementation, City of San Francisco, San Francisco County, CA. Due: April 03, 2000. Contact: Melanie Ault (619) 532–0954.

EIS No. 000061, DRAFT SUPPLEMENT, DOD, AK, ND, AS, National Missile Defense Deployment (NMD) System, Upgraded Early Warning Radar Supplement (UEWR), To Address Interior Replacement of Electronic Hardware and Computer Software, Affected Areas Clear Air Force Station (AFS), Denali Borough, AK; Beale Air Force Base (AFB), Yuba County, CA; and Cape Cod AFS, Barnstable County, MA. Due: April 17, 2000. Contact: David Hasley (256) 955–4170.

EIS No. 000062, FINAL EIS, OSM, TN, Fall Creek Falls Petition Evaluation Document, Implementation, Designate the Land as Unsuitable for Surface Coal Mining Operation, Van Buren and Bledsoe Counties, TN. Due: April 03, 2000. Contact: Sam K. Bae (202) 208–2633.

Amended Notices

EIS No. 000034, DRAFT EIS, FRA, Use of Locomotive Horns at Highway-Rail Grade Crossing, Proposal Rule, Nationwide. Due: May 26, 2000. Contact: Mark H. Tessler (202) 493–6038. Published—FR–02–18–00—This EIS was inadvertently published in the 02–18–2000 FR. The correct Notice of Availability was published in the date comments are due back to the preparing agency is May 26, 2000.

Dated: February 29, 2000.

B. Katherine Biggs,

Associate Director, Office of Federal Activities.

[FR Doc. 00–5199 Filed 3–2–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50866A; FRL–6495–8]

Experimental Use Permit; Cry1F Bt Corn Receipt of Amendment/Extension Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application 68467–EUP–2 from Mycogen c/o Dow Agrosciences LLC requesting an experimental use permit (EUP) for the *Bacillus thuringiensis* Cry1F protein and the genetic material

necessary for its production (plasmid insert PHI8999) in corn plants. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50866A, must be received on or before April 3, 2000.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50866A in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; and e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in plant-pesticides or who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**--Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–50866A. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50866A in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically* . You may submit your comments electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50866A. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

EPA has received an application from Mycogen c/o Dow Agrosciences LLC,

9330 Zionsville Road, Indianapolis, IN 46268–1054, for an extension/amendment of their EUP for *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn plants (68467–EUP–2). Notice of the original issuance of this EUP was published in the **Federal Register** on May 5, 1999 (64 FR 24161) (FRL–6078–2). The new program extends testing to March 31, 2001 and adds 2,240 acres. Field testing is to take place in: Hawaii, Illinois, Indiana, Iowa, Minnesota, Nebraska, and Puerto Rico. Experimental trials are to involve agronomic observation and model validation for pollen shed phenology.

III. What Action is the Agency Taking?

Following the review of the Mycogen c/o Dow Agrosciences LLC application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under FIFRA section 5.

List of Subjects

Environmental protection, Experimental use permits.

Dated: February 28, 2000.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 00–5375 Filed 3–1–00; 2:11 pm]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 24, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 3, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-XXXX.

Title: Broadcast Statement of Compliance.

Form No.: FCC Form 397.

Type of Review: New collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents: 4,500.

Estimated Time Per Response: 0.5 hours.

Frequency of Response: Recordkeeping requirement; Reporting requirement every second, fourth and sixth year of a station's license term.

Total Annual Burden: 2,250 hours.

Total Annual Cost: Not applicable.

Needs and Uses: The FCC Form 397 is required to be filed by all licensees of AM, FM, TV, international and LPTV broadcast stations. It is a data collection device filed every second, fourth, and sixth year of a station's license term. The FCC Form 397 will be used by FCC staff and interested parties to monitor a broadcaster's compliance with the Commission's EEO requirements throughout the license term.

OMB Control No.: 3060-XXXX.

Title: Election Statement.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents: 13,364.

Estimated Time Per Response: 3 hours.

Frequency of Response: Reporting requirement—on occasion and other: within 45 days of the effective date of the new rules.

Total Annual Burden: 40,082 hours.

Total Annual Cost: $5,345,600.

Needs and Uses: Broadcasters and cable entities can choose between supplemental recruitment measures or alternative recruitment program. Broadcasters and cable entities are required to file with the Commission and place in their public inspection files an election statement indicating which approach they choose to implement within 45 days of the effective date of the new EEO rules. This election statement will make the Commission and the public aware of the approach the broadcaster/cable entity intends to implement.

OMB Control No.: 3060–0212.

Title: Section 73.2080, Equal Employment Opportunity Program.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents: 11,239.

Estimated Time Per Response: 42–52 hours.

Frequency of Response: Recordkeeping requirement; annual reporting requirement.

Total Annual Burden: 528,238 hours.

Total Annual Cost: Not applicable.

Needs and Uses: Section 73.2080 requires that each broadcast station shall establish, maintain and carry out a program to ensure equal employment opportunity in every aspect of a station's policy and practice. The data is used by a broadcast licensee in the preparation of the station's EEO program (FCC Form 396) submitted with the license renewal application, FCC Form 397, and the annual EEO public file report.

OMB Control No.: 3060–0349.

Title: Sections 76.73, 76.75, 76.79, and 76.1702, Cable EEO Requirements.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 5,600.

Estimated Time Per Response: 42–52 hours.

Frequency of Response: Recordkeeping requirement; annual reporting requirement.

Total Annual Burden: 127,680 hours.

Total Annual Cost: Not applicable.

Needs and Uses: Sections 76.73 and 76.75 require each cable/MVPD employment unit to establish, maintain and carry out a program to ensure equal employment opportunity in every aspect of a cable entity's policy and practice. Sections 76.79 and 76.1702 require every cable/MVPD employment unit to maintain, for public inspection, a file containing copies of all annual employment reports and related documents. The data is used by cable/MVPD units in the preparation of the Annual Employment Report (FCC Forms 395–A/395–M) and the EEO public file report.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–5102 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 28, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 3, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: *OMB Control No.:* 3060–0716.

Title: Blanketing Interference.

Form No.: Not applicable.

Type of Review: Extension to a currently approved collection.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions.

Number of Respondents: 21,000.

Estimated Time Per Response: 1–hours.

Frequency of Response: Third party disclosure requirement.

Total Annual Burden: 41,000 hours.

Total Annual Cost: N/A.

Needs and Uses: Under Sections 72.88 (AM), 73.318 (FM), AND 73.685(d) (TV), the licensee is financially responsible for resolving complaints of interference within one year of program test authority when certain conditions are met. After the first year, a licensee is only required to provide technical assistance in determining the cause of the interference.

The Commission has an outstanding Notice of Proposed Rulemaking (NPRM) in MM Docket No. 96–62, In the Matter of Amendment of Part 73 of the Commission's Rules to More Effectively Resolve Broadcast Blanketing Interference, Including Interference to Consumer Electronics and Other Communications Devices. This rulemaking proceeding proposed to provide detailed clarification of the AM, FM and TV licensee's responsibilities in resolving/eliminating blanketing interference cause by their individual stations. This NPRM proposed to consolidate all blanketing interference rules under a new section 73.1630, Blanketing Interference. This new rule was designed to facilitate the resolution of broadcast interference problems and set forth all responsibilities of the licensee/permittee of a broadcast station. To date, final rules have not been adopted.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–5103 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–368]

Wireless Telecommunications Bureau Seeks Comment on Airadigm Communications Inc.'s Contingent Emergency Petition for Reinstatement or in the Alternative for Waiver

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Wireless Telecommunications Bureau (Bureau) seeks Comment on Airadigm Communications Inc.'s Contingent Emergency Petition for Reinstatement or in the Alternative for waiver of the automatic cancellation of its PCS C and F block licenses.

DATES: Comments are due March 17, 2000 and reply comments are due March 31, 2000.

ADDRESSES: Comments and replies should be filed with the Office of the Secretary, Federal Communications Commission, TW B204, 445 12th St. SW Washington, DC 20554. Copies of the comments and replies should also be provided to Jose M. Ochoa, Auctions and Industry Analysis Division, Rm. 4–B544, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St. SW Washington, DC 20554. All comments should reference DA 00–368.

FOR FURTHER INFORMATION: Jose M. Ochoa of the Auctions and Industry Analysis Division at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released February 24, 2000 (Notice). The complete text of the Notice is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov/wtb/auctions.

1. Airadigm Communications Inc. (''Airadigm'') filed a ''Contingent Emergency Petition for Reinstatement or in the Alternative for Waiver'' (the

''Petition'') of the automatic cancellation of its PCS C and F Block licenses. Airadigm argues that reinstating its licenses, or granting a waiver of cancellation of its licenses, would serve the public interest by permitting the continued delivery of wireless services.

2. Parties should not construe the Bureau's request for comment on Airadigm's petition to include the operation of the Commission's automatic cancellation rules or the effect of bankruptcy on the operation of those rules. We intend by this notice to limit comment to Airadigm's request for regulatory relief in the form of license reinstatement, or alternatively, a waiver of the automatic cancellation of the licenses under the Commission's rules.

3. This proceeding has been designated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200(a), 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda describing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

4. The Airadigm petition is available for public inspection and copying in the Reference Center, Room CY A257, 445 12th St., SW, Washington, DC 20554. Copies of the petition are also available from ITS at 1231 20th St. NW, Washington, DC 20036, or by calling (202) 857–3800.

Federal Communications Commission.

Louis J. Sigalos,

Deputy Chief, Auctions & Industry Analysis Division.

[FR Doc. 00–5097 Filed 3–2–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal-State Joint Board on Universal Service To Convene an Open Meeting

AGENCY: Federal Communications Commission.

ACTION: Announcement of meeting.

SUMMARY: The Federal-State Joint Board on Universal Service will hold an open meeting to address issues related to high-cost universal service support.

DATES: The meeting will be held on Monday, March 6, 2000, from 4 p.m. to 5 p.m.

ADDRESSES: This meeting will be held in the Federal Communications Commission Building, Commission Meeting Room, located at 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gene Fullano, (202) 418–7400.

Dated: February 29, 2000.

Irene M. Flannery,

Chief, Accounting Policy Division.

[FR Doc. 00–5291 Filed 3–2–00; 10:35 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

PLACE: 800 North Capitol Street, NW, First Floor Hearing Room, Washington, DC.

STATUS: A portion of the meeting will be open to the public and the remainder of the meeting will be closed.

MATTERS TO BE CONSIDERED:

The Open Portion of the Meeting

1. Docket No 99–10—Ocean Common Carriers Subject to the Shipping Act of 1984
2. Carrier Automated Tariff Systems: Tariff Accessibility Audit and Issues
3. Docket No. 99–23—In the Matter of a Single Individual Contemporaneously Acting as the Qualifying Individual for Both an Ocean Freight Forwarder and a Non-Vessel-Operating Common Carrier

The Closed Portion of the Meeting

1. Status Report and Update—Docket No. 98–14—Shipping Restrictions, Requirements and Practices of the People's Republic of China
2. Docket No. 99–21—South Carolina Maritime Service, Inc. v. South Carolina State Ports Authority

CONTACT PERSON FOR MORE INFORMATION: Bryant L. VanBrakle, Secretary, (202) 523–5725.

Bryant L. VanBrakle,

Secretary

[FR Doc. 00–5348 Filed 3–1–00; 12:25 pm]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

National Advisory Council for Healthcare Research and Quality: Request for Nominations for Public Members

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Request for nominations for public members.

SUMMARY: 42 U.S.C. 299c, section 921 of the Public Health Service (PHS Act), established a National Advisory Council for Healthcare Research and Quality (the Council). The Council is to advise the Secretary for HHS and the Director of the Agency for Healthcare Research and Quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve the outcomes, and reduce the costs of health care services, as well as improve access to such services, through scientific research and the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services.

Eight current members' terms will expire in June 2000, and the Agency's recent reauthorization law added an additional four members. To fill these positions in accordance with the legislative mandate establishing the Council, we are seeking individuals who are distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care; individuals distinguished in the fields of health care quality research or health care improvement; individuals distinguished in the practice of medicine; individuals distinguished in the other health professions; individuals either representing the private health care sector (including health plans, providers, and purchasers) or individuals distinguished as administrators of health care delivery systems; individuals distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and individuals representing the interests of patients and consumers of health care. Individuals are particularly sought with experience and success in activities specified in the summary paragraph above, through which the Agency carries out its work.

DATE: Nominations should be received on or before April 14, 2000.

ADDRESSES: Nominations should be sent to Ms. Anne Lebbon, AHRQ, 2101 East

Jefferson Street, Suite 600, Rockville, Maryland, 20852. Nominations also may be faxed to (301) 443–0251.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Lebbon, AHRQ, at (301) 594–7216.

SUPPLEMENTARY INFORMATION: 42 U.S.C. 299c, section 921 of the PHS Act, provides that the National Advisory Council for Healthcare Research and Quality consist of 21 appropriately qualified representatives of the public appointed by the Secretary of Health and Human Services and eight ex officio representatives from Federal agencies conducting or supporting health care research. The Council meets in the Washington, DC, metropolitan area, generally in Rockville, Maryland, approximately three times a year to provide broad guidance to the Secretary and AHRQ's Director on the direction and programs for AHRQ.

Eight individuals will presently be selected by the Secretary to serve on the Council beginning with the meeting in the fall of 2000. Members generally serve 3-year terms. Appointments are staggered to permit an orderly rotation of membership.

Interested persons may nominee one or more qualified persons for membership on the Council. Nominations shall include a copy of the nominee's resume or curriculum vitae, and state that the nominee is willing to serve as a member of the Council. Potential candidates will be asked to provide detailed information concerning their financial interests, consultant positions, and research grants and contracts, to permit evaluation of possible sources of conflict of interest.

The Department is seeking a broad geographic representation and has special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory bodies and, therefore, extends particular encouragement to nominations for approximately qualified female, minority, and/or physically handicapped candidates.

Dated: February 24, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–5125 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Meeting of the National Advisory Council for Healthcare Research Quality

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

DATES: The meeting will be held on Friday, March 17, 2000, from 8:30 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be held at 6010 Executive Boulevard , Fourth Floor, Rockville, Maryland 20852.

FOR GENERAL INFORMATION CONTACT: Anne Lebbon, Coordinator of the Advisory Council, at the Agency for Healthcare Research and Quality, 2101 East Jefferson Street, Suite 600, Rockville, Maryland, 20852, (301) 594–7216. For press-related information, please contact Karen Migdail at 301/594–6120.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Linda Reeves, Assistant Administrator for Equal Opportunity, AHCPR, on (301) 594–6662 no later than March 10, 2000.

SUPPLEMENTARY INFORMATION:

I. Purpose

Section 921 of the Public Health Service Act (42 U.S.C. 299c) established the National Advisory Council for Healthcare Research and Quality. In accordance with its statutory mandate, the Council is to advise the Secretary and the Director, Agency for Healthcare Research and quality (AHRQ), on matters related to actions of the Agency to enhance the quality, improve outcomes, reduce costs of health care services, improve access to such services through scientific research, the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services. The Council is composed of members of the public appointed by the Secretary and Federal ex-officio members. Donald M. Berwick, M.D., the Council chairman, will preside.

II. Agenda

On Friday, March 17, 2000, the meeting will begin at 8:30 a.m., with the call to order by the Council Chairman. The Director, AHRQ, will present the status of the Agency's current research, programs and initiatives. Tentative agenda items include health care markets: research directions, national quality measures, and patient safety. The official agenda will be available on AHCPR's website at *www.ahrq.gov* no later than March 10, 2000. The meeting will adjourn at 4:00 p.m.

Dated: February 25, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–5124 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of a Special Emphasis Panel meeting.

A Special Emphasis Panel (SEP) is a committee of a few experts selected to conduct scientific reviews of applications related to their areas of expertise. The committee members are drawn from a list of experts designated to serve for particular individual meetings rather than for extended fixed terms of services.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5 U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at this meeting. These discussions are likely to include personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of SEP:* HIV/AIDS.

Date: March 24, 2000 (Open from 3:00 p.m. to 3:15 p.m. and closed for remainder of the meeting).

Place: AHRQ, 2101 E. Jefferson Street, suite 400W, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of the meeting should contact Ms. Jenny Griffith, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594–1847.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: February 24, 2000.

John M. Eisenberg,

Director.

[FR Doc. 00–5130 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–26]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

1. Information Collection Procedures for Requesting Public Health Assessments—(0923–0002)—EXTENSION—The Agency for Toxic Substances and Disease Registry (ATSDR) is announcing the request for extension of the OMB approval for the Information Collection Procedures for Requesting Public Health Assessments. ATSDR is authorized to accept and respond to petitions from the public that request public health assessments of sites where there is a threat of exposure to hazardous substances (42 U.S.C. 9604(i)(6)(B)). The Agency conducts public health assessments of releases or facilities for which individuals provide information that people have been exposed to a hazardous substance, and for which the source of such exposure is a release, as defined under CERCLA. The general administrative procedures for conducting public health assessments, including the information that must be submitted with each request, is described at 42 CFR 90.3, 90.4, and 90.5. Procedures for responding to petitions, decision criteria, and methodology for determining priorities may be found at 57 FR 37382–89. There is no cost to the respondents other than their time.

ATSDR anticipates approximately 36 requests will be received each year. This estimate is based on the number of requests received since the enabling legislation was enacted and the expressions of interest (via telephone, letter, etc.) from members of the public, attorneys, and industry representatives.

Respondents	Annual number of respondents	No. of responses/respondent	Avg. hourly burden/response	Total burden hours
General public	36	1	.50	18

2. National Survey of Family Growth, Cycle 6 Pretest (0920–0314)—Reinstatement—The National Center for Health Statistics (NCHS)—The National Survey of Family Growth (NSFG) has been conducted periodically by the National Center for Health Statistics (NCHS) since 1973—in 1973, 1976, 1982, 1988, and 1995. The purpose of the NSFG is to provide national statistics on ''family formation, growth, and dissolution'' (Section 306 of the Public Health Service Act). This includes data on factors affecting birth, pregnancy rates, and family formation—such as sexual activity, marriage, divorce, cohabitation, contraception, infertility, miscarriage, and wanted and unwanted births. The social, economic (*e.g.,* education, income, and work), and health factors (such as low birth weight and receipt of health care) associated with them are also collected. The target universe of the NSFG has always been women in the civilian non-institutional population of reproductive age (15–44). The population in this pretest includes an independent sample of men (15–49), in order to collect data related to male fertility, marriage and divorce, and parenting, as well as data to measure the risk of HIV (the virus that causes AIDS) and other sexually transmitted diseases.

NSFG data are used by NCHS, the National Institute for Child Health and Human Development (NICHD), the Office of Population Affairs, the CDC HIV Prevention program, the Office of the Assistant Secretary for Planning and Evaluation (OASPE/DHHS), and the Children's Bureau. Specific uses include the Healthy People 2000 and 2010 objectives, reporting to Congress required by the 1996 Personal Responsibility and Work Opportunity Act (Sections 905 and 906), the DHHS Fatherhood Initiative, and the National Campaign to Prevent Teen Pregnancy, among others. Data are published by NCHS, in professional journals, used by private academic and nonprofit researchers, and cited by journalists and others.

The NSFG Cycle 6 pretest will include interviews with about 600 males and 600 females and will test a variety of procedures to improve the quality and usefulness of the data. The interviews are conducted in person by trained female interviewers in respondents homes. Interviews average 60 minutes for males and 80 minutes for females. Remuneration is proposed, and will be the subject of an experiment in the pretest. The pretest is in preparation for a main study that will include interviews with 7,200 males and 11,800 females in 2001 or 2002. There is no cost to the respondent.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per responses (in hrs.)	Response burden (in hrs.)
Screening	2000	1	5/60	167
Interviewing:				

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per responses (in hrs.)	Response burden (in hrs.)
Males	600	1	1	600
Females	600	1	80/60	800
Verification	200	1	5/60	17
Cognitive	100	1	1	100
Pretest Total				1,684

3. National Nosocomial Infections Surveillance (NNIS) system—Renwal—National Center for Infectious Disease (NCID). The most recent renewal of the NNIS system (OMB No. 0920–0012) was in 1997. The NNIS system, which was instituted in 1970, is an ongoing surveillance system currently involving 315 hospitals that voluntarily report their nosocomial infections data to the Centers for Disease Control and Prevention (CDC), who aggregates the data into a national database. The data are collected using surveillance protocols developed by CDC for high risk patient groups (ICU, high-risk nursery, and surgical patients). Instructional manuals, training of surveillance personnel, and a computer surveillance software are among the support that CDC provides without cost to participating hospitals to ensure the reporting of accurate and uniform data.

The purpose of the NNIS system is to provide national data on the incidence of nosocomial infections and their risk factors, and on emerging antibiotic resistance. The data are used to determine the magnitude of various nosocomial infection problems and trends in infection rates among patients with similar risks. They are used to detect changes in the epidemiology of nosocomial infections resulting from new medical therapies and changing patient risks. New to the NNIS system is the monitoring of antibiotic resistance and antimicrobial use in groups of patients to describe the epidemiology of antibiotic resistance and to understand the role of antimicrobial therapy to this growing problem. The NNIS system can also serve as a sentinel system for the detection of nosocomial infection outbreaks in the event of national distribution of a contaminated medical product or device.

The respondent burden is not the same in each hospital since the hospitals can select from a wide variety of surveillance options. A typical hospital will monitor patients for infections in two ICUs and surgical site infections following 3 surgical operations. The respondent burden includes the time and cost to collect data on nosocomial infections in patients in these groups and the denominator data to characterize risk factors in the patients who are being monitored; to enter the data as well as a surveillance plan into the surveillance software; to send the data to CDC by electronic transmission; and complete a short annual survey and administrative forms. The respondent burden is expected to increase since an estimated 10 hospitals are expected to enroll into the NNIS system each year. There is no cost to the respondent.

Year	Number of respondents	Number of responses/respondent	Average burden/response (in hours)	Total burden (in hours)
2000	315	1	950	290,260
2001	325	1	923	299,985
2002	335	1	967	309,979
Total				900,224

4. Audience-Derived Input Regarding the Usability of the Main Web Site for the Centers for Disease Control and Prevention—New—As the nations lead agency for health promotion and disease prevention, the Centers for Disease Control and Prevention (CDC) serves as a role model for incorporating health communication into an overall strategy of targeting audiences for intervention. In recent years, the Internet and other new technologies have opened up many new possibilities for communicating messages about health. Although these new technologies have yielded great opportunities for reaching diverse populations, they have also created new challenges. Increased options permit the general public greater freedom to be selective about the types and sources of information to which they give their attention; greater choice leads to increased expectations for greater sophistication. As the technology stakes are raised, the public's desire for information to be interactive, stimulating, accurate, up-to-date, and individually tailored to their needs will continue to grow.

The main web site (www.cdc.gov) maintained by the CDC has evolved rapidly since its inception in 1994. Although the CDC has sought to continually meet the information needs of its users, this task has become more difficult as these needs have increased or changed and new audiences have emerged. The CDC is currently seeking to evaluate the current site and assess its effectiveness in meeting the needs of its target audiences.

The goal of the CDC's Web Site Redesign & Continuous Improvement Project is to obtain input from both current and potential users. An on-line survey will be conducted with general public Internet users to explore how, when, and why users search the Web to obtain health information; the types of information sought; characteristics that are important to them in a health-related web site; and sites they have visited. Additionally, users exiting the CDC web site will have the opportunity to complete a survey, known as a bounceback form, that will ask them about their reactions to the site. Information on the estimated annual respondent burden is shown in the table below. The total cost to respondents is $0.00.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
General public responding to on-line survey	1000	1	.25	250
Users of www.cdc.gov responding to a bounce back form	10,000	1	.20	2,000
TOTAL				2,250

Dated: February 28, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–5131 Filed 3–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–25]

Proposed Data Collections Submitted for Public Comment and Recommendations

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Proposed Project

1. Evaluation of ATSDR Activities Among Priority Populations—New—The Agency for Toxic Substances and Disease Registry (ATSDR) is mandated pursuant to the 1980 Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and its 1986 Amendments, The Superfund Amendments and Re-authorization Act (SARA), to prevent or mitigate adverse human health effects and diminished quality of life resulting from the exposure to hazardous substances into the environment.

As the agency responsible for determining the nature and extent of health problems at Superfund sites, ATSDR staff conduct public health assessments, health consultations and studies that serve as the basis for intervention strategies. ATSDR staff develop and disseminate to the public scientific and technical reports on the health effects of hazardous substances. Additionally, ATSDR staff collaborate with other governmental agencies, external partners and organizations to create and implement health services, educational and preventive programs.

To date, however, ATSDR has not conducted agency-wide quantitative research to evaluate the effectiveness of its services, products and programs. ATSDR staff is seeking information from its priority populations to determine their awareness of, access to and utilization of ATSDR products, programs and services. ATSDR staff will also evaluate whether priority populations derived health benefits from interventions.

ATSDR's priority populations include individuals, health care providers, health department officials and members of community organizations who live within two miles of National Priority Sites. Randomly stratified samples of individuals in these priority populations will be selected and asked to answer a questionnaire on two separate occasions within the three-year project. The questionnaire will be designed to use Computer Assisted Telephone Interviews (CATI) so that respondent burden can be reduced.

ATSDR will use the data from this study to evaluate and improve the effectiveness of health promotion and intervention activities in communities. This will translate into more effective organizational decisions on resource utilization, improved performance, and assessment of the future direction of the agency. There is no cost to the respondents.

Respondents	No. of respondents per year	No. of responses per respondent	Avg. burden per response (in hrs.)	Total annual burden (in hrs.)
Individuals in priority populations	6,667	1	.33	2,200

2. Emergency Epidemic Investigations–(0920–0010)—Renewal—(Epidemiology Program Office, EPO)—One of the objectives of CDC's epidemic services is to provide for the prevention and control of epidemics and protect the population from public health crises such as man made or natural biological disasters and chemical emergencies. This is carried out, in part, by training investigators, maintaining laboratory capabilities for identifying potential problems, collecting and analyzing data, and recommending appropriate actions to protect the public's health. When state, local, or foreign health authorities request help in controlling an epidemic or solving other health problems, CDC dispatches skilled epidemiologists from the Epidemic Intelligence Service (EIS) to investigate and resolve the problem. Resolving public health problems rapidly ensures costs effective health care and enhances health promotion and disease prevention. Annually, the EIS Program coordinates 400 Epidemic Assistance Investigations (Epi-Aids) and state-based field investigations. Epidemics are prevented and controlled by mobilizing and deploying CDC staff, primarily EIS officers to respond rapidly to disease outbreaks and disaster situations. At the request of public

health officials—at the state, national, or international level–CDC provides assistance by participating in epidemiologic field investigations. The purpose of the Emergency Epidemic Investigation surveillance is to collect data on the conditions surrounding and preceding the onset of a problem. The data must be collected in a timely fashion so that information can be used to develop prevention and control techniques, to interrupt disease transmission and to help identify the cause of an outbreak. Since the events necessitating the collections of information are of an emergency nature, most data collection is done by direct interview or written questionnaire and are one-time efforts related to a specific outbreak or circumstance. If during the emergency investigation, the need for further study is recognized, a project is designed and separate OMB clearance is required. Interviews are conducted to be as unobtrusive as possible and only the minimal information necessary is collected. The Emergency Epidemic Investigations is the principal source of data on outbreaks of infectious and noninfectious diseases, injuries, nutrition, environmental health and occupational problems.

Each investigation does contribute to the general knowledge about a particular type of problem or emergency, so that data collections are designed taking into account similar situations in the past. Some questionnaire have been standardized, such as investigations of outbreaks aboard aircraft or cruise vessels.

The Emergency Epidemic Investigations provides a range of data on the characteristics of outbreaks and those affected by them. Data collected include demographic characteristics, exposure to the causative agent(s), transmission patterns and severity of the outbreak on the affected population. These data, together with trend data, may be used to monitor the effects of change in the health care system, planning of health services, improving the availability of medical services and assessing the health status of the population.

Users of the Emergency Epidemic Investigations data include, but are not limited to EIS Officers in investigating the patterns of disease or injury, investigating the level of risky behaviors, identifying the causative agent and identifying the transmission of the condition and the impact of interventions.

It is difficult to predict the number of epidemic investigations which might occur in any given year. The previous three years' experience shows an annualized burden of 2,304 hours and respondent total of 10,150. Therefore, the request is for an estimated annual burden of 3,000 hours. This represents an estimated 12,000 respondents annually at 15/60 hours per response. There are no costs to respondents other than time.

Respondents	Number of respondents	Number of responses/respondent	Avg. burden per response (in hrs.)	Total Burden (in hrs.)
Total Respondents	12,000	1	15/60	3,000

3. 2nd Injury Control and Risk Survey (ICARIS2)—New—The National Center for Injury Prevention and Control (NCIPC)—This project will use data from a telephone survey to measure injury-related risk factors and guide injury prevention and control priorities, including those identified as priorities in *Healthy People 2010* objectives for the nation. Injuries are a major cause of premature death and disability with associated economic costs over 150 billion dollars in lifetime costs for persons injured each year. *Healthy People 2010* objectives and the recent report from the Institute of Medicine, *Reducing the Burden of Injury,* call for reducing this toll. In addition to national efforts, NCIPC funds injury control programs at the state and local levels. These programs need data both to establish their prevention priorities and monitor their performance. The use of outcome data (*e.g.,* fatal injuries) for measuring program effectiveness is problematic because cause-specific events are relatively rare and because data on critical risk factors (*e.g.,* was a helmet worn in a fatal bike crash, was a smoke detector present at a fatal fire?) are often missing. Because these risk factors are early in the causal chain of injury, they are what injury control programs target to prevent injuries. Accordingly, monitoring the level of injury risk factors in a population can help programs set priorities and evaluate interventions.

The first Injury Control and Risk Survey (ICARIS), conducted in 1994, was a random digit dial telephone survey that collected injury risk factor and demographic data on 5,238 English- and Spanish-speaking adults (≥18 yrs-old) in the United States. Proxy data were collected on 3,541 children <15 years old. More than a dozen peer-reviewed scientific reports have been published from the ICARIS data, on subjects including dog bites, bicycle helmet use, residential smoke detector usage and fire escape practices, attitudes towards violence, suicidal ideation and behavior, and compliance with pediatric injury prevention counseling. Five years have elapsed since ICARIS, and a repeat survey is needed for monitoring the injury risk factor status of the nation at the start of the millennium. Further, by using data collected in ICARIS as a baseline, ICARIS2 can measure changes and gauge the impact of injury prevention policies. ICARIS2 may also serve as the only readily available source of data to measure several of the Healthy People 2010 injury prevention objectives. Total cost to respondent $0.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per response (in hrs.)	Total burden (in hrs.)
Adults ≥ 18 y/o	10,000	1	.50	5,000
Total				5,000

4. 2001 National Health Interview Survey, Basic Module (0920–0214)—Revision—The National Center for Health Statistics (NCHS)—The annual National Health Interview Survey (NHIS) is a basic source of general

statistics on the health of the U.S. population. Due to the integration of health surveys in the Department of Health and Human Services, the NHIS also has become the sampling frame and first stage of data collection for other major surveys, including the Medical Expenditure Panel Survey, the National Survey of Family Growth, and the National Health and Nutrition Examination Survey. By linking to the NHIS, the analysis potential of these surveys increases. The NHIS has long been used by government, university, and private researchers to evaluate both general health and specific issues, such as cancer, AIDS, and childhood immunizations. Journalists use its data to inform the general public. It will continue to be a leading source of data for the Congressionally-mandated ''Health US'' and related publications, as well as the single most important source of statistics to track progress toward the National Health Promotion and Disease Prevention Objectives, ''Healthy People 2000.''

Because of survey integration and changes in the health and health care of the U.S. population, demands on the NHIS have changed and increased, leading to a major redesign of the annual core questionnaire, or Basic Module, and a redesign of the data collection system from paper questionnaires to computer assisted personal interviews (CAPI). Those redesigned elements were partially implemented in 1996 and fully implemented in 1997 and are expected to be in the field until 2006. This clearance is for the fifth full year of data collection using the Basic Module on CAPI, and for implementation of the second ''Periodic Module'', which include additional detail questions on conditions, access to care, disabilities, and health care utilization. The ''Periodic Module'' will repeat a similar survey conducted in 1992, and will help track many of the Health People 2010 objectives. This data collection, planned for January-December 2001, will result in publication of new national estimates of health statistics, release of public use micro data files, and a sampling frame for other integrated surveys. The total cost to respondents is estimated at $70,860 for the whole survey.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per response	Total burden (in hrs.)
Family	42,000	1	0.35	14,700
Sample adult	42,000	1	0.70	29,400
Sample child	18,000	1	0.25	4,500
Total				48,600

Dated: February 28, 2000.

Charles Gollmar,

Acting Associate Director for Policy, Planning, and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–5132 Filed 3–2–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00F–0792]

The Procter & Gamble Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Procter & Gamble Co. (P&G) has filed a petition proposing that the food additive regulations regarding olestra be amended by removing the requirement for the label statement.

FOR FURTHER INFORMATION CONTACT: Mary D. Ditto, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3102.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (the act) (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 0A4708) has been filed by P&G, Winton Hill Technical Center, 6071 Center Hill Ave., Cincinnati, OH 45224. The petition proposes to amend the food additive regulations in § 172.867 *Olestra* (21 CFR 172.867) by removing the requirement for the label statement prescribed in § 172.867(e).

Olestra is a food additive that is approved for use in place of fats and oils in prepackaged ready-to-eat savory snacks (§ 172.867). Olestra is not digested to any appreciable degree in the human gut and is not absorbed or metabolized by the body.

In the **Federal Register** of June 23, 1987 (52 FR 23606), FDA announced that P&G had filed a petition (FAP 7A3997) proposing that the food additive regulations be amended to provide for the safe use of olestra. FDA subsequently published a final rule approving olestra for use in savory snacks(61 FR 3118, January 30, 1996) after completing its evaluation of the relevant data and information. Prior to the issuance of the final rule, FDA convened a public meeting of its Food Advisory Committee (FAC) on November 14 through 17, 1995, to undertake a scientific discussion of the agency's evaluation of the safety data in the petition. As a result of the 4-day FAC meeting, a substantial portion of the relevant safety data on olestra was publicly discussed in detail by both proponents and opponents of olestra's approval, as well as by members of the FAC.

In issuing the olestra final rule, FDA carefully considered the proper labeling for foods containing the additive. This issue was also discussed in detail before the FAC. As noted, olestra is not absorbed, and it passes through the gastrointestinal (GI) tract intact. Data from clinical studies submitted by P&G in support of its original petition show that consumption of olestra with a meal can affect the absorption of certain fat-soluble vitamins and nutrients, which partition into the olestra. The petitioner and FDA agreed that these fat-soluble vitamins needed to be added to the snacks to compensate for any such effect, and that this addition of vitamins was not equivalent to fortification. These data also show that olestra has the potential to cause certain GI effects such as abdominal cramping and loose stools. FDA determined that consumers needed to know about any potential effects of olestra on the GI system.

In view of the record before the agency, FDA concluded that olestra-containing products would need to carry an information statement in order for such products to avoid being misbranded within the meaning of 21 U.S.C. 343(a)(1) and 321(n). Therefore, the final rule (§ 172.867(e)) required that foods containing olestra be labeled with the following statement in a boxed

format: ''This Product Contains Olestra. Olestra may cause abdominal cramping and loose stools. Olestra inhibits the absorption of some vitamins and other nutrients. Vitamins A, D, E, and K have been added.'' This requirement was established under section 409(c)(3) of the act (61 FR 3118, 3160). As such, the requirement was immediately effective. Although immediately effective, FDA requested comments on the label from interested persons on such issues as the need for labeling, the adequacy of its content, and the agency's current word choices.

At the time of olestra's approval, P&G informed FDA that the company intended to conduct certain post-marketing studies, which included establishing a system for monitoring complaints associated with the ingestion of olestra-containing products (passive surveillance), a program of active surveillance, and consumer evaluation studies of the required label statement. Since the approval of olestra in January 1996, olestra-containing snacks have been introduced into the marketplace, and P&G has carried out the studies and surveillance it committed to do. The company also sponsored new clinical studies, which provide additional data and information on possible GI effects from consuming olestra-containing snacks in ''real-life'' situations. A substantial amount of additional data and information have been submitted to FDA since the January 1996 olestra approval. Specifically, the agency has received reports from four studies: An Acute Consumption Study (FAP 0A4708, exhibit 1, reference B), a 6-Week Consumption Facilitated *Ad Lib* Study (FAP 0A4708, exhibit 1, reference C), a Rechallenge Study (FAP 0A4708, exhibit 1, reference D), and a Stool Composition Study (FAP 0A4708, exhibit 1, reference E). P&G has also submitted reports and analysis of data collected through passive surveillance, consumer focus group and perception studies, literature reviews on carotenoids and disease, and an analysis of the first year of data collected in the ongoing active surveillance study. In addition, the Center for Science in the Public Interest (CSPI) has submitted new data and information regarding olestra to the agency.

Consistent with its responsibilities to monitor the safety of all food additives, and as set out in § 172.867(f), FDA presented the new data and information concerning olestra, and the agency's evaluation of such new information, to the FAC at a meeting held on June 15 through 17, 1998. At this open public meeting, FDA, P&G, CSPI, and other interested members of the public made presentations to the Committee. At the meeting, there was considerable discussion of the label required by § 172.867(e), with a range of views expressed. The complete set of transcripts of the June 1998 FAC meeting is publicly available through FDA's Internet site at http://www.fda.gov/ohrms/dockets/ac/cfsan98t.htm#Food Advisory Committee (choose June 15, 16, and 17).

Since the June 1998 FAC meeting, P&G as well as other interested parties have submitted additional information and analyses of the required label statement to FDA. The recent submissions include a report from a multi-disciplinary panel assembled by P&G and charged with examining the scientific evidence, as well as the legal and policy precedents, in regard to the label statement. The panel report also includes information from the ongoing passive surveillance, and additional consumer perception studies regarding the olestra label.

On December 2, 1999, P&G submitted the food additive petition that is the subject of this filing notice; the petition requests that the food additive regulations be amended to eliminate the requirement for the olestra label statement. P&G contends that the weight of the scientific evidence collected since the 1996 approval establishes that the label statement contains inaccurate information and is not understood by consumers. Accordingly, P&G claims that the olestra label misleads consumers and thus misbrands the products on which it appears. P&G also asserts that the label statement does not convey material information and, thus, is not authorized under sections 403(a)(1) and 201(n) of the act (21 U.S.C. 343(a)(1) and 321(n)) The material that P&G relies on to support its contentions has been incorporated into its petition, FAP 0A4708. Much of that material has been publicly available since the June 1998 FAC meeting.

In light of the substantial public interest in this matter and the previous public discussion and comment on the olestra label, FDA has determined that it is appropriate to make a copy of FAP 0A4708 available at the agency's Dockets Management Branch, Docket No. 00F–0792. Relevant information incorporated into FAP 0A4708 includes copies of various reports and published studies conducted or sponsored by the petitioner, as well as a report produced by the multi-disciplinary panel assembled by P&G to evaluate the label statement. Also referenced in the petition are consumer perception studies on the olestra label conducted by Frito-Lay, Inc., in 1996 and 1999, as well as a variety of other published scientific references, and various letters submitted to the agency regarding the labeling of olestra-containing snacks. The petition also discusses other information relevant to the olestra label which can be found in Docket No. 87F–0179. These include comments received in response to the agency's request for comments on the label statement in the olestra final rule (January 30, 1996), and reports submitted by CSPI.

FDA often receives comments on food additive petitions, especially those for which there is a high level of public interest. Although section 409 of the act establishes no comment period for food additive petitions, and the agency does not solicit comments in notices announcing the filing of a food additive petition, it is FDA's customary practice to consider any relevant comments submitted regarding such petitions. In the case of olestra, much of the material relevant to the label issue raised by the petition was submitted to the agency since the final rule published, and the bulk of that material was available and discussed at the June 1998 FAC meeting. Consistent with section 409 of the act, FDA will, as part of the review of P&G's petition, fairly evaluate all the evidence of record, including relevant comments received by the agency that become part of the record.

The agency has determined under 21 CFR 25.32(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: February 15, 2000.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 00–5096 Filed 3–2–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–0785]

Draft Guidance for Industry; Guidance on Medical Device Patient Labeling; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled

''Guidance on Medical Device Patient Labeling.'' This draft guidance is not final nor is it in effect at this time. This draft guidance describes how to make medical device patient labeling understandable to and usable by patients (or family members or other lay persons caring for patients). It is intended to assist manufacturers in their development and reviewers in their review and evaluation of medical device patient labeling. This draft guidance is designed to help assure safe and effective use of medical devices through medical device patient labeling that informs patients or their lay caregivers about proper use, risks, and benefits of the device in language they can understand.

DATES: Submit written comments on this draft guidance by June 2, 2000.

ADDRESSES: Submit written requests for single copies on a 3.5″ diskette of the draft guidance entitled ''Guidance on Medical Device Patient Labeling'' to the Division of Small Manufacturers Assistance (DSMA) (HFZ–220), Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. Submit written comments concerning this draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Paula G. Silberberg, Center for Devices and Radiological Health (HFZ–230), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–1217.

SUPPLEMENTARY INFORMATION:

I. Background

The draft guidance provides information on the content, format, and organization of information that patients need to use medical devices safely and effectively. It also gives principles for writing and presenting patient information in a manner most understandable and usable to patients and their lay caregivers. With an increase in patient use of complex medical devices previously used primarily by skilled and knowledgeable health-care professionals, effective medical device patient labeling has become increasingly important in helping to assure the safe and effective use of devices.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on medical device patient labeling. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted Good Guidance Practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This draft guidance document is issued as a Level 1 guidance consistent with GGP's.

III. Electronic Access

In order to receive ''Guidance on Medical Device Patient Labeling'' via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at second voice prompt press 2, and then enter the document number (1128) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Intenet. Updated on a regular basis, the CDRH home page includes the Medical Device Patient Labeling, device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. The document entitled ''Guidance on Medical Device Patient Labeling'' will be available at http://www.fda.gov/cdrh/HumanFactors.html.

IV. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this draft guidance by June 2, 2000. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 28, 2000.

Linda S. Kahan,

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

[FR Doc. 00–5086 Filed 2–28–00; 4:36 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–197]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection.

Title of Information Collection: Maximizing the Effective Use of Telemedicine: A Study of the Effects, Cost Effectiveness and Utilization Patterns of Consultations via Telemedicine.

Form No.: HCFA–R–197 (OMB# 0938–0705).

Use: This study deals with several issues of importance to HCFA regarding the recent proliferation of Telemedicine programs. The primary goal of this study is to develop policy recommendations for Medicare concerning utilization review and

payment methods for Telemedicine services. The major objective is to evaluate the use of interactive video Telemedicine consultation. Recommendations will be based on analysis of the use of Telemedicine for such medical consultation.

Frequency: Other: periodically.

Affected Public: Individuals or households, Business or other for-profit, and Not-for-profit institutions.

Number of Respondents: 1,450.

Total Annual Responses: 84,235.

Total Annual Hours: 360.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 24, 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. 00–5106 Filed 3–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–0280]

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 Request: Extension of a currently approved collection.

Title of Information Collection: Medigap Compare.

HCFA Form Number: HCFA–R–0280 (OMB approval #:0938–0767).

Use: HCFA collects plan-specific Medigap data, including but not limited to premiums charged and additional benefits offered, from each insurer offering Medigap plans. The data collection occurs electronically. The data are provided on www.medicare.gov to assist beneficiaries in obtaining accurate information on all their health care coverage options.

Frequency: Annually, and semi-annually if needed.

Affected Public: Business or other for-profit, Federal Government, State, Local, or Tribal Government, not-for-profit institutions.

Number of Respondents: 300.

Total Annual Responses: 450.

Total Annual Burden Hours: 75.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 17, 2000.

John P. Burke III,

Reports Clearance Officer, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–5108 Filed 3–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–43]

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: Application for Health Insurance Benefits Under Medicare For Individuals With Chronic Renal Disease and Supporting Regulations in 42 CFR 406.13.

Form No.: HCFA–0043 (OMB #0938–0080).

Use: This form is used as a standard method of eliciting information necessary to determine entitlement to Medicare under the end stage renal disease provision of the law. This form was developed to satisfy the requirements of law and regulations and provide a form for eligible individuals to apply for Medicare entitlement.

Frequency: Other; one time only.

Affected Public: Individuals or households, Federal Government, and State, Local or Tribal Government.

Number of Respondents: 60,000.

Total Annual Responses: 60,000.

Total Annual Hours: 26,000.

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: January 24, 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. 00–5107 Filed 3–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–2744]

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: End Stage Renal Disease Medical Information System ESRD Facility Survey.

Form No.: HCFA–2744 (0938–0447);

Use: The ESRD Facility Survey form is completed annually by Medicare approved providers of dialysis and transplant services. The HCFA–2744 is designed to collect information concerning treatment trends, utilization of services and patterns of practice in treating ESRD patients.

Frequency: Annually.

Affected Public: Business or other for-profit and Not-for-profit institutions.

Number of Respondents: 3,761.

Total Annual Responses: 3,761.

Total Annual Hours Requested: 30,088.

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: January 24, 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. 00–5197 Filed 3–2–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Healthcare Integrity and Protection Data Bank: Announcement of Opening Date for Querying and User Fees

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: In accordance with final regulations implementing the Healthcare Integrity and Protection Data Bank (HIPDB) published in the **Federal Register** on October 26, 1999 (64 FR 57740), the Office of Inspector General (OIG) is announcing that the data bank will become operational for purposes of requesting information (querying) on health care practitioners, providers or suppliers, on March 6, 2000. The HIPDB had become operational for purposes of reporting information and accepting self-queries, as set forth in a **Federal Register** notice published on November 22, 1999 (64 FR 58851). In addition, the Department now is exercising its authority to impose a $4 fee for queries submitted by authorized entities to query the HIPDB, and a $10 fee for use of the Interactive Search Capability of the data bank that is available to authorized law enforcement agencies. In accordance with § 61.13 of the HIPDB final regulations, the HIPDB will assess a fee on all requests for information, except requests from Federal agencies.

SUPPLEMENTARY INFORMATION:

1. Opening Date for Querying

The HIPDB will accept queries from authorized entities, including authorized law enforcement agencies, beginning March 6, 2000. To submit queries, registered entities must use the HIPDB website at www.npdb-hipdb.com. Specific guidelines for querying also can be found on this website.

2. User fee amount

Section 1128E(d)(2) of the Social Security Act (the Act), as added by section 221(a) of the Health Insurance Portability and Accountability Act (HIPAA) of 1996, specifically authorizes the establishment of fees for the costs of processing requests for disclosure and for providing such information, and the final regulations at 45 CFR part 61 set forth the criteria and procedures for information to be reported to and disclosed by the HIPDB. The Act requires that the Department recover the full costs of operating the HIPDB through user fees. In determining any changes in the amount of the user fee, the Department is employing the criteria set forth in § 61.13(b) of the HIPDB regulations.

Specifically, § 61.13(b) states that the amount of each fee will be determined based on the following criteria:

- Direct and indirect personnel costs;
- Physical overhead, consulting, and other indirect costs including rent and depreciation on land, buildings and equipment;
- Agency management and supervisory costs;
- Costs of enforcement, research and establishment of regulations and guidance;
- Use of electronic data processing equipment to collect and maintain information, *i.e.,* the actual cost of the

service, including computer search time, runs and printouts; and

• Any other direct or indirect costs related to the provision of services.

In conjunction with the opening of the HIPDB for reporting and as part of its obligations under the Privacy Act, the Department had previously announced a $10 fee for health care practitioners, providers or suppliers to self-query (64 FR 58851). Based on the above criteria, the Department is now establishing a $4 fee for queries submitted by authorized entities and a $10 dollar fee for use of the Interactive Search Capability (ISC) available to authorized law enforcement agencies. The ISC permits free-form queries that are expressly designed to conform to the investigative nature of the request, and that typically contain significantly less identifying information than the standard structured queries available to non-law enforcement entities. The ISC involves far more data processing and greater cost per request. This additional cost is the result of the need to use an iterative, interactive algorithm to narrow a result to one appropriate record from an initial return of up to 100 records.

When an authorized entity query is submitted for information on one or more health care practitioners, providers or suppliers, the appropriate total fee will be $4 multiplied by the number of individuals or organizations about whom information is being requested. When an authorized law enforcement agency uses the ISC to obtain information on an individual or entity, the cost will be $10 for each individual or entity that the authorized law enforcement agency enters into the ISC.

In order to minimize administrative costs, the Department will accept queries submitted by authorized entities and authorized law enforcement agencies by credit card or electronic funds transfer. This fee is effective beginning March 6, 2000. The Department will continue to accept payment for self-queries only by credit card. The HIPDB accepts Visa, MasterCard, and Discover. To submit queries, registered entities (including law enforcement agencies) must use the HIPDB website at www.npdb-hipdb.com.

The Department will continue to review the user fee periodically, and will revise it as necessary. Any changes in the fee and its effective date will be announced through notice in the **Federal Register**.

Dated: February 23, 2000.

June Gibbs Brown,

Inspector General.

[FR Doc. 00–5169 Filed 3–2–00; 8:45 am]

BILLING CODE 4152–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2000 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of Funding Availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) announces the availability of FY 2000 funds for grants for the following activity. This activity is discussed in more detail under Section 4 of this notice. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of Parts I and II of the Guidance for Applicants (GFA) before preparing an application. Part I is entitled *Cooperative Agreement for Centers for the Application of Prevention Technologies (CAPT).* Part II is entitled *General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements.*

Activity	Application deadline	Estimated funds available, FY 2000	Estimated no. of awards	Project period
Centers for the Application of Prevention Technologies (CAPT).	4/26/00	$7.5 million*	five	3 years

*SAMHSA/CSAP is making $7.5 million available to support approximately five awards under this GFA in FY 2000. This amount may be increased slightly using SAMHSA/CSAP funds in each future year of the project period by up to $3 million. The average award in FY 2000 is expected to be $1.5 million in total (direct plus indirect costs), assuming the award is funded by SAMHSA/CSAP funds exclusively. Actual funding levels for each budget period may be significantly augmented on a discretionary basis if current exploratory talks with other federal agencies sharing SAMHSA/CSAP's interest in substance abuse prevention result in interagency agreements transferring funds to use for this program's use.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2000 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–113. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

SAMHSA has published additional notices of available funding opportunities for FY 2000 in past issues of the **Federal Register**.

General Instructions

Applicants must use application form PHS 5161–1 (Rev. 6/99; OMB No. 0920–0428). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 4).

When requesting an application kit, the applicant must specify the particular activity for which detailed information in desired. This is to ensure receipt of all necessary forms and information,

including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity described in Section 4 are also available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

Application Submission

Applications must be submitted to: SAMHSA Programs, Center for Scientific Review, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC–7710, Bethesda, Maryland 20892–7710*
(*Applicants who wish to use express mail or courier service should change the zip code to 20817.)

Application Deadlines

The deadline for receipt of applications is April 26, 2000.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see Section 4).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 4).

Programmatic Information

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

SAMHSA's FY 2000 Knowledge Development and Application (KD&A) agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a ''menu'' of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 2000 KD&A program will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and it is question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, and preparation of special materials will be used, in addition to normal communication means.

SAMHSA also continues to fund legislatively-mandated services programs for which funds are appropriated.

2. Special Concerns

SAMHSA's legislatively-mandated services programs do provide funds for mental health and/or substance abuse treatment and prevention services. However, SAMHSA's KD&A activities do not provide funds for mental health and/or substance abuse treatment and prevention services except sometimes for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development application projects. Applications seeking funding for services projects under a KD&A activity will be considered nonresponsive.

Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

3.1 General Review Criteria

Review criteria that will be used by the peer review groups are specified in the application guidance material.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

4. Special FY 2000 SAMHSA Activities

Cooperative Agreement for Centers for the Application of Prevention Technologies (short title: CAPT, SP00–005).

- *Application Deadline:* The receipt date is April 26, 2000.
- *Purpose:* The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) announced the availability of funds to continue the development and operation of the Centers for the Application of Prevention Technologies (CAPTs) in five regional sites. The CAPTs provide their clients with technical assistance and training in order to apply consistently the latest research-based knowledge about effective substance abuse prevention programs, practices, and policies. The CAPTs' primary clients are States receiving funds through CSAP's State Incentive Cooperative Agreements for Community-Based Action (SIGs) Program, other States, U.S. Jurisdictions, Tribes, and Territories. Other clients include communities, prevention organizations, and practitioners. The CAPT program is part of the DHHS Secretarial Initiative called the Youth Substance Abuse Prevention Initiative, and it is a major national resource supporting the dissemination and application of substance abuse preventive interventions that are scientifically sound and effective.
- *Eligible Applicants:* Applications are open to any organization with the expertise and capacity to operate one of the five regional CAPTs. Applications

may be submitted by domestic public and private non-profit and for profit entities, such as units of State or local government, community-based organizations, universities, colleges, and hospitals.

• *Amount:* SAMHSA/CSAP is making $7.5 million available to support approximately five awards under this GFA in FY 2000. This amount may be increased slightly using SAMHSA/CSAP funds in each future year of the project period by up to $3 million. The average award in FY 2000 is expected to be $1.5 million in total (direct plus indirect costs), assuming the award is funded by SAMHSA/CSAP funds exclusively. Actual funding levels for each budget period may be significantly augmented on a discretionary basis if current exploratory talks with other federal agencies sharing SAMHSA/CSAP's interest in substance abuse prevention result in interagency agreements transferring funds to use for this program's use.

Period of Support: Support may be requested for a period of up to 3 years.

• *Catalog of Federal Domestic Assistance Number:* 93.230.

• *Program Contact:* For questions concerning program issues, contact:

Luisa del Carmen Pollard, M.A., Division of Prevention Application and Education, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 800, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6728

OR

Jon Rolf, Ph.D., Division of Prevention Application and Education, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 800, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0380

For questions regarding grants management issues, contact: Edna Frazier, Grants Management Officer, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 640, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6816.

• *Application kits are available from:* National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847, Telephone: 1–800–729–6686, TDD: (800) 487–4889, Fax: (301) 468–6433.

5. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 2000 activity is subject to the Public Health System Reporting Requirements.

6. PHS Non-use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

7. Executive Order 12372

Applications submitted in response to the FY 2000 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: February 24, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–5095 Filed 3–2–00; 8:45 am]

BILLING CODE 4162–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–06]

Notice of Proposed Information Collection: Budget-Based Rent Increase Process

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 3, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0324) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov;

telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Budget-based Rent Increase Process.

OMB Approval Number: 2502–0324.

Form Numbers: HUD–92547–A.

Description of the Need for the Information and Its Proposed Use: Owners of certain cooperative, subsidized, and 202 projects will be required to submit the Budget Worksheet when requesting a rent increase. HUD will use the information to evaluate owner expense estimates.

Respondents: Business or Other-for-Profit.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–92547–A	12,500		1		1		12,500
Recordkeeping	12,500		1		.25		3,125

Total Estimated Burden Hours: 15,625.

Status: Reinstatement, without change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 24, 2000.

Wayne Eddins,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–5190 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–07]

Notice of Proposed Information Collection: Final Regulations Implementing Housing for Older Persons Act of (FR–4094–F–02) 1995 (HOPA)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 3, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2529–0046) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information;

Title of Proposal: Final Regulations Implementing Housing for Older Persons Act of (FR–4094–F–02) 1995 (HOPA).

OMB Approval Number: 2529–0046.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: This collection will afford an opportunity for housing providers to support a claim for an exemption to the familial status provision of the Fair Housing Act as amended by the HOPA.

Respondents: Business or Other-for-Profit, Non-for-Profit, Institutions, State, Local or Tribal Government.

Frequency of Submission: Recordkeeping.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Recordkeeping	12,000		1		.45		5,000

Total Estimated Burden Hours: 5,500.

Status: Extension of a currently approved collection.

Authority: Sect. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 24, 2000.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 00–5191 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–08]

Notice of Submission of Proposed Information Collection to OMB; Management Certifications and Management Entity Profile

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* April 3, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0305) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Management Certifications and Management Entity Profile.

OMB Approval Number: 2502–0305.

Form Numbers: HUD–9832, 9839A, 9839B, and 9839C.

Description of the Need for the Information and Its Proposed Use: Owners of multifamily housing projects with fully insured or HUD-held mortgages and subsidized, non-insured projects must provide data for review by the local HUD office for approval of management agents.

Respondents: Individuals or Households. Business or Other-For-Profit, Non-For-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Initial Profit	900		1		2		1,800
Update Profit	2,700		1		.50		1,350
Staff and Salaries	3,600		1		.17		600
Mgmt. Certification	3,600		1		.17		600

Total Estimated Burden Hours: 4,350.

Status: Reinstatement, without change.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 28, 2000.

Donna L. Eden,

Director, Office of Investment Strategies, Policy, and Management, Office of the Chief Information Officer.

[FR Doc. 00–5192 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4561–N–09]

Notice of Submission of Proposed Information Collection to OMB; Application for the Transfer of Physical Assets

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject of proposal.

DATES: *Comments Due Date:* April 3, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2502–0275) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail Wayne__Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents

submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submission will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Application for the Transfer of Physical Assets.

OMB Approval Number: 2502–0275.

Form Numbers: HUD–92266.

Description of the Need for the Information and Its Proposed Use: Prospective purchasers of properties with mortgages either HUD-insured or HUD-held prior to conveyance of title submit to HUD an Application for the Transfer of Physical Assets.

Respondents: Business or Other-For-Profit, Non-for-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	350		1		92		32,200

Total Estimated Burden Hours: 32,200.

Status: Reinstatement, without change.

Authority: Sec. 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 28, 2000.

Donna L. Eden,

Director, Office of Investment Strategies, Policy, and Management, Office of the Chief Information Officer.

[FR Doc. 00–5193 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4463–N–03]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, (HUD).

ACTION: Notice of changes in Debenture Interest Rates.

SUMMARY: This notice announces changes in the interest rates to be paid on debentures issued with respect to a loan or mortgage insured by the Federal Housing Commissioner under the provisions of the National Housing Act (the ''Act''). The interest rate for debentures issued under section 221(g)(4) of the Act during the 6-month period beginning January 1, 2000 is 7⅛ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning January 1, 2000, is 6½ percent.

FOR FURTHER INFORMATION CONTACT: James B. Mitchell, Department of Housing and Urban Development, 451 7th Street SW, Room 6164, Washington, DC 20410. Telephone (202) 708–3944 extension 2612, or TDD (202) 708–4594 for hearing- or speech-impaired callers. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (24 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. Each of these regulatory provisions states that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time-to-time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury: (1) Has determined, in accordance with the provisions of section 224, that the statutory maximum interest rate for the period beginning January 1, 2000, is 6½ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 6½ percent for the 6-month period beginning January 1, 2000. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to section 221(g)(4)) with an insurance commitment or endorsement date (as applicable) within the first 6 months of 2000.

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	On or after	Prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1, 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.

Effective interest rate	On or after	Prior to
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994.
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' of interest in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to section 221(g)(4) during the 6-month period beginning January 1, 2000, is 7⅛ percent.

HUD expects to publish its next notice of change in debenture interest rates in June 2000.

The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.20(l). For that reason, no environmental finding has been prepared for this notice.

(Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)),

Dated: February 15, 2000.

William C. Apgar,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 00–5189 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Meeting of Advisory Committee to the Interagency Task Force to Improve Hydroelectric Licensing Processes

AGENCY: U.S. Department of the Interior—Office of the Secretary.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Advisory Committee to the Interagency Task Force to Improve Hydroelectric Licensing Processes will meet on March 16, 2000 at the U.S. Department of Agriculture. The purpose of the meeting is to:

(1) Update Committee members on the current activities of the Interagency Task Force (ITF);

(2) Review and discuss the ITF Working Groups' draft products on: (i) State Mandates (*i.e.*; CWA Section 410 water quality certification and CZMA certification); and (ii) Economics.

DATE: March 16, 2000; 9:30 am–3 pm.

ADDRESS: United States Department of Agriculture, Whitten Building, Williamsburg Room, Suite 104A, 1400 Independence Ave. NW Washington, DC 20025.

You should inform Security at the building entrance on Jefferson Drive that you are attending a meeting hosted by NRE, (202) 720–7173. After calling NRE, Security will issue you a visitor's pass and direct you to the Williamsburg Room, Suite 104A.

FOR FURTHER INFORMATION CONTACT: George Schunk, Special Assistant to the Chief of the Forest Service, (202) 720–7173

SUPPLEMENTARY INFORMATION: The Secretary of the Interior and the Chairman, Federal Energy Regulatory Commission, with the concurrence of ITF members, established the Advisory Committee to provide a forum for non-Federal entities to review and provide comments on the deliberations of the ITF. Interested parties are invited to attend the meeting and will be given an opportunity to provide comments.

Alex Matthiessen,

Special Assistant to the Designated Federal Officer.

[FR Doc. 00–5254 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–10–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–021886

Applicant: Timothy Micale, Falls Creek, PA

The applicant requests a permit to import the one female African dwarf crocodile (*Osteolaemus tetraspis tetraspis*) from Mr. Rene Hedegaard, Eskiidstruo, Denmark, for the purpose of enhancement of the survival of the species through propagation.

PRT–023231

Applicant: Richard Olsen, Santa Cruz, CA

The applicant requests a permit to import six viable eggs of the Chinese monal pheasant (*Lophophorus lhuysii*) from the Sichuan Forestry Department, Baoxing, China under a cooperative agreement to study the hatching for the purpose of captive propagation for the enhancement of the survival of the species.

PRT–023461

Applicant: Zoological Society of San Diego, San Diego, CA

The applicant requests a permit to export one male and one female captive-hatched Andean condors (*Vultur gryphus*) to the Ministry of the Environment of Colombia for release in the Colombian Andes for enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to

the following office within 30 days of the date of publication of this notice:

U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: February 20, 2000.

Kristen Nelson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–5126 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Submission to OMB for Approval of Tribal Self-Governance Program Information Collection

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is submitting a request for an extension of an information collection from potential Self-Governance Tribes, as required by the Paperwork Reduction Act. The information collected under OMB Clearance Number 1076–0143 will be used to establish requirements for entry into the pool of qualified applicants for self-governance, to provide information for awarding planning and negotiation grants, and to meet reporting requirements of the Self-Governance Act. The **Federal Register** notice of proposed information collection activities was published in the **Federal Register** on December 7, 1999 (64 FR 68371–68372).

DATES: Submit comments on or before April 3, 2000.

ADDRESSES: Written comments can be sent to: The Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503. A copy should be sent to William Sinclair, Office of Self-Governance, 1849 C Street, NW, Mail Stop 2548 MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the information collection request submission and the **Federal Register** notice by contacting William Sinclair, (202) 219–0244.

SUPPLEMENTARY INFORMATION: You are advised that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that does not display a valid OMB clearance number. For example, the collection listed by OMB as 1076–0017, and it expires 06/30/2002. For the Self-Governance collection of information, the response is voluntary, to obtain or retain a benefit, depending upon the parts of the program being addressed. The Department received three letters from self-governance tribes on the proposed extension of the information collection from current and potential self-governance tribes. These comments were similar in nature and are summarized below.

Three comments indicated that the phrase ''certain information'' being required by tribes to support their admission into Self-Governance was unclear and that the Tribal Self-Governance Act of 1994 (Pub.L. 103–413) is clear as to what information is required. The information being requested of new tribes in this extension is no more than what is required by Public Law 103–413. To make this clearer, the words ''as required by Pub.L. 103–413'' have been inserted following the words ''certain information'' in this **Federal Register** notice.

There were three comments stating that the reference to ''grants'' in the summary section is unclear. To address this, the words ''planning and negotiation'' have been inserted before the word ''grants'' in this **Federal Register** notice.

There were three comments that addressed the words ''must submit certain information'' and contended that Self-Governance tribes are not required to submit any information but are willing to do so on a voluntary basis. Further, the words ''certain information'' is vague. In response to this comment, a change was made in this **Federal Register** notice to replace the word ''must'' with the words ''will be requested to'' and following the word ''information'' the following words were inserted ''as described in the draft negotiated rules as published for public comment in the **Federal Register**, February 12, 1998. This information will be used to* * *.''

There were three comments that took exception with the sentence ''Information is also required to ensure that the trust responsibilities of the Secretary of the Interior are safeguarded and that imminent jeopardy to trust assets is avoided (See section 403(d) of the Act.).'' The three comments point out that Pub L. 103–413 requires trust evaluations to be performed and does not require tribes to submit information for the purposes of safeguarding the Secretary's trust responsibilities. In response to this comment the sentence ''Information is also required of tribes to ensure that the trust responsibilities of the Secretary of the Interior are safeguarded and that imminent jeopardy to trust assets is avoided (section 403(d) of the Act.)'' has been deleted in this **Federal Register** notice. The information required of tribes in conjunction with the annual trust evaluations has been included in a separate information collection request.

One comment suggested that the BIA should ''cease any further activity and allow the negotiated rulemaking committee to complete its work * * *'' However, the process requires that an information collection request extension be made at this time. All the information contained in this information collection request is consistent with the agreed to portions of the negotiated rules and is required by the Act itself. No change was made in response to this comment. The revised text from the proposed information collection follows:

The Self-Governance program was authorized by the Tribal Self-Governance Act of 1994, Public Law 103–413, as amended. Tribal Self-Governance is a voluntary program that is currently active and operating without promulgated regulations [see section 407(d) of the Act which says that lack of promulgated regulations shall not limit the effect of this title]. Previously, an information collection request was cleared by the Office of Information and Regulatory Affairs, Office of Management and Budget, of the Act. That clearance expires on February 29, 2000. Tribes interested in entering into Self-Governance must submit certain information as required by Public Law 103–413, as amended, to support their admission into Self-Governance. In addition, those tribes and tribal consortia who have entered into self-governance compacts will be requested to submit certain information as described in the draft negotiated rules published for public comment in the **Federal Register**, February 12, 1998 (63 FR 7202–7251). This information will be used to justify a budget request submission on their behalf and to comport with section 405 of the Act that calls for the Secretary to submit an annual report to the Congress.

You may submit comments about the collection to evaluate the following:

(a) The accuracy of the burden hours, including the validity of the methodology used and assumptions made;

(b) The necessity of the information for proper performance of the bureau functions, including its practical utility;

(c) The quality, utility, and clarity of the information to be collected; and,

(d) Suggestions to reduce the burden including use of automated, electronic, mechanical, or other forms of information technology.

Please submit your comments to the persons listed in the **ADDRESSES** section. Please note that comments, names and addresses of commentators, will be available for public review during regular business hours. If you wish your name and address withheld, you must state this prominently at the beginning of your comments. We will honor your request to the extent allowable by law.

Type of review: Renewal.

Title: Tribal Self-Governance Program.

Affected Entities: Tribes and tribal consortiums wishing to enter into a self-governance compact.

Size of Respondent Pool: 85.

Number of Annual Responses: 257.

Hours Per Response: 42 hours.

Bureau Information Collection Clearance Officer: Ruth Bajema, 202–208–2574.

Dated: February 28, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–5227 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–3809]

Notice of Availability; Environmental Impact Statement; South Pipeline Project; Proposed Expansion of Existing Gold Mining/Processing Operations; Lander County, NV

AGENCY: Bureau of Land Management (BLM).

COOPERATING AGENCIES: Nevada Division of Wildlife, U.S. Army Corps of Engineers

ACTION: Notice of availability of the Final Environmental Impact Statement (FEIS) for the South Pipeline Project, Lander County, Nevada.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 Code of Federal Regulations 1500–1508 Council on Environmental Quality Regulations, notice is hereby given of the availability of the FEIS, prepared by the Battle Mountain BLM, which analyzes the environmental effects of the South Pipeline Project (Proposed Action), the No Action Alternative, and the Pipeline Backfill Alternative.

DATES: Written comments must be postmarked or otherwise delivered by 4:30 p.m. on April 3, 2000. Copies of the FEIS may be obtained at the Battle Mountain BLM Field Office.

ADDRESS: Written comments should be addressed to the Bureau of Land Management, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada 89820. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and may be published in the EIS. Individual respondents may request confidentiality. If you wish to withold your name or street address from public review or from disclosure under Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Gary Foulkes (775) 635–4060.

SUPPLEMENTARY INFORMATION: Cortez Gold Mines, Inc. proposes to extend gold mining operations at the Pipeline Mine within the Gold Acres Mining District in Lander County, approximately 30 miles southeast of Battle Mountain, Nevada. The South Pipeline Project (Proposed Action) would include an expansion of the existing open pit and waste rock disposal sites, and the development of heap leach and ancillary facilities. The Proposed Action would require surface disturbance of 4,450 acres, all of which is public land administered by the BLM. Operations are expected to occur seven-days-a-week, 24-hours-a-day, for an additional 10 years (total life of 18 years).

Dated: February 22, 2000.

M. Lee Douthit,

Associate Field Manager, Battle Mountain Field Office.

[FR Doc. 00–4565 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–HC–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ES; N–66131)

Realty Action: Lease/Purchase for Recreation and Public Purposes in Lincoln County, NV.

AGENCY: Bureau of Land Management.

ACTION: Notice of Realty Action

SUMMARY: The following described public land in Lincoln County, Nevada has been identified and examined and will be classified under Section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), as suitable for lease/purchase under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*). The described lands are hereby classified as suitable for lease/purchase under the authority of Section 212 of the Act of October 21, 1976; 43 U.S.C. 1761.

DATES: On or before March 20, 2000, interested parties may submit comments regarding the proposed Conveyance for classification of the lands to the Assistant Field, Nonrenewable Resources.

ADDRESSES: Written Comments should be addressed to: Bureau of Land Management, Gene L. Drais Assistant Field Manager, Nonrenewable Resources, HC 33 Box 33500, Ely, NV 89301–9408.

FOR FURTHER INFORMATION CONTACT: Kevin Finn, Realty Specialist, at the above address or telephone (775) 289–1849.

SUPPLEMENTARY INFORMATION: The following described parcel of land, situated in Lincoln County is being offered for lease/purchase under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 *et seq.*). Mount Diablo Meridian, Nevada T. 1 N., R. 67 E. sec. 22, NW¼ NE¼ NW¼ Containing 10 acres, more or less.

The lands are hereby classified for public purpose use as school sites and/or other school facilities, 43 CFR 2410, 2430.4(a) and (c). The Lincoln County School District intends to use the land to construct and operate a kindergarten through sixth grade school for residents in Pioche and surrounding areas. A right-of-way would also be acquired to access the proposed site. The lease and/or patent, when finalized, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

2. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

The land is not required for any federal purpose. The classification for lease/purchase is consistent with the Bureau's planning for this area. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Ely Field Office, HC 33 Box 33500, Ely, Nevada 89301.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land law except for Recreation and Public Purposes.

Dated: February 8, 2000.

Eric K. Luse,

Associate Field Manager, Ely, NV.

[FR Doc. 00–4615 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM050–1430ES]

Notice of Intent To Prepare a Resource Management Plan Amendment (RMPA) and Environmental Assessment (EA) for Public Land in Socorro County, NM

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare an RMPA/EA and intent to amend the Socorro Resource Management Plan dated August 1989, and invitation to participate in identification of issues and planning criteria.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) regulations (40 CFR 1500–1508), and the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM, Socorro Field Office, in cooperation with the State of New Mexico, State Monuments Division (State), will prepare an RMPA/EA. The RMPA/EA will address whether approximately 126 acres of federal land between the towns of Socorro and Truth Or Consequences, New Mexico off of Federal Highway I–25 can be classified for disposal, and transferred to the New Mexico State Monuments Division under the Recreation and Public Purposes Act of 1926 as amended (R&PP). The purpose of the proposed transfer is to jointly construct (BLM and State) the proposed El Camino Real de Tierra Adentro International Heritage Center (Center). The RMPA/EA will also analyze various alternatives for special management prescriptions for public land surrounding the proposed Center that are needed to protect the scenic, cultural, watershed, air quality, soils, visual resource management, social and economic, and other values of the location identified in the site selection process. The RMPA/EA preferred alternative could result in an amendment to the Socorro Resource Management Plan approved in 1989 before the Center was considered a potential foreseeable development. Alternative management prescriptions could include, but are not limited to, limitations and/or special conditions for future permits or rights-of-way for such proposals as landfills, electrical transmission lines, communications towers, or multi-story buildings, in certain locations on federal land surrounding the Center.

The RMPA/EA will seek to identify whether impacts are likely to result from the proposed actions of classifying the selected land for disposal, transferring the land, construction of the proposed Center, and any possible management prescriptions of surrounding federal public land. If potential impacts are identified, the RMPA/EA will analyze and consider a range of mitigation measures and alternative to ensure that impacts are not significant. The BLM and State will conduct two public meetings to present the public with a description of the proposed action and to receive comments and questions from the public. The public will have the opportunity to identify any issues regarding the proposed action during the meetings, and written comments will be accepted through May 6, 2000.

DATES AND LOCATIONS: Dates and locations of the public meetings are listed below.

April 5, 2000—6 PM
Holiday Inn Express, Conference Center, 1100 N. California St., Socorro, NM

April 6, 2000—6 P.M.
Civic Center, 400 West Fourth St., Truth Or Consequences, NM

ADDRESSES: Comments should be sent to Charles Carroll, BLM, 198 Neel Street, Socorro, NM 87801

FOR FURTHER INFORMATION CONTACT: Charles Carroll, Team Leader, at 505–835–0412.

SUPPLEMENTARY INFORMATION: The proposed action is the transfer of approximately 126 acres of public land administered by the BLM Socorro Field Office to the State Monuments Division and the Museum of the State of New Mexico for the purpose of constructing a new, jointly funded New Mexico Monument and BLM Interpretive Center. This project is a result of a culmination of years of cooperative effort between the BLM, State of New Mexico, and the towns and cities of the lower Rio Grande in New Mexico. The location of the proposed Center was selected through a detailed study conducted by Architectural Research Consultants, Inc. (ARC), funded by the BLM, State of New Mexico, and the towns of Los Lunas, Belen, Socorro, Truth Or Consequences, and Las Cruces. The site selection process is documented in the report entitled: ''El Viaje: A Planning Study For The Camino Real Interpretive Center,'' 1994 ARC.

The location for the Center was selected from among six candidate sites along the Camino Real, in part, due to its relatively pristine surroundings and excellent panoramic views to natural landmarks which are of historical significance to the historic trail. An observation deck on the proposed Center museum, and trails to locations on the proposed 126-acre compound, will provide visitors with views and interpretation of the surrounding landscape. No changes in ranching or grazing activities are contemplated, except to fence the proposed 126-acre compound to separate cattle from visitors and buildings. This proposed enclosure would not affect the existing grazing permit. The RMPA/EA will review potential impacts to the land and natural resources on and surrounding the site and will consider a wide range of alternatives for other types of future actions on surrounding public land. Types of potential actions will be categorized as compatible or incompatible with the future operation of the Center. For example, the permitting of a lighted microwave tower in direct line of site between the observation deck and a historic natural landmark, might be found to be incompatible. If this were true, then management prescriptions might be defined to allow selective siting of high-visibility actions in certain defined areas of surrounding public land, to mitigate adverse effects upon the values of the Center. Conversely, it might be

found that locating a gravel pit in a location hidden from view of key locations of the Center, may have no potential adverse effect, and might be authorized with only routine stipulations. Therefore, a range of alternatives for both the geographic area and the types of potential future actions which could affect the Center will be considered. A full range of other resource considerations will be addressed, including threatened and endangered species, wildlife, lands and access, minerals, soils, air quality, water resources, Visual Resource Management, social and economics and so forth, which the public is welcomed to comment upon and help identify issues or concerns.

Dated: February 23, 2000.

Kate Padilla,

Office Manager.

[FR Doc. 00–5110 Filed 3–2–00; 8:45 am]

BILLING CODE 4130–MW–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010–0137).

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, MMS invites the public and other Federal agencies to comment on a proposal to extend the currently approved collection of information discussed below. We intend to submit this collection of information to the Office of Management and Budget (OMB) for approval. The Paperwork Reduction Act of 1995 (PRA) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Submit written comments by May 2, 2000.

ADDRESSES: Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787–1600. You may also contact Alexis London to obtain a copy of the collection of information at no cost. For information on results of workshops held to discuss the Historical Well Data Cleanup Project, contact Warren Frederick, Gulf of Mexico Region, telephone (504) 736–2562

SUPPLEMENTARY INFORMATION:

Title: Historical Well Data Cleanup (HWDC) Project—Notice to Lessees.

OMB Control Number: 1010–0137.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior (Secretary) the responsibility to preserve, protect, and develop oil and gas resources in the OCS, consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; preserve and maintain free enterprise competition; and ensure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time. The OCSLA at 43 U.S.C. 1332(6) states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.''

On February 4, 2000, the OMB approved our request under emergency processing procedures to issue Addendum 2 to NTL No. 98–29. Emergency processing permits the collection of information for 180 days. As the project is expected to last for several years, this Notice announces our intention to request a 3-year extension for this information collection.

The information we collect under NTL 98–29, Addendum 2, is missing data for wellbores that MMS has not assigned API numbers and other well data discovered as missing while completing the well database clean up project. We are not able to accurately manage and utilize data from drilling operations without the information for the missing wells. We will use the information to identify other well data (e.g., logs, surveys, tests) missing from our records, geologically map existing MMS data to the correct wellbore/location, and correctly exchange information with the operators and industry. Our geoscientists can use the information to evaluate resources for lease sales for fair market value. With respect to safety concerns, we believe that there may be anywhere from 3,000 to 5,000 unidentified completed and abandoned wellbores (bypasses and sidetracks), some of which may contain stuck drill pipe or other materials. In approving permits and other operations in an area, it is important for us to know what may be adjacent to or near the vicinity of the activity we are approving to minimize the risk of blowouts, loss of well control, and endangerment to life, health, and the environment. This is particularly important as, over the years, the number of wells drilled constantly increases, thereby increasing the risk to adjacent activities if they are not aware of what might be in the area.

As announced in a ''Special Information'' release on February 2, 2000, we held two half-day workshops to share HWDC contract goals with the Gulf of Mexico OCS oil and gas industry and their services company vendors and contractors. The workshops were held from 9 a.m. till noon in Houston and New Orleans on February 17 and 23, 2000. For further information on the results of these workshops, you may contact Warren Frederick at (504) 736–2562.

We will protect information respondents submit that is considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency of reporting is on occasion.

Estimated Number and Description of Respondents: Approximately 130

Federal OCS oil, gas, and sulphur lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 90,000 reporting hours for approximately 40,000 wells, based on:

(1) ¼ hour to locate and copy a summary of drilling operations (e.g. scout tickets) for each well.

(2) 2 hours to retrieve and analyze each well file and retrieve other missing data. There are no recordkeeping requirements.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no cost burdens for this collection.

Comments: We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments and consultations with a sample of respondents, we will make any necessary adjustments to the burden in our submission to OMB. In calculating the burden, we assumed that respondents perform many of the requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

(1) We specifically solicit your comments on the following questions:

(a) Is the proposed collection of information necessary for us to properly perform our functions, and will it be useful?

(b) Are the estimates of the burden hours of the proposed collection reasonable?

(c) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(d) Is there a way to minimize the information collection burden on respondents, including through the use of appropriate automated electronic, mechanical, or other forms of information technology?

(2) In addition, the PRA requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. We need to know if you have costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744).

Dated: February 23, 2000.

E. P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 00–5111 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice.

SUMMARY: To comply with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), we are notifying you that we have submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval. We are also soliciting your comments on this ICR which describes the information collection, its expected costs and burden, and how the data will be collected.

DATES: Written comments should be received on or before April 3, 2000.

ADDRESSES: You may submit comments directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0130), 725 17th Street, NW, Washington, DC 20503. Copies of these comments should also be sent to us. The U.S. Postal Service address is Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS 3021, Denver, CO 80225–0165; the courier address is Building 85, Room A–613, Denver Federal Center, Denver, CO 80225; and the email address is *RMP.comments@mms.gov.* Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: For questions concerning this collection of information, please contact Anne Ewell, RIK Study Team, telephone (703) 787–1584, FAX (703) 787–1093, email Anne.Ewell@MMS.gov. You may also obtain copies of this collection of information at no cost by contacting Jo Ann Lauterbach, MMS's Information Collection Clearance Officer, at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Title: Directed Communications Between Operators of Federal Royalty in Kind (RIK) Leases and Deliverers of Equivalent Crude Oil Production to the Strategic Petroleum Reserve (SPR).

OMB Control Number: 1010–0130.

Abstract: The Secretary of the Interior, under the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for the management of royalty revenues on minerals produced from leased Federal offshore lands. MMS carries out these responsibilities for the Secretary. Most royalties are now paid in value—when a company or individual enters into a contract to develop, produce, and dispose of minerals from Federal lands, that company or individual agrees to pay the United States a share (royalty) of the value received for the minerals taken from leased lands.

On February 11, 1999, the Department of the Interior announced that it would assist in an Administration initiative to collect royalty in the form of crude oil production (RIK) from Federal lessees in the Gulf of Mexico and transfer the royalty oil (or equivalent oil) to the Department of Energy (DOE). DOE will use 28 million barrels of RIK oil to refill the Strategic Petroleum Reserve (SPR). DOE published a Request for Offers

(RFO) in April 1999 for the exchange of Federal RIK crude oil for crude oil to be delivered to the SPR. This initiative is separate from MMS's RIK program for eligible refiners of crude oil. It is also separate from MMS's RIK pilot projects and investigation of direct Federal consumption which are being conducted to examine the feasibility and efficacy of RIK for the Federal Government.

Communication between the operators of an MMS lease and DOE's contractor is necessary to assure that both have information necessary to arrange to timely pick up the correct volumes and qualities of MMS's share of royalty oil from that lease and make any needed adjustments. On June 25, 1999, OMB granted emergency approval for MMS to instruct lessees (or their operators), through a ''Dear Operator'' letter which contains reporting and recordkeeping requirements, to conduct those communications with DOE's contractors.

The three kinds of directed communication between operators and exchange contractors of RIK are: (1) 8 to 10 days before the beginning of a month, report any changes in the delivery schedule, volumes, and qualities of the RIK crude oil to be made available for that month; (2) information on changes during the month, at the end of a month, and the end of the contract term to correct (balance) any errors discovered in prior months' deliveries; and (3) occasionally, information about transportation of the RIK. Experience with the SPR initiative and MMS's RIK Pilots demonstrates that the directed communication requirements differ according to the needs of each situation. For example, when RIK is delivered to MMS or its designee (*e.g.*, DOE's contractor) at the lease, the direction to make arrangements to transport production away from the lease is not necessary in letters issued to those lease operators. Therefore, we are not requesting approval of a specific ''Dear Operator'' letter to operators delivering to SPR, but, instead, approval for the three kinds of reporting requirements concerning communications between operators and MMS's designated taker of its RIK—DOE's exchange contractor. By obtaining approval for these three kinds of reporting requirements, MMS will be able to select only the types of directed communications and other unique matters needed for each situation and include only those in a letter appropriate to the operation of that lease or property.

The types of communication and supporting data MMS will require operators to use in setting up the monthly delivery of RIK to the exchange contractor are standard business practices in the oil and gas industry. The information in the directed communication is essential to the delivery and acceptance of verifiable quantities and qualities of oil and is exchanged as a normal part of the conduct of those business activities, even when operators are not directed to do so. Failure of lessees/operators to timely communicate with DOE's contractor designated by MMS concerning the volumetric, delivery, and transportation information concerning MMS's RIK volumes will result in storage costs being incurred due to DOE's contractor not knowing the production is available for pick up. Monetary penalties could also accrue to MMS's designee (the DOE contractor) if the contractor cannot meet delivery due dates when exchanging MMS's oil for oil closer to the SPR delivery point. Additionally, failure to communicate data from balancing accounts would severely impair MMS's ability to verify that its designee is receiving the full and accurate volume of MMS's royalty share of production. Operators will not be required to communicate with more than one exchange contractor per property.

No proprietary information will be submitted to MMS under this collection. No items of a sensitive nature are collected. The requirement to respond is mandatory.

The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. A 60-day **Federal Register** Notice soliciting comments on this collection of information was published on August 13, 1999 (64 FR 44236). No comments were received. However, MMS increased the estimated hour burden based on comments received on a related collection, OMB Control No. 1010–0126, and feedback from MMS operators of leases delivering RIK to exchange contractors under the SPR initiative.

Estimated Number and Type of Respondents/Affected Entities: Approximately 30 lessees or operators of Federal leases participating in delivery of Federal RIK oil production to DOE's contractor for refilling of the SPR.

Frequency of Response: Monthly cycle, with intra-month communications, on monthly nominations, scheduling, transportation and balancing; on occasion, (about once-yearly) communications on end-of-contract balancing.

Burden Statement and Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: We estimate the respondent burden for intra-month communications during FY 2000 to average 10 minutes per property per month and the burden for communications on end-of-contract balancing for short-term contracts terminating during FY 2000 to be 15 minutes per property. The total annual burden hour estimate for this collection is about 201 hours annually, including recordkeeping.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no paperwork cost burdens for this collection over those included in hour burden.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Send your comments directly to the offices listed under the addresses section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by April 3, 2000.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated: February 28, 2000.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 00–5179 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

60 Day Notice of Intention To Request for Clearance of Information Collection, Special Park Use Application Forms, Opportunity for Public Comment

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–14, 44 U.S.C. 3507) and 5 CFR, part 1320 Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comment on a request for approval for the information collection requirements. These information collections are associated with permits implementing provisions of the agency regulations pertaining to the use of public lands. The uses considered under these information collection applications generally include those which regulate or limit those activities not available to the public at large, such as special events, commercial filming, and grazing in parks where such activity is authorized by law. The OMB control number 1024–0026 has been temporarily assigned to the three draft application forms included in this request for comments. These forms are intended to act in the capacity of gathering sufficient information to enable park managers to be able to approve or deny the requested uses of public lands and, if approved, to provide sufficient conditions to protect park lands from impairment or derogation of the resources, values or purposes for which the park was created.

DATES: Public comments will be accepted on or before May 2, 2000.

ADDRESSES: Send comments to: Dick Young, C/O Colonial National Historic Park P.O. Box 210 Yorktown, VA 23690. All responses to this notice will be summarized and included in the request for OMB final approval. All comments will become a matter of public record. Copies of the above mentioned draft forms may be obtained from the Internet at *http://www.nps.gov/refdesk/DOrders/index.htm* under ''draft guidance documents.''

FOR FURTHER INFORMATION CONTACT: Dick Young at (757) 898–7846.

SUPPLEMENTARY INFORMATION: Specific Comments Sought: NPS seeks comments, in particular, on the necessity for this information collection, the accuracy of our burden estimates, the clarity of the information to be collected and alternative methods of collection to minimize burden and improve service to the public.

Dennis Burnett,

Acting Chief, Ranger Activities Division.

[FR Doc. 00–5083 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 19, 2000.

Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by March 20, 2000.

Carol D. Shull,

Keeper of the National Register.

ARKANSAS

Miller County

Texarkana US Post Office and Courthouse, Fifth St. and State Line Ave., Texarkana, 00000245

COLORADO

Saguache County

Indian Grove, Address Restricted, Mosca, 00000237

FLORIDA

Palm Beach County

Comeau, Alfred J., House, 701 Flamingo Dr., West Palm Beach, 00000238

MICHIGAN

Washtenaw County

Tuomy Hills Service Station, 2460 Washtenaw Ave., Ann Arbor, 00000240

NEW YORK

Westchester County

Church of St. Barnabas, 15 N Broadway, Irvington, 00000241

OKLAHOMA

Comanche County

Federal Building and US Courthouse, Jct. of SW 5th St. and SW ''E'' Ave., Lawton, 00000243

Muskogee County

United States Post Office and Courthouse, 111 N. Fifth, Muskogee, 00000246

Pittsburg County

Federal Building and US Courthouse, Jct. of 3rd and Carl Albert Parkway, McAlester, 00000242

Tulsa County

United States Post Office and Courthouse, 224 S. Boulder Ave., Tulsa, 00000244

TEXAS

Tarrant County

Old Town Historic District, (Arlington MRA) Roughly bounded by Sanford, Elm, North, Prairie and Oak Sts., Arlington, 00000247

WEST VIRGINIA

Cabell County

Huntington High School, 900 Eighth St., Huntington, 00000248

Jefferson County

Woodlawn, Address Restricted, Kearneysville, 00000254

Kanawha County

Charleston Baptist Temple, 209 Morris St., Charleston, 00000252

Mason County

Maplewood, 1951 US 35, Pliny, 00000251

Pendleton County

Priest Mill, Off US 220, near Low-Water Bridge, Franklin, 00000250

Pocahontas County

IOOF Lodge Building, Jct. of 8th St. and Second Ave., Marlinton, 00000249

Marlinton Opera House, Third Ave., Marlinton, 00000253

WISCONSIN

Brown County

Fox Theatre, 117 S. Washington St., Green Bay, 00000256

Milwaukee County

North Point North Historic District, Roughly bounded by N. Downer Ave., E. Park Pl., and N. Wahl Ave., Milwaukee, 00000255

Sauk County

Lachmund Family House, 717 Water St., Sauk City, 00000257

A request for REMOVAL has been made for the following resources:

ARKANSAS

Benton County

Siloam Springs Train Station (Benton County MRA), E. Jefferson Siloam Springs, 87002413

Spavinaw Creek Bridge (Benton County MRA), 4 mi. N of Decatur on CR 29 Decatur Cicinity, 87002414

Sunset Hotel (Benton County MRA), W of US 71, Bella Vista, 92000986

Columbia County

Louisiana and Northwest Railroad Depot—Magnolia (Historic Railroad Depots in Arkansas MPS) N side of Main St., bet. Clay and Walnut Sts. Magnolia, 92000614

Conway County

Sims Hotel, Center of Plummerville, Plummerville, 75000379

Howard County

DeQueen and Eastern Railroad Depot—Dierks (Historic Railroad Depots in Arkansas MPS), E of Herman Ave., Diers, 92000607

Izard County

Melbourne Home Economics Building (public Schools in Ozark MPS), School Dr. Melborne 92001201

Pope County

Galla Creek Bridge (Historic Bridges of Arkansas MPS), Old AR 64 over Galla Cr. Pottsvillle, 93000090

Pulaski County

Back House (Thompson, Charles L., Design Collection TR), 1523 Cumberland St. Little Rock, 82000875

Van Buren County

Stobaugh House, AR 9, 0.5 mi. SW of Choctaw, Choctaw, 76000471

White County

Herring Building (White County MPS), Jct of E. First and Smith Sts. McRae, 91001348

Pemberton House (White County MPS), 601 N. Cypress St., Beebe, 91001255

Westbrooke, Lipsy, House (White County MPS), 809 W. Center St., Beebe, 91001260

[FR Doc. 00–4823 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Availability of Final Petition Evaluation Document/Environmental Impact Statement on Fall Creek Falls, TN

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of the final Petition Evaluation Document/Environmental Impact Statement (PED/EIS) for Fall Creek Falls Lands Unsuitable for Mining Petition.

SUMMARY: The Office of Surface Mining (OSM) of the United States Department of the Interior is making available a final PED/EIS for a petition to designate Fall Creek Falls State Park and Natural Area and certain lands in the watershed and viewshed of Fall Creek Falls State Park and Natural Area, Van Buren and Bledsoe Counties, Tennessee, as unsuitable for all surface coal mining operations. The PED/EIS has been prepared to assist the Secretary of the Interior in making a decision on the petition to designate the Fall Creek Falls State Park and Natural Area and certain lands in the watershed and viewshed of Fall Creek Falls State Park and Natural Area as unsuitable for surface coal mining operations.

ADDRESSES: Copies of the final PED/EIS may be obtained by contacting Beverly Brock at the address and telephone number listed under **FOR FURTHER INFORMATION CONTACT.** A copy of the final PED/EIS is available for inspection at that address, and also at the Bledsoe and Van Buren County Clerk's offices.

FOR FURTHER INFORMATION CONTACT: Beverly Brock, Supervisor, Technical Group, Office of Surface Mining, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902. Telephone: (865) 545–4103, ext. 146; e-mail: bbrock@osmre.gov.

SUPPLEMENTARY INFORMATION: OSM has been petitioned by Save Our Cumberland Mountains, Tennessee Citizens for Wilderness Planning, and 49 citizens to designate the watershed and viewshed of Fall Creek Falls State Park and Natural Area, Tennessee, as unsuitable for all types of surface coal mining operations. OSM began to process the petition on October 5, 1995, and on May 1, 1998, OSM made available the draft PED/EIS for a 90-day public review and comment period. Two subsequent comment periods were opened from August 21, 1998, to September 16, 1998, and from January 29, 1999, to April 29, 1999.

The final PED/EIS was prepared by OSM in accordance with Section 522(d) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA). OSM has analyzed the petitioners' proposed action of designating the entire petition area as unsuitable for surface coal mining operations and four alternative actions ranging from denying the petition in whole to designating certain portions of the petition area as unsuitable for mining.

In preparing the final PED/EIS, OSM has revised the draft PED/EIS in response to comments received during the public comment periods. These comments and OSM's responses to them are included in the final PED/EIS.

No decision will be made on the petition by the Secretary of the Interior until at least 30 days from the date the final PED/EIS is made available to the public. Notice of such decision by the Secretary of the Interior will be made available to the public at that time.

Dated: February 8, 2000.

Allen D. Klein,

Director, Appalachian Regional Coordinating Center.

[FR Doc. 00–5030 Filed 3–2–00; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–414]

Certain Semiconductor Memory Devices and Products Containing Same; Notice of Commission Determination to Extend the Target Date for Completion of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation by 45 days, or until May 11, 2000.

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205–3012. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: The Commission ordered the institution of this investigation on September 18, 1998, based on a complaint filed on behalf of Micron Technology, Inc., 8000 South Federal Way, Boise, Idaho 83707–0006 (''complainant'').

The notice of investigation was published in the **Federal Register** on September 25, 1998. 63 FR 51372 (1998).

The presiding administrative law judge (ALJ) issued his final initial determination (ID) on November 29, 1999, concluding that there was no violation of section 337. He found that: (a) Complainant failed to establish the requisite domestic industry showing for any of the three patents at issue; (b) all asserted claims of the patents are invalid; (c) none of the asserted claims of the patents are infringed; and (d) all of the patents are unenforceable for inequitable conduct. On February 1, 2000, the Commission determined to review the final ID in its entirety, and

also determined to review two procedural issues. The notice of the Commission decision to review the final ID was published in the **Federal Register** on February 7, 2000. 65 FR 5890 (2000).

The previous target date for completion of this investigation was March 27, 2000. The Commission determined that the target date should be extended until May 11, 2000, due to the number and complexity of the issues under review.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.51(a) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(a)).

Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202–205–2000.

Issued: February 28, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–5226 Filed 3–2–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
- CT000001 (Feb. 11, 2000)
- CT000004 (Feb. 11, 2000)
- CT000005 (Feb. 11, 2000)

Massachusetts
- MA000001 (Feb. 11, 2000)
- MA000002 (Feb. 11, 2000)
- MA000003 (Feb. 11, 2000)
- MA000005 (Feb. 11, 2000)
- MA000006 (Feb. 11, 2000)
- MA000007 (Feb. 11, 2000)
- MA000008 (Feb. 11, 2000)
- MA000009 (Feb. 11, 2000)
- MA000010 (Feb. 11, 2000)
- MA000012 (Feb. 11, 2000)
- MA000013 (Feb. 11, 2000)
- MA000015 (Feb. 11, 2000)
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- MA000018 (Feb. 11, 2000)
- MA000019 (Feb. 11, 2000)
- MA000020 (Feb. 11, 2000)
- MA000021 (Feb. 11, 2000)

Maine
- ME000005 (Feb. 11, 2000)
- ME000010 (Feb. 11, 2000)
- ME000022 (Feb. 11, 2000)
- ME000026 (Feb. 11, 2000)
- ME000037 (Feb. 11, 2000)

New York
- NY000002 (Feb. 11, 2000)
- NY000003 (Feb. 11, 2000)
- NY000004 (Feb. 11, 2000)
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- NY000007 (Feb. 11, 2000)
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NY000076 (Feb. 11, 2000)
NY000077 (Feb. 11, 2000)

Volume II

Maryland
MD000030 (Feb. 11, 2000)
MD000047 (Feb. 11, 2000)
MD000050 (Feb. 11, 2000)
MD000053 (Feb. 11, 2000)
Virginia
VA000009 (Feb. 11, 2000)
VA000015 (Feb. 11, 2000)
VA000017 (Feb. 11, 2000)
VA000080 (Feb. 11, 2000)
VA000085 (Feb. 11, 2000)

Volume III

Georgia
GA000003 (Feb. 11, 2000)
GA000022 (Feb. 11, 2000)
GA000032 (Feb. 11, 2000)
GA000040 (Feb. 11, 2000)
GA000058 (Feb. 11, 2000)
GA000065 (Feb. 11, 2000)
GA000066 (Feb. 11, 2000)
GA000073 (Feb. 11, 2000)
GA000084 (Feb. 11, 2000)
GA000085 (Feb. 11, 2000)
GA000086 (Feb. 11, 2000)
GA000087 (Feb. 11, 2000)
GA000088 (Feb. 11, 2000)

Volume IV

Indiana
IN000001 (Feb. 11, 2000)
IN000002 (Feb. 11, 2000)
IN000004 (Feb. 11, 2000)
IN000005 (Feb. 11, 2000)
IN000006 (Feb. 11, 2000)
IN000016 (Feb. 11, 2000)
IN000047 (Feb. 11, 2000)

Volume V

Iowa
IA000010 (Feb. 11, 2000)
IA000070 (Feb. 11, 2000)
IA000071 (Feb. 11, 2000)
IA000072 (Feb. 11, 2000)
IA000079 (Feb. 11, 2000)

Volume VI

Alaska
AK000001 (Feb. 11, 2000)
Washington
WA000001 (Feb. 11, 2000)
WA000002 (Feb. 11, 2000)
WA000006 (Feb. 11, 2000)

Volume VII

California
CA000009 (Feb. 11, 2000)
CA000029 (Feb. 11, 2000)
CA000030 (Feb. 11, 2000)
Hawaii
HI000001 (Feb. 11, 2000)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC this 24th day of February, 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–4864 Filed 3–2–00; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; 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.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. The agencies identified in this notice have submitted schedules pursuant to NARA Bulletin 99–04 to obtain separate disposition authority for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before April 17, 2000. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (see **SUPPLEMENTARY INFORMATION** section of this notice). To facilitate review of such disposition

requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

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 and/or copies of previously approved schedules or manuals 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 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 the records to conduct its business. Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Governmentwide.

On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which told agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14. On December 27, 1999, the Archivist issued NARA Bulletin 2000–02, which suspended Bulletin 99–04 pending NARA's completion in FY 2001 of an overall review of scheduling and appraisal.

On completion of this review, which will address all records, including electronic copies, NARA will determine whether Bulletin 99–04 should be revised or replaced with an alternative scheduling procedure. However, NARA will accept and process schedules for electronic copies prepared in accordance with Bulletin 99–04 that are submitted after December 27, 1999, as well as schedules that were submitted prior to this date.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organi-zational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted.

Further information about the disposition process is available on request.

Schedules Pending

1. National Aeronautics and Space Administration, Agency-wide (N9–255–00–4, 8 items, 8 temporary items). Electronic copies of records created using electronic mail and word processing that pertain to the functional areas of Property and Supply, Industrial Relations and Procurement, Transportation, and Program Formulation. Electronic copies are associated with such record series as loan agreements, plant clearance files, unique procurement files, contractor monthly management and operations reports, traffic management feasibility studies, highway movement permits, research and development planning files, research and development specifications, project approval documents, and aircraft files. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. N1–255–89–4, N1–255–90–7, N1–255–91–4, N1–255–94–2, and N1–255–94–3.

2. National Aeronautics and Space Administration, Agency-wide (N9–255–00–5, 4 items, 4 temporary items). Electronic copies of records created using electronic mail and word processing that pertain to the functional areas of Program Management, Financial Management, and Inspector General matters. Electronic copies are associated with such record series as configuration control board files, summary progress reports, asbestos-related files, environmental records, reimbursable agreements, and policy and procedure files. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Nos. N1–255–88–1, N1–255–89–3, N1–255–90–1, N1–255–90–4, N1–255–91–6, N1–255–91–14, N1–255–92–3, N1–255–94–2, and N1–255–94–3.

Dated: February 25, 2000.

Geraldine Phillips,

Acting Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 00–5178 Filed 3–2–00; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office; National Industrial Security Program Policy Advisory Committee; Meeting

AGENCY: National Archives and Records Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2) and implementing regulation 41 CFR 101.6, announcement is made for a meeting of the National Industrial Security Program Policy Advisory Committee (NISPPAC).

DATES: April 6, 2000, from 10 a.m. to 12 p.m.

ADDRESSES: National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room 105, Washington, DC 20408.

PURPOSE: To discuss National Industrial Security Program policy matters.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than March 23, 2000. ISOO will provide additional instructions for gaining access to the location of the meeting.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW, Room 100, Washington, DC 20408, telephone (202) 219–5250.

Mary Ann Hadyka,

Committee Management Officer.

[FR Doc. 00–5177 Filed 3–2–00; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR part 40, ''Domestic Licensing of Source Material''; NRC Form 244, ''Registration Certificate—Use of Depleted Uranium under General License''; and NRC Form 484, ''Domestic Monitoring Data Report.''

2. *Current OMB approval number:* 3150–0031

3. *How often the collection is required:* Reports required under 10 CFR part 40 are collected and evaluated on a continuing basis as events occur. There is a one-time submittal of information to receive a license. Renewal applications need to be submitted every 5 to 10 years. Information in previous applications may be referenced without being resubmitted. In addition, recordkeeping must be performed on an on-going basis. NRC Form 244 is submitted when depleted uranium is received or transferred under general license. NRC Form 484 is submitted biannually to report groundwater data necessary to implement EPA groundwater standards.

4. *Who is required or asked to report:*

10 CFR Part 40: Applicants for and holders of NRC licenses authorizing the receipt, possession, use, or transfer of radioactive source and byproduct material.

NRC Form 244: Persons receiving, possessing, using, or transferring depleted uranium under the general license established in 10 CFR 40.25(a).

NRC Form 484: Uranium recovery facility licensees reporting groundwater monitoring data pursuant to 10 CFR 40.65.

5. *The number of annual respondents:*

10 CFR part 40: 156 for NRC licensees and 172 for Agreement State licensees.

NRC Form 244: 20 for NRC licensees and 40 for Agreement State licensees.

NRC Form 484: Included in 10 CFR part 40, above.

6. *The number of hours needed annually to complete the requirement or request:*

10 CFR part 40: 26,049 hours for reporting requirements and 9,019 hours for recordkeeping requirements, or a total of 35,068 hours for NRC licensees; 28,083 hours for reporting requirements and 9,398 hours for recordkeeping requirements, or a total of 37,481 hours for Agreement State licensees.

NRC Form 244: 20 hours for NRC licensees and 40 hours for Agreement State licensees for reporting requirements.

NRC Form 484: Included in 10 CFR part 40, above.

7. *Abstract:* 10 CFR part 40 establishes requirements for licenses for the receipt, possession, use, and transfer of radioactive source and byproduct material. NRC Form 244 is used to report receipt and transfer of depleted uranium under general license, as required by 10 CFR part 40. NRC Form 484 is used to report certain groundwater monitoring data required by 10 CFR Part 40 for uranium recovery licensees. The application, reporting, and recordkeeping requirements are necessary to permit the NRC to make a determination on whether the possession, use, and transfer of source and byproduct material is in conformance with the Commission's regulations for protection of public health and safety.

Submit, by May 2, 2000, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E 6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 28th day of February, 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–5151 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Application/Permit for Use of the Two White Flint (TWFN) Auditorium.

2. *Current OMB approval number:* 3150–0181.

3. *How often the collection is required:* Each time public use of the NRC auditorium is requested.

4. *Who is required or asked to report:* Members of the public requesting use of the NRC Auditorium.

5. *The number of annual respondents:* 5.

6. *The number of hours needed annually to complete the requirement or request:* 1.25 hours (15 minutes per request).

7. *Abstract:* In accordance with the Public Buildings Act of 1959, an agreement was reached between the Maryland-National Capital Park and Planning Commission (MPPC), the General Services Administration (GSA) and the NRC, that the NRC auditorium will be made available for public use. Public users of the auditorium will be required to complete NRC Form 590 (Application/Permit for Use of Two White Flint North (TWFN) Auditorium). The information is needed to allow for administrative and security review, scheduling, and to make a determination that there are no anticipated problems with the requester prior to utilization of the facility is used.

Submit, by May 2, 2000, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 28th day of February 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–5152 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

AmerGen Energy Company, LLC; Notice of Partial Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of AmerGen Energy Company, LLC (the licensee), to withdraw a portion of its June 4, 1999, application for proposed amendment to Facility Operating License No. DPR–50 for the Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania.

The portion of the proposed amendment being withdrawn would have revised the Technical Specification (TS) Bases on page 3–26c of the TSs to clarify that the decay heat generation ''was'' rather than ''is'' calculated in accordance with ANSI 5.1–1979. Also deleted was the phrase ''to determine when this situation exists.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 30, 1999 (64 FR 35207). However, by letter dated December 13, 1999, the licensee withdrew the above described portion of the proposed change.

For further details with respect to this action, see the application for amendment dated June 4, 1999, and the licensee's letter dated December 13, 1999, which withdrew a portion of the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 28th day of February 2000.

For the Nuclear Regulatory Commission.

Timothy G. Colburn,

Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–5156 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Entergy Operations, Inc., Arkansas Nuclear One, Unit 1; Notice of Acceptance for Docketing of the Application and Notice of Opportunity for a Hearing Regarding Renewal of License No. DPR–51 for an Additional Twenty-Year Period

The U.S. Nuclear Regulatory Commission (the Commission) is considering an application for the renewal of Operating License No. DPR–51, which authorizes Entergy Operations, Inc. (Entergy) to operate Arkansas Nuclear One, Unit 1 (ANO–1), at 2,568 megawatts thermal. The renewed license would authorize the applicant to operate ANO–1 for an additional 20 years beyond the period specified in the current license. The current operating license for ANO–1 expires on May 20, 2014.

Entergy submitted an application to renew the operating license for ANO–1 by letter dated January 31, 2000. A Notice of Receipt of Application, ''Entergy Operations, Inc., Arkansas Nuclear One, Unit 1, Notice of Receipt of Application for Renewal of Facility Operating License No. DPR–51, for an Additional Twenty-Year Period,'' was published in the **Federal Register** on February 11, 2000 (65 FR 7074).

The Commission's staff has determined that Entergy has submitted

information in accordance with 10 CFR 54.19, 54.21, 54.22, 54.23, and 51.53(c) that is complete and acceptable for docketing. The current Docket No. 50–313 for Operating License No. DPR–51, will be retained. The docketing of the renewal application does not preclude requesting additional information as the review proceeds, nor does it predict whether the Commission will grant or deny the application.

Before issuance of the requested license renewal, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's rules and regulations. In accordance with 10 CFR 54.29, the NRC will issue a renewed license on the basis of its review and findings that actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified as requiring aging management review, and (2) time-limited aging analyses that have been identified as requiring review such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement that is a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants,'' (May 1996). Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the staff intends to hold a public scoping meeting. Detailed information regarding this meeting will be included in a future **Federal Register** notice. The Commission also intends to hold public meetings to discuss the license renewal process and the schedule for conducting the review. The Commission will provide prior notice of these meetings. As discussed further herein, in the event that a hearing is held, issues that may be litigated will be confined to those pertinent to the foregoing.

By April 3, 2000, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the license renewal in accordance with the provisions of 10 CFR 2.714. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20037. If a request for a hearing or a petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request(s) and/or petition(s), and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or a petition for leave to intervene is filed by the above date, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 54 and 51, renew the license without further notice.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 54 and 51. The petition must specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition must also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the board up to 15 days before the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days before the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene that must include a list of the contentions that the petitioner seeks to have litigated in the hearing. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of each contention and a concise statement of the alleged facts or the expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement that satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Requests for a hearing and petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington DC 20037, by the above date. A copy of the request for a hearing and the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Craig G. Anderson, Vice President, Operations, Arkansas Nuclear One, Entergy Operations, Inc., 1448 SR 333, Russellville, Arkansas 72801.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions, and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

Detailed information about the license renewal process can be found under the nuclear reactors' icon of the NRC's Web page <http://www.nrc.gov>.

A copy of the application to renew the ANO–1 Unit 1 license is available for public inspection at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW, Washington, DC 20037.

Dated at Rockville, Maryland, this the 28th day of February, 2000.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 00–5158 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PP&L, Inc., Susquehanna Steam Electric Station, Units 1 and 2; Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Conforming Amendments, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating Licenses Nos. NPF–14 and NPF–22 for the Susquehanna Steam Electric Station, Units 1 and 2 (SSES, Units 1 and 2), to the extent currently held by PP&L, Inc. (PP&L), as a co-owner and the licensed operator of SSES Units 1 and 2. The transfer would be to PPL Susquehanna, LLC, which will be created as a new, indirect subsidiary of PPL Resources, Inc., the holding company for PP&L. PP&L currently owns 90 percent of each SSES unit. The proposed transfers do not involve any change with respect to the non-operating ten percent ownership interests in SSES Units 1 and 2 held by Allegheny Electric Cooperative, Inc. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by PP&L, PPL Susquehanna, LLC, would become the owner of PP&L's interest in both units of the facility following approval of the proposed transfer of the licenses, and would become exclusively responsible for the operation, maintenance, and eventual decommissioning of SSES Units 1 and 2. No physical changes to the SSES facility or operational changes are being proposed in the application.

The proposed amendments would replace references to PP&L in the licenses with references to PPL Susquehanna, LLC, and make other administrative changes, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the licenses, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By March 23, 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 John E. Matthews, counsel for PP&L, Inc., at Morgan, Lewis & Bockius LLP, 1800 M Street, NW, Washington, DC 20036–5869 (tel: 202–467–7524; fax: 877–432–9652; e-mail: jematthews@mlb.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 April 3, 2000 persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated December 15, 1999, and supplement dated February 7, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Website (http://www.nrc.gov).

Dated at Rockville, Maryland, this 28th day of February, 2000.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–5155 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–352 and 50–353]

Peco Energy Company, Limerick Generating Station, Unit 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–39 and NPF–85, issued to PECO Energy Company (the licensee), for operation of the Limerick Generating Station (LGS), Units 1 and 2, located in Montgomery County, Pennsylvania.

Environmental Assessment

Identification of the Proposed Action

The proposed action would clarify several administrative requirements, delete redundant administrative requirements, and correct typographical errors in the LGS, Units 1 and 2, Technical Specifications (TSs) in accordance with the licensee's application for amendment dated September 27, 1999.

The Need for the Proposed Action

The proposed action would provide clarity and administrative correctness to the TSs.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the changes to the TSs are administrative in nature.

The proposed action will not significantly increase the probability or consequence of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there is no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Limerick Generating Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its state policy, on October 8, 1999, the staff consulted with the Pennsylvania State official, Mr. David Ney of the Pennsylvania Department of Environmental Protection, regarding the environmental impact of the proposed action. The state official had no comment.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated September 27, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC. Publically available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the electronic reading room).

Dated at Rockville, Maryland, this 28th day of February, 2000.

For Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Sr. Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–5157 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Letter of Agreement Between the U.S. Department of Interior Minerals Managements Service, Gulf of Mexico, OCS Region and the U.S. Nuclear Regulatory Commission, Concerning the Radiation Safety Inspections of Nuclear Regulatory Commission Licensed Activities on Offshore Facilities and Laybarges in Federal Jurisdiction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: This notice is to advise the public of the issuance of a Letter of Agreement (LOA) between the U.S. Department of Interior Minerals Management Service (MMS) and the U.S. Nuclear Regulatory Commission (NRC). The purpose of the LOA is to describe the cooperative agreement between MMS and NRC in ensuring the protection of the public health and safety and the environment from the hazards of radioactive materials that may be used on offshore facilities and laybarges in offshore waters under Federal jurisdiction. The LOA provides for air transportation arrangements of NRC inspectors to offshore facilities by MMS-contracted helicopters at no charge or exchange of services to NRC. The LOA also provides for licensed material orientation and radiation safety program training to MMS staff by NRC.

EFFECTIVE DATE: January 7, 2000.

ADDRESSES: Copies of all NRC documents are available for public inspection, and copying for a fee, in the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC. The NRC Public Document Room is open from 7:45 a.m. to 4:15 p.m., Monday through Friday (except Federal holidays). Telephone service is provided from 8:30 a.m. to 4:15 p.m. at 202–634–3273 or toll-free at 1–800–397–4209.

FOR FURTHER INFORMATION CONTACT: Roberto J. Torres, NMSS, Mail Stop T8–F5, U.S. Nuclear Regulatory Commission, Washington, DC 20005–0001. Telephone: (301) 415–8112; Fax: (301) 415–5369; e-mail: rjt@nrc.gov.

Dated at Rockville, Maryland, this 28 day of February, 2000.

For the Nuclear Regulatory Commission.

Josephine M. Piccone,

Deputy Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

Letter of Agreement Between the Department of the Interior Minerals Management Service Gulf of Mexico, OCS Region and the U.S. Nuclear Regulatory Commission Concerning the Radiation Safety Inspections of Nuclear Regulatory Commission Licensed Activities on Offshore Facilities and Laybarges in Federal Jurisdiction

I. Introduction

This Letter of Agreement (LOA) describes the cooperative agreement between the U.S. Department of the Interior Minerals Management Service (MMS) and the U.S. Nuclear Regulatory Commission (NRC) in ensuring the protection of the public health and safety and the environment from the hazards of radioactive materials that may be used on offshore facilities and laybarges in offshore waters under Federal jurisdiction.

II. Purpose and Scope

The purpose of this LOA is to identify the areas of cooperation between MMS and the NRC to facilitate NRC inspection of the safe use of radioactive materials on offshore facilities and laybarges. Mutual interests involve the inspection of such sites in order to verify that NRC-licensed activities are conducted safely and in compliance with NRC requirements, and ensure the safety of facility and laybarge personnel during the use of NRC-licensed radioactive material. Radioactive materials within the scope of this LOA mean byproduct, source, and special nuclear materials as defined in Sections 11e., 11z., and 11aa. of the Atomic Energy Act of 1954 (AEA), as amended, and the NRC's regulations thereunder. Offshore facilities and laybarges include those that are in offshore waters under Federal jurisdiction. The term ''offshore waters'' means that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf.

III. Authority and Regulatory Program

A. MMS

The MMS is responsible for managing the mineral resources on the Outer Continental Shelf (OCS) of the United States in an environmentally sound and safe manner. In addition, MMS is both the resource manager and fiscal manager for collecting and accounting for OCS revenues and leasing OCS lands, regulating development activities to protect the coastal and marine environment, and ensuring that when operations are completed, the site is properly abandoned.

B. NRC

Under the AEA, as amended, the NRC is responsible for regulating the use of byproduct, source, and special nuclear material within the United States and its territories, consistent with its mission to ensure adequate protection of the public health and safety, to promote the common defense and security, and to protect the environment.

IV. Agency Responsibilities

The following are the offices responsible for this agreement:

For the Minerals Management Service:
Regional Director U.S. Department of the Interior Minerals Management Service Gulf of Mexico OCS Region
1201 Elmwood Park Blvd. New Orleans, Louisiana 70123

For the Nuclear Regulatory Commission:
Regional Administrator Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011

Each agency shall designate the agency organizational unit responsible for the coordination and management of activities covered by this LOA. Each agency shall designate the individual(s) who will serve as the respective coordination officer(s) or point(s) of contact (POC). The coordination officers or POCs will coordinate and facilitate actions required by their respective agencies.

NRC will notify known lease and pipeline operators working offshore that NRC, in cooperation with MMS, will be conducting unannounced inspections of NRC licensees performing licensed activities on offshore facilities and laybarges. NRC will comply with the personal safety and site access requirements mandated by each facility or laybarge operator.

NRC will provide MMS staff with licensed material orientation and radiation safety program training as MMS staff and NRC staff schedules will allow. The purpose of this orientation and training is to enable MMS to notify NRC in case MMS recognizes irregularities in licensees' activities. NRC will also provide MMS copies of inspection reports and event reports involving licensees working in offshore Federal waters.

MMS will arrange for transportation to offshore facilities or laybarges on MMS contracted helicopters for NRC inspectors based on availability and advance schedule coordination by NRC. MMS will provide this service at no financial charge or exchange of services to the NRC.

V. Elements of Coordination

Both agencies agree to exchange information with respect to relevant programs and lessons learned, resources permitting. The purpose of these exchanges is to provide expert technical assistance to both agencies. NRC will coordinate with the MMS Gulf of Mexico OCS Regional office for the scheduled inspection of licensees conducting licensed activities in offshore Federal waters. Additionally, NRC will coordinate the scheduling of offshore inspections with MMS based on guidance provided by MMS relative to seat availability on MMS contracted helicopters.

VI. Other Laws and Matters

Nothing in this LOA shall be deemed to restrict, modify, or otherwise limit the application or enforcement of any laws of the United States with respect to matters specified herein, nor shall anything in the LOA be construed as modifying the existing authority of either agency.

VII. Effective Date, Modification, and Termination of LOA

This LOA will take effect when it has been signed and dated by the authorized representatives of the MMS and the NRC. It may be modified by mutual written consent, or terminated by either agency upon 60 days advance written notice to the other agency.

Approved and Accepted for the Minerals Management Service

Chris Oynes,

Regional Director, U.S. Department of the Interior, Minerals Management Service, Gulf of Mexico OCS Region.

January 7, 2000.

Approved and Accepted for the Nuclear Regulatory Commission

Ellis W. Merschoff,

Regional Administrator, U.S. Nuclear Regulatory Commission.

December 23, 1999.

[FR Doc. 00–5150 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Draft FY 2000–2005 Strategic Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is seeking public

comment on its draft FY 2000–2005 Strategic Plan which provides a blueprint for the NRC to plan, implement, and monitor work needed to achieve its goals. The Commission will consider public comments in approving the final FY 2000–2005 Strategic Plan.

DATE: Submit comments on the draft strategic plan by April 7, 2000.

ADDRESSES: Submit written comments to David L. Meyer, Chief, Rules and Directives Branch, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

The draft Strategic Plan, as well as the ability to provide comments electronically, are available on the NRC web site at *http://www.nrc.gov/NRC/planning.html.*

FOR FURTHER INFORMATION CONTACT: Daryl Kade, Mail Stop: T9D24, Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 415–7326; FAX: (301) 415–5386; Internet: *DWK@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

Background

The NRC issued its first Strategic Plan in September 1997, and is required to update it every three years. The NRC's draft FY 2000–2005 Strategic Plan, which has not yet been approved by the Commission, describes the agency's strategic goals, performance goals, and strategies for achieving NRC's mission. It is organized into four strategic arenas: (1) Nuclear Reactor Safety; (2) Nuclear Materials Safety; (3) Nuclear Waste Safety; and (4) International Nuclear Safety Support. To help accomplish agency goals, the NRC has established overarching corporate management strategies which are also described in the draft plan. A summary is provided in Part 1 with more details, as required by the Government Performance and Results Act, provided in Part 2.

Embodied in the plan is the NRC's understanding that decisions must be based first and foremost on their contributions to public health and safety. In addition, the NRC must also consider the effect of its decisions on the public it protects, on the industries it regulates, and on the effectiveness and efficiency of internal NRC operations.

The current plan is based more on performance and the outcomes the NRC intends to achieve. It addresses concerns and comments raised in Congressional hearings, as well as in meetings with members of the public and stakeholders who would be most affected by NRC decisions. Also, the plan captures recent regulatory reform and their outcomes in the long term.

Stakeholder Input to the Strategic Plan

NRC recognizes that work on the Strategic Plan is unfinished and that stakeholder input will further improve the draft plan. Stakeholder input is requested on the draft plan, particularly on the following areas:

- Do goals address appropriate areas?
- Are the strategies to achieve the goals adequate?
- Will performance measures indicate whether we are achieving our goals? In particular, we are seeking comment on those measures where specific metrics have yet to be proposed.
- Do goals and strategies reflect NRC's commitment to institutionalize change?
- Do external factors identify those conditions or circumstances which significantly affect the achievement of our goals?
- Is the strategic plan too lengthy? Is the level of detail sufficient?

Dated at Rockville, Maryland, this 28th day of February, 2000.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

[FR Doc. 00–5153 Filed 3–2–00; 8:45 am]

BILLING CODE 7590–01–P

PEACE CORPS

Information Collection Requests Under OMB Review

AGENCY: Peace Corps.

ACTION: Notice of public use form review request to the Office of Management and Budget.

SUMMARY: The Associate Director for Management invites comments on information collection requests as required pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35). This notice announces that the Peace Corps has submitted to the Office of Management and Budget an emergency request to approve the use of the Peace Corps/Crisis Corps Volunteer Application Form (0420–0533) by May 2, 2000. Additionally, the Peace Corps will be seeking three year OMB approval using the standard review procedures. A copy of the information collection may be obtained from Joan Timoney, Director of the Crisis Corps, Peace Corps, 1111 20th Street, NW., Washington, DC 20526. Ms. Timoney may be contacted by telephone at 202–692–2250. The Peace Corps invites comments on whether the proposed collection of information is necessary for proper performance of the functions of the Peace Corps, including whether the information will have practical use; 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; ways to enhance the quality, utility and clarity of the information to be collected; and, ways to minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques, when appropriate, and other forms of information technology. Comments on these forms should be addressed to Desk Officer for the Peace Corps, Office of Management and Budget, NEOB, Washington, DC 20503.

Dated: February 15, 2000.

Michael J. Kole,

Director of Administrative Services.

[FR Doc. 00–4546 Filed 3–2–00; 8:45 am]

BILLING CODE 6051–01–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Voluntary Customer Surveys in Accordance with Executive Order 12862, OMB 3220–0192. In accordance with Executive Order 12862, the Railroad Retirement Board (RRB) conducts a number of customer surveys designed to determine the kinds and quality of services our beneficiaries, claimants, employers and members of the public want and expect, as well as their satisfaction with existing RRB services. The information collected is used by RRB management to monitor customer satisfaction by determining to what extent services are satisfactory and

where and to what extent services can be improved. The surveys are limited to data collections that solicit strictly voluntary opinions, and do not collect information which is required or regulated.

The information collection, which was first approved by the Office Management and Budget (OMB) in 1997, provides the RRB with a generic clearance authority. This generic authority allows the RRB to submit a variety of new or revised customer survey instruments (needed to timely implement customer monitoring activities) to the Office of Management and Budget (OMR) for expedited review and approval.

The average burden per response for current customer satisfaction activities is estimated to range from 2 minutes for a web-site questionnaire to 2 hours for participation in a focus group. The RRB estimates current annual burden of 2,050 annual respondents totaling 727 hours or annual burden for the generic customer survey clearance.

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Office at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–5114 Filed 3–2–00; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27141]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

February 25, 2000.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 21, 2000, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After March 21, 2000, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

American Electric Power Company, Inc., et al. (70–8779)

American Electric Power Company, Inc. (''AEP''), a registered holding company, American Electric Power Service Corporation, a wholly owned nonutility subsidiary of AEP, both of 1 Riverside Plaza, Columbus, Ohio 43215, and AEP's seven wholly owned electric utility subsidiary companies, Appalachian Power Company, 40 Franklin Road, Roanoake, Virginia 24022, Columbus Southern Power Company, 215 North Front Street, Columbus, Ohio 43215, Indiana Michigan Power Company, One Summit Square, Fort Wayne Indiana 46801, Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101, Kingsport Power Company, 422 Broad Street, Kingsport, Tennessee 37660, Ohio Power Company, 339 Cleveland Avenue, SW., Canton, Ohio 44702, and Wheeling Power Company, 51 Sixteenth St., Wheeling, West Virginia 26003, have filed a post-effective amendment under sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act, as amended (''Act''), and rules 45 and 54 under the Act, to their application-declaration filed under sections 6(a), 7, 9(a), 10, 12(b), and 13 of the Act and rules 45, 90, and 91 under the Act.

By orders dated September 13, 1996 (HCAR No. 26572), September 27, 1996 (HCAR No. 26583), May 2, 1997 (HCAR No. 26713) (''May Order''), November 30, 1998 (HCAR No. 26947), and April 7 1999 (HCAR No. 26998), AEP was authorized to form direct and indirect nonutility subsidiaries (''New Subsidiaries'') to broker and market electric power, natural and manufactured gas, emission allowances, coal, oil, refined petroleum products and natural gas liquids. The Commission also authorized AEP to guarantee through December 31, 2002 up to $200 million of debt and up to $200 million of other obligations of such subsidiaries (''Guarantee Authority''). In the May Order, the Guarantee Authority was expanded to permit AEP to guarantee the debt and other obligations of any subsidiary acquired or established under Rule 58.

Applicants now propose to extend the period of the Guarantee Authority through June 30, 2004. Applicants also propose to increase the Guarantee Authority up to $600 million of debt and up to $600 million of other obligations under the terms and conditions stated in the Prior Orders. Applicants state that this increase in its Guarantee Authority is necessary because AEP is active in the development and expansion of its energy-related non-utility businesses.

Metropolitan Edison Company, et al. (70–593)

Metropolitan Edison Company (''Met-Ed'') and Pennsylvania Electric Company (''Penelec'') (''Subsidiaries''), both public utility subsidiaries of GPU, Inc. (''GPU''), a registered holding company, and both located at 2800 Pottsville Pike, Reading, Pennsylvania 19640, have filed a declaration under Section 12(c) of the Act and rules 46 and 54 under the Act.

As part of electric utility restructuring in Pennsylvania, the Subsidiaries have sold substantially all of its fossil and hydroelectric generating assets (''Generation Assets'') and now wish to return to GPU the equity capital supporting those assets. The Subsidiaries state, however, that they have paid out essentially all of their retained earnings in the form of dividends to GPU and so have not built up any significant surplus of retained earnings to pay dividends in special circumstances. The Subsidiaries also note that, while the sale of the Generation Assets yielded after-tax gains of approximately $195 million and $520 million for Met-Ed and Penelec, respectively, those gains cannot be used to facilitate dividend payments out of retained earnings, but must instead be used to offset stranded costs incurred by the Subsidiaries.

Accordingly, Met-Ed and Penelec propose, subject to certain limitations, to declare and pay dividends out of capital and unearned surplus. Specifically, Met-Ed and Penelec propose to pay dividends from time to time through December 31, 2001, in respective amounts aggregating up to $145 million and $155 million. The Subsidiaries state that neither Met-Ed

and Penelec would not pay Dividends if the payment would cause either its common equity ratio or GPU's consolidated common equity ratio as of the end of the fiscal quarter during which the Dividend is made is expected to be less than 30%, without further Commission authorization.

The Subsidiaries note that under existing first mortgage bond indentures (''Indentures''), Met-Ed and Penelec are required to maintain retained earnings of not less than $3.4 million and $10.1 million. The Subsidiaries state that Met-Ed and Penelec would not make the proposed dividends out of unearned or capital surplus until they had first paid dividends out of retained earnings down to the amounts permitted by the Indentures.

For the Commission by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5183 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24317, 812–11984]

Safeguard Scientifics, Inc.; Notice of Application

February 25, 2000.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Safeguard Scientifics, Inc. (''Safeguard'').

SUMMARY OF APPLICATION: Applicant requests an order declaring that it controls Internet Capital Group, Inc. (''ICG'') within the meaning of the Act notwithstanding that it owns less than 25% of the voting securities of ICG.

FILING DATE: The application was filed on February 25, 2000.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 21, 2000 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 5th Street, NW, Washington, DC 20549–0609. Safeguard, 435 Devon Park Drive, Building 800, Wayne, Pennsylvania 19087.

FOR FURTHER INFORMATION CONTACT: Ann Dubey, Senior Counsel, at (202) 942–0687, or Nadya Roytblat, Assistant Director, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 5th Street, NW, Washington, DC 20549–0102 (tel. 202–942–8090).

Applicant's Representations

1. Safeguard, a Pennsylvania corportaion, states that it is actively engaged in the internet infrastructure business through a core group of companies. Safeguard was relying on rule 3a–1 under the Act. Rule 3a–1 provides an exemption from the definition of investment company if, among other things, no more than 45% of a company's total assets consist of, and no more than 45% of its net income over the last four quarters is derived from, securities other than shares of majority-owned subsidiaries and companies primarily controlled by it. Since August, 1999, Safeguard has been relying on rule 3a–2 under the Act, which provides a one-year exemption from the definition of investment company for certain transient investment companies.

2. Safeguard previously owned more than 25% of the voting securities of ICG. Safeguard states that ICG is an internet company actively engaged in business-to-business electronic commerce through a network of partner companies. ICG and Safeguard have had a historic relationship. ICG was formed by two Safeguard executives in 1996. Safeguard originally owned 33% of ICG's voting securities, an ownership position that began to decline as ICG needed additional financing. Safeguard states that its interest in ICG has been diluted since August, 1999 due to the exercise of options, and ICG's additional private and public offerings. Safeguard also sold approximately 4.8% of its shares in ICG to Safeguard's shareholders through a subscription program. Safeguard states that currently it owns approximately 14% of ICG's common stock. Safeguard states that its interest in ICG constitutes a substantial portion of Safeguard's total assets.

Applicant's Legal Analysis

1. Safeguard requests an order under section 2(a)(9) of the Act declaring that it controls ICG.[1] Section 2(a)(9) defines ''control'' as the power to exercise a controlling influence over the management or policies of a company. Section 2(a)(9) also provides that a person who does not own more than 25% of a company's voting securities is presumed not to control the company. Section 2(a)(9) further provides that this presumption may be rebutted by evidence but continues until a determination to the contrary is made by the Commission.

2. Safeguard states that currently it owns 13.93% of ICG's outstanding voting securities. Safeguard has been since ICG's inception, and continues to be, ICG's largest single shareholder.[2] Safeguard also states that its officers are directors occupy three out of eight seats on ICG's board of directors. These directors include a Vice President of Safeguard and the Vice Chairman of the Board of Safeguard (who serves as the Chairman of ICG's board of directors). The Safeguard director on the ICG Board serves as President and Chief Executive Officer of ICG.

3. Safeguard also states that it has a team of its employees assigned to actively assist ICG in its management, operations and finances. Safeguard states that it also assists ICG, among other things, in structuring and negotiating business alliances, forming general corporate and marketing strategies, conducting financial accounting, locating and evaluating financing vehicles, recruiting board members and structuring employee option plans.

4. Safeguard asserts that, as a result of its status as the largest single shareholder of ICG and its significant representation on ICG's board of directors, Safeguard is able to exercise, and exercises, a controlling influence over the management and operations of ICG within the meaning of section 2(a)(9) of the Act. Thus, Safeguard states that it has made a showing sufficient for

[1] Safeguard states that it does not seek an order or request the Commission to determine whether Safeguard primarily controls ICG for purposes of section 3(a) of the Act or rule 3a-1 under the Act, or otherwise determine whether Safeguard is an investment company under the Act.

[2] Safeguard states that the only other known shareholder owning more then 5% of ICG's voting stock is Comcast ICG, Inc., which owns approximately 9.3%.

a finding under section 2(a)(9) of the Act that it controls ICG.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5181 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24318]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 25, 2000.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2000. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth St., NW, Washington, DC 20549–0102 (tel. 202–942–8090). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 21, 2000, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549–0609. For Further Information Contact: Diane L. Titus, at (202) 942–0564, SEC, Division of Investment Management, Office of Investment Company Regulation, 450 Fifth Street, NW, Washington, DC 20549–0506.

Putnam High Quality Bond Fund [File No. 811–4617]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 12, 1999, applicant transferred its assets to Putnam American Government Income Fund based on net asset value. Legal and accounting expenses of $70,000 incurred in connection with the reorganization were paid by applicant and the acquiring fund in proportion to their net assets. In addition, proxy expenses of $145,000 were paid by applicant.

Filing Date: The application was filed on January 19, 2000.

Applicant's Address: One Post Office Square, Boston, Massachusetts 02109.

Kemper Europe Fund [File No. 811–7479]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 3, 1999, applicant transferred its assets to Kemper New Europe Fund, Inc., based on net asset value. Expenses of $815,000 were incurred in connection with the reorganization, of which applicant paid $138,398 and the acquiring fund paid $676,602.

Filing Dates: The application was filed on January 12, 2000, and amended on January 28, 2000.

Applicant's Address: 222 South Riverside Plaza, Chicago, Illinois 60606.

Bay Funds [File No. 811–6296]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. By December 9, 1996, Applicant had transferred its assets to 1784 Funds, based on net asset value. Expenses incurred in connection with the reorganization were paid by BayBank, N.A. and BayBank Investment Management, Inc. (now known as The First National Bank of Boston), applicant's investment adviser and its affiliates.

Filing Dates: The application was filed on June 5, 1997, and amended on January 26,2000.

Applicant's Address: 1001 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3779.

Dreyfus Premier Insured Municipal Bond Fund [File No. 811–7682]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 16, 1998, applicant made a final liquidating distribution to its shareholders based on net asset value. Expenses of approximately $1,362 incurred in connection with the liquidation were paid by The Dreyfus Corporation applicants's investment adviser.

Filing Date: The application was filed on February 2, 2000.

Applicant's Address: 200 Park Avenue, New York, New York 10166.

Carillon Investment Trust [File No. 811–5293]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On October 29, 1999, applicant made a liquidating distribution to its shareholders based on net asset value. Applicant states that any expenses incurred in connection with the liquidation would be paid by applicants's investment adviser.

Filing Date: The application was filed on February 11, 2000.

Applicant's Address: 1876 Waycross Road, Cincinnati, Ohio 45240.

The Griffin Funds, Inc. [File No. 811–7948]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 5, 1999, applicant transferred its assets to corresponding series of WM Trust I and WM Trust II based on net asset value. Expenses of approximately $1,760,000 incurred in connection with the reorganization ware paid by WM Advisors, Inc., investment adviser to WM Trust I and WM Trust II.

Filing Dates: The application was filed on December 10, 1999 and amended on February 11, 2000.

Applicant's Address: c/o John T. West, WM Advisors Inc., 1201 Third Avenue, 22nd Floor, Seattle, Washington 98101.

Colorado Double Tax-Exempt Bond Fund, Inc. [File No. 811–8023]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. All shareholders of applicant have redeemed their shares at net asset value. Expenses of approximately $1,410 incurred in connection with the liquidation were paid by Isaak Bond Investments, Inc., applicant's principal underwriter.

Filing Dates: The application was filed on November 12, 1999, and amended on January 18, 2000.

Applicant's Address: 600 Seventeenth Street, Suite 2610, South Tower, Denver, Colorado 80202.

Pegasus Funds [File No. 811–5148]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On March 29, 1999, applicant completed the transfer of its assets to The One Group®, based on net asset value. Expenses of approximately $1,862,760 were incurred in connection with the reorganization. Applicant and The One Group® were each responsible for their own expenses in connection with the reorganization. Banc One Investment Advisors Corporation, investment adviser to The One Group®, assumed the costs of proxy solicitations.

Filing Date: The application was filed on November 10, 1999, and amended on February 11, 2000.

Applicant's Address: P.O. Box 5142, Westborough, Massachusetts 01581.

Liquid Capital Income Trust [File No. 811–2528]; Carnegie Government Securities Trust [File No. 811–3037]; Carnegie Tax Free Income Trust [File No. 811–3446]; Carnegie Tax Exempt Income Trust [File No. 811–4538]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By November 19, 1999, each applicant had made a liquidating distribution to its shareholders based on net asset value. Expenses of $49,300; $14,300; $14,300; and $14,700, respectively, incurred in connection with the liquidations were paid by each applicant.

Filing Date: Each application was filed on February 4, 2000.

Applicant's Address: 1100 The Halle Building, 1228 Euclid Avenue, Cleveland, Ohio 44115.

The Chancellor Targeted Health Care Fund, Inc. [File No. 811–6633]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has not made a public offering of its securities and does not propose to make any public offering or engage in business of any kind.

Filing Dates: The application was filed on February 10, 2000.

Applicant's Address: c/o INVESCO, Inc., 1166 Avenue of the Americas, New York, New York 10036.

Marketvest Funds (formerly Court Street Funds) [File No. 811–7383]; Marketvest Funds, Inc. (formerly Court Street Funds, Inc.) [File No. 811–7385]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. By March 27, 1998, each series of each applicant transferred its assets and liabilities to corresponding series of ARK Funds, based on net asset value. Expenses of $344,300, incurred in connection with the reoganizations were paid by First Maryland Bancorp, the corporate parent of applicants' investment adviser.

Filing Date: Each application was filed on January 26, 2000.

Applicant's Address: c/o Allfirst Trust Company, N.A., 25 South Charles Street, Mail Stop: 101–621, Legal and Compliance, Baltimore, Maryland 21201.

Farm Bureau Life Variable III [File No. 811–8969]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has not made any public offering of its securities and is not now engaged, or intending to engage, in any business activities other than those necessary for winding up its affairs.

Filing Dates: The application was filed on December 20, 1999, and amended on February 15, 2000.

Applicant's Address: 5400 University Avenue, West Des Moines, Iowa 50266.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5182 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42460; File No. SR–Amex–00–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC To Eliminate the Exchange's Off-Board Trading Rules

February 25, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 1, 2000, the American Stock Exchange LLC (''Exchange'' or ''Amex'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Exchange's proposed rule change raises issues similar to those raised by the New York Stock Exchange's (''NYSE'') proposal to repeal NYSE rule 390, which rule generally prohibits NYSE members and their affiliates from effecting transactions in certain NYSE-listed securities away from a national securities exchange. The Commission recently issued the notice of filing for the NYSE's proposal (''NYSE Notice'') and solicited comment on a number of important issues that have broad implications for the structure of the U.S. securities markets.[3] Specifically, the Commission requested comment on market fragmentation—the trading of orders in multiple locations without interaction among those orders—and on several options for addressing market fragmentation. To promote a comprehensive discussion of off-board trading restrictions and related market fragmentation issues, the Commission requests that persons interested in the Exchange's proposal refer to the NYSE Notice and submit comments that respond to the questions presented in the NYSE Notice.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to eliminate its off-board trading rules, Exchange rule 5, ''Over-the-Counter Execution of Equity Securities Transactions,'' and Exchange Rule 6, ''Execution of Transactions in Bonds on Exchange Required—Exceptions.'' The text of the proposed rule change is available at the Exchange and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Exchange Rule 5 regulates off-board trading by Amex members in listed equity securities, and Exchange Rule 6 regulates off-board trading by a Amex members in listed bonds. Together, Exchange Rules 5 and 6 prohibit members from trading listed equity securities and bonds as principal off the exchange (*i.e.,* in the over-the-counter market) subject to enumerated exceptions. In 1980, the Commission adopted rule 19c–3, which prohibits all national securities exchanges from

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42450 (Feb. 23, 2000) (File No. SR–NYSE–99–48). The Commission notes that similar proposals have been filed by the Chicago Stock Exchange and the Philadelphia Stock Exchange. *See* Securities Exchange Act Release Nos. 42459 (Feb. 25, 2000) (File No. SR–CHX–99–28) and 42458 (Feb. 25, 2000) (File No. SR–Phlx–00–12).

[4] The Commission notes that the NYSE Notice is available on the Commission's website at: <http://www.sec.gov/rules/sros/ny9948n.htm>.

applying off-board trading restrictions to equity securities listed after April 26, 1979.[5]

The Exchange's off-board trading rules originally were intended to centralize buying and selling interest in listed securities to ensure the execution of orders at the best possible prices. Over time, however, these off-board trading restrictions came to be viewed by many as anti-competitive. In this regard, the Exchange notes that SEC Chairman Arthur Levitt recently called for the elimination of off-board trading rules.[6]

The Amex believes that Exchange Rule 5 is largely irrelevant to the trading of Amex-listed equity securities because it applies only to equity securities listed before April 26, 1979, and the great majority of Amex-listed stocks were listed for trading after that date. In addition, Exchange Rule 5 applies only to Amex members. Therefore, non-member firms may trade Amex-listed equity securities off-board—and in fact, non-member firms do so. The Exchange's off-board trading rule for bonds, similarly, is of little practical consequence due to the exceptions in Exchange Rule 6 that permit the great bulk of listed bond transactions to occur over-the-counter.

In light of the limited practical impact of the Exchange's off-board trading rules and the changing view on their propriety, the Exchange proposes to repeal Exchange Rules 5 and 6, and eliminate cross references to these Rules found elsewhere in the Exchange's rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5),[8] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. The Commission also invites interested persons to submit written data, views, and arguments on the market fragmentation issues presented in the NYSE Notice.[9] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–00–05 and should be submitted by March 24, 2000. Comments responding to the Commission's request for comment on market fragmentation issues should refer to File No. SR–NYSE–99–48 and should be submitted by April 28, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5186 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

[5] *See* 17 CFR 240.19c–3.

[6] Remarks of SEC Chairman Arthur Levitt, ''Dynamic Markets, Timeless Principles'' September 23, 1999.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See supra* notes 3 and 4.

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42459; File No. SR–CHX–99–28]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Incorporated To Delete Certain Exchange Provisions That Prohibit Off-Floor Transactions by Exchange Members

February 25, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 27, 1999, the Chicago Stock Exchange, Incorporated (''Exchange'' or ''CHX'') filed with the Securities and Exchange Commission (''Commission'' or''SEC'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Exchange's proposed rule change raises issues similar to those raised by the New York Stock Exchange's (''NYSE'') proposal to repeal NYSE Rule 390, which rule generally prohibits NYSE members and their affiliates from effecting transactions in certain NYSE-listed securities away from a national securities exchange. The Commission recently issued the notice of filing for the NYSE's proposal (''NYSE Notice'') and solicited comment on a number of important issues that have broad implications for the structure of the U.S. securities markets.[3] Specifically, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42450 (Feb. 23, 2000) (File No. SR–NYSE–99–48). The Commission notes that similar proposals have been filed by the American Stock Exchange and the Philadelphia Stock Exchange. *See* Securities

Continued

Commission requested comment on market fragmentation—the trading of orders in multiple locations without interaction among those orders—and on several options for addressing market fragmentation. To promote a comprehensive discussion of off-board trading restrictions and related market fragmentation issues, the Commission requests that persons interested in the Exchange's proposal refer to the NYSE Notice and submit comments that respond to the questions presented in the NYSE Notice.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to delete provisions in Article VIII, Exchange rule 9, ''Transactions Off the Floor,'' that restrict off-floor transactions by Exchange members. The text of the proposed rule change is available at the Exchange and at the Commission.

II. Self-Reuglatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commisison, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In December 1999, the NYSE proposed to repeal NYSE Rule 390, which restricts NYSE members from effecting certain off-floor transactions in specific securities (''19c–3 securities''). Furthermore, on December 9, 1999, the Commission adopted amendments to the Intermarket Trading System Plan (''ITS Plan'') to expand the ITS linkage with the NASD's Computer Assisted Execution System to all listed securities, including 19c–3 securities.[5] The ITS Plan amendment became effective on February 14, 2000. To confirm the Exchange's commitment to the competitive ideals on which those actions are based, the Exchange believes it is appropriate to delete portions of Article VIII, Exchange Rule 9 to remove any restrictions that might potentially limit a member's ability to engage in certain off-floor transactions.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act[6] in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (i) as to which the Exchange consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. The Commission also invites interested persons to submit written data, views, and arguments on the market fragmentation issues presented in the NYSE Notice.[7] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–28 and should be submitted by March 24, 2000. Comments responding to the Commission's request for comment on market fragmentation issues should refer to File No. SR–NYSE–99–48 and should be submitted by April 28, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42453; File Nos. SR–NYSE–97–28; SR–CBOE–97–58; SR–Phlx–97–56; SR–PCX–97–49; SR–CHX–98–12; SR–Amex–99–26]

Self-Regulatory Organizations; New York Stock Exchange, Inc., Chicago Board Options Exchange, Incorporated, Philadelphia Stock Exchange, Inc., Pacific Exchange, Inc., Chicago Stock Exchange, Incorporated and American Stock Exchange LLC; Order Approving Proposed Rule Changes and Notice of Filing and Order Granting Accelerated Approval of Amendment to the Proposed Rule Changes That Adopt Capital and Equity Requirements for Joint Back Office Arrangements

February 24, 2000.

1. Introduction

On October 2, 1997, the New York Stock Exchange, Inc. (''NYSE''), October 27, 1997, the Chicago Board Options Exchange, Incorporated (''CBOE''), November 7, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx''), December 18, 1997, the Pacific

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Exchange Act Release Nos. 42460 (Feb. 25, 2000) (File No. SR–Amex–00–05) and 42458 (Feb. 25, 2000) (File No. SR–Phlix–00–12).

[4] The Commission notes that the NYSE Notice is available on the Commission's website at: (http://www.sec.gov/rules/sros/ny9948n.htm).

[5] *See* Securities Exchange Act Release No. 42212 (Dec. 9, 1999), 64 FR 70297 (Dec. 16, 1999).

[6] 15 U.S.C. 78f(b)(5).

[7] *See supra* notes 3 and 4.

[8] 17 CFR 200.20–3(a)(12).

Exchange, Inc. (''PCX''), May 28, 1998, the Chicago Stock Exchange, Incorporated (''CHX''), and July 16, 1999, the American Stock Exchange LLC (''Amex'') (collectively the ''SROs'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] proposed rule changes to adopt capital and equity requirements for joint back office (''JBO'') arrangements. The NYSE, PCX and Amex also filed proposed rule changes to their maintenance margin requirements for specialist, market-maker and broker-dealer accounts. In addition, the NYSE proposed to amend its margin provisions relating to the concentration of control and restricted securities.

The proposed rule change filed by the NYSE was published for comment on January 7, 1998.[3] On May 21, 1998, and September 28, 1998, the NYSE filed with the Commission Amendments Nos. 1 and 2 to the proposed rule change. Amendments Nos. 1 and 2 were published for comment on December 4, 1998.[4] On July 19, 1999, the NYSE filed with the Commission Amendments Nos. 3 and 4 to the proposed rule change.

The proposed rule change filed by the CBOE was published for comment on December 17, 1997.[5] On July 27, 1998, the CBOE filed Amendment No. 1 to the proposed rule change. Amendment No. 1 was published for comment on December 4, 1998.[6]

The Phlx filed Amendment No. 1 to the proposed rule change on November 24, 1997. The proposed rule change and Amendment No. 1 were published for comment on December 17, 1997.[7] On February 22, 1999, the Phlx filed Amendment No. 2 to the proposed rule change.

The proposed rule change filed by the PCX was published for comment on February 25, 1998.[8] On October 8, 1998, the PCX filed Amendment No. 1 to the proposed rule change. Amendment No. 1 was published for comment on December 4, 1998.[9] On March 15, 1999, the PCX filed Amendment No. 2 to the proposed rule change.

CHX filed Amendment No. 1 to the proposed rule change on July 16, 1998. The proposed rule change and CHX Amendment No. 1 were published for comment on September 9, 1998.[10] On November 17, 1998, the CHX filed Amendment No. 2 to the proposed rule change. On January 28, 1999, and September 16, 1999, the CHX filed Amendments Nos. 3 and 4 to the proposed rule change.

The proposed rule change filed by the Amex was published for comment on November 22, 1999.[11]

The Commission received seven comment letters on the Self Regulatory Organization (''SRO'') proposed rule changes. All of the comment letters concerned the JBO rule changes and specifically related to the CBOE's proposal. This Order approves each of the SRO proposed rule changes, as amended. In addition, the Commission is publishing notice to solicit comments and is simultaneously approving, on an accelerated basis, NYSE Amendments Nos. 3 and 4, Phlx Amendment No. 2, PCX Amendment No. 2 and CHX Amendments Nos. 2, 3, and 4.

II. Description of the Proposals

A. Background

Section 220.7(c) of Regulation T,[12] which is promulgated by the Board of Governors of the Federal Reserve (''Federal Reserve Board''),[13] allows special margin treatment for broker-dealers without clearing operations, known as ''JBO participants,'' who invest in a ''clearing and servicing'' [14] broker-dealer, known as a ''JBO broker.'' Under Regulation T, the JBO participants are not treated as ''customers'' [15] of the JBO broker.

As part of a periodic review of its regulations, in 1995 the Federal Reserve Board proposed an amendment to Regulation T relating to JBO arrangements.[16] The Federal Reserve Board stated that the proposed amendment was prompted by the concerns of several stock exchanges that JBO brokers were extending credit to JBO participants far in excess of their ownership interests in the JBO broker.[17] Under the proposed amendment, the favorable margin treatment for a JBO arrangement would have been conditioned on the JBO participants' ownership interest in the JBO broker being related to the amount of business transacted through the JBO arrangement.

After Congress enacted the National Securities Market Improvement Act of 1996 (NSMIA),[18] the Federal Reserve Board stated that it decided not to adopt its proposed amendment to Regulation T relating to JBO arrangements.[19] Instead, the Federal Reserve Board stated that it ''believes it is appropriate to rely on the authority of the JBO's examining authority to ensure the reasonableness of JBO arrangements under its supervision.'' [20]

In April 1996, the SROs established committees to review and recommend changes to the SRO margin rules. These committees established subcommittees,[21] which included experienced industry representatives on margin and credit matters, in order to review specific margin provisions. Based on the recommendations by the committees and the review by the SRO's staff, the SROs proposed the following amendments.

B. JBO Proposals

1. NYSE JBO Proposal

(a) Original Filing

The NYSE proposed to amend NYSE Rule 431 [22] to include proposed subparagraph (e)(6)(B). Under proposed subparagraph (e)(6)(B), broker-dealers would be permitted to establish a JBO arrangement subject to specific requirements for JBO brokers and JBO participants. A JBO broker would be required to: (1) Provide written notification to the NYSE prior to establishing a JBO arrangement; (2)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 39497 (Dec. 29, 1997), 63 FR 899 (''NYSE Original Filing'').

[4] *See* Exchange Act Release No. 40709 (Nov. 25, 1998), 63 FR 67161 (''NYSE Amendments Nos. 1 and 2'').

[5] *See* Exchange Act Release No. 39418 (Dec. 10, 1997), 62 FR 66154 (''CBOE Original Filing'').

[6] *See* Exchange Act Release No. 40708 (Nov. 25, 1998), 63 FR 67155.

[7] *See* Exchange Act Release No. 39419 (Dec. 10, 1997), 62 FR 66169.

[8] *See* Exchange Act Release No. 39680 (Feb. 18, 1998), 63 FR 9622.

[9] *See* Exchange Act Release No. 40710 (Nov. 25, 1998), 63 FR 67164.

[10] *See* Exchange Act Release No. 40384 (Aug. 31, 1998), 63 FR 48286.

[11] *See* Exchange Act Release No. 42129 (Nov. 10, 1999), 64 FR 63834.

[12] 12 CFR 220.7(c).

[13] The Federal Reserve Board promulgated Regulation T pursuant to Section 7(a) of the Exchange Act, which authorizes it to prescribe regulations relating to credit extensions on securities. *See* 15 U.S.C. 78g(a).

[14] Regulation T does not define the term ''clearing and servicing.'' However, the Regulation describes a JBO broker as a clearing and servicing firm.

[15] The term customer is defined in section 220.2 of Regulation T.

[16] Board of Governors of the Federal Reserve System Docket No. R–0772 (June 21, 1995), 60 FR 33763 (June 29, 1995).

[17] *Id.*

[18] National Securities Markets Improvement Act of 1996, Pub. L. 104–290, 110 Stat. 3416 (Oct. 11, 1996).

[19] Board of Governors of the Federal Reserve System Docket No. R–0772 (Apr. 24, 1996), 61 FR 20386 (May 6, 1996).

[20] *Id.*

[21] The subcommittees that were formed were entitled the ''Control Stock,'' ''Joint Back Office,'' ''Good Faith Securities,'' ''Options'' and ''Other'' subcommittees. NYSE Original Filing, *supra* note 3.

[22] NYSE Constitution and Rules, ¶2431, NYSE Rule 431.

maintain a minimum of $25 million of ''tentative net capital'' [23] as computed under Exchange Act Rule 15c3–1 [24] or maintain a minimum of $10 million in ''net capital'' [25] if the JBO broker is engaged in the primary business of clearing options market-maker accounts, [26] (3) maintain a written risk analysis methodology for assessing the amount of credit extended to each JBO participant; (4) deduct from its net capital each JBO participant's ''haircut'' [27] requirment under Exchange Act Rule 15c3–1 in excess of the equity maintained in the JBO participant's account. In addition, a JBO broker would be permitted to establish a JBO arrangement if it either cleared and carried or carried customer accounts.[28]

Under proposed subparagraph (e)(8)(B), a JBO participant would be required to be a registered broker-dealer subject to exchange Act Rule 15c3–1 and would be required to maintain an ownership interest in its JBO broker in accordance with Regulation T. Further, a JBO participant would be required to maintain in the JBO arrangement a minimum of $1 million in liquidating equity. This $1 million requirement would be exclusive of the JBO participant's required ownership interest in the JBO broker under Regulation T. If a JBO participant's liquidating equity would fall below $1 million, the firm would be required to deposit the deficiency within five business days or would become subject to the other margin requirements under NYSE Rule 431.

(b) NYSE Amendment No. 1

NYSE Amendment No. 1 proposed to incorporate a related NYSE rule change (''Related Filing'') [29] into proposed subparagraphs (e)(5)(A), (e)(5)(B), (e)(6)(A), and (e)(6)(B)(i)(3) of NYSE Rule 431. Under the Related Filing, a broker-dealer's maintenance margin requirement would be reduced below the haircut requirement under Exchange Act Rule 15c3–1 for certain non-equity securities held in an ''exempt account.'' [30] Under NYSE Amendment No. 1, a JBO broker would be permitted to alternatively deduct from its net capital the difference between a JBO participant's account equity and the maintenance margin requirement under the Related Filing,[31] as opposed to the haircut requirement under Exchange Act Rule 15c3–1 originally proposed. The NYSE stated that this amendment would establish consistency by incorporating the most recent maintenance margin requirements of the Related Filing into the JBO filing.[32]

NYSE Amendment No. 1 also clarified that if the amount of equity in a JBO participant's account would fall below the $1 million minimum, it would lose its JBO participant status unless the deficiency is cured within five business days. In addition, unless the JBO participant would be an ''exempted borrower,'' [33] it would be subject to the margin account requirements under Regulation T and the other maintenance margin requirements under NYSE Rule 431.

(c) NYSE Amendment No. 2

NYSE Amendment No. 2 proposed to lower the minimum net capital requirement for a JBO broker whose primary business is clearing options market-maker accounts to $7 million, instead of the $10 million originally proposed. The NYSE stated that this change was in response to the comments from CBOE members concerning the CBOE's original JBO proposal, which required a minimum of $10 million. [34] In addition, the NYSE stated that it believes that the proposed $7 million minimum net capital requirement would be sufficient to satisfy the safety and soundness concerns related to JBO arrangements. [35]

NYSE Amendment No. 2 proposed to also require: (1) prompt written notification to the NYSE when a JBO broker's tentative net capital or net capital, whichever applies, would fall below the prescribed requirement; and (2) any net capital deficiency by a JBO broker be resolved within three business days. In addition, if a JBO broker would fail to correct a net capital deficiency within the required three business days, it would not be permitted to accept new transactions through the JBO arrangement. The NYSE stated that these requirements are consistent with the Exchange Act Rule 15c3–1 provisions dealing with net capital deficiencies. [36]

(d) NYSE Amendments Nos. 3 and 4

NYSE Amendment No. 3 proposed to permit a six month phase-in of the NYSE's rule changes relating to JBO

[23] The term ''tentative net capital'' generally refers to net capital before haircuts and undue concentration charges on proprietary securities and options positions. *See* NYSE Interpretation Handbook, Rule 15c3–1(c)(2)(vi)(M)/04.

[24] 17 CFR 240.15c3–1. This rule is referred to as the ''Net Capital Rule.''

[25] The term ''net capital'' is defined under Exchange Act Rule 15c3–1 and is generally calculated by deducting illiquid assets from a firm's ''net worth,'' as determined under Generally Accepted Accounting Principles (GAAP), adding to that amount properly subordinated debt under Appendix D of the Rule and further deducting haircuts from securities held in the firm's proprietary accounts.

[26] Under the proposed amendments, the clearance of option market-maker accounts would be deemed a broker-dealer's primary business if a minimum of 60% of the aggregate deductions in its ratio of gross options market-maker deductions to net capital (including gross deductions for JBO participant accounts) are options market-maker deductions. Subparagraph (c)(2)(x) of Exchange Act Rule 15c3–1 limits the amount of specialist and market-maker options positions a firm may guarantee, endorse or carry to a ratio of 10 to 1 of options market-maker and specialist deductions to net capital. In addition, subparagraph (a)(6) of the Rule exempts an options market-maker and specialist from the haircut provisions of the Rule provided that, among other things, the firm maintains an account liquidating equity equal to the percentage described in subparagraph (a)(6)(iii)(A) of the Rule.

[27] Exchange Act Rule 15c3–1 requires a broker-dealer to reduce its net worth by certain percentages, or ''haircuts,'' of the market value of its proprietary securities.

[28] *See* Letter from Scott Holz, Counsel, Federal Reserve Board, to Raymond J. Hennessy, Vice President, NYSE, dated April 16, 1999 (stating that a carrying firm may be considered a clearing and servicing firm within the meaning of the JBO provisions of Regulation T).

[29] Exchange Act Release No. 40278 (July 29, 1998), 63 FR 41882 (Aug. 5, 1998). To date, the Commission has not taken action on the Related Filing. Accordingly, this Order does not approve the Related Filing or its application to the margin amendments contained in this filing. However, upon Commission approval of the Related Filing, this Order would permit the Related filing's application as described in the Related Filing, as amended.

[30] The Related Filing proposed to adopt subparagraph (a)(13) to NYSE Rule 431 that would define an ''exempt account'' as a: (1) Member organization; (2) non-member broker-dealer; (3) ''designated account;'' or (4) person with at least a $40 million net worth. In addition, the Related Filing proposed to revise subparagraph (a)(3) of NYSE Rule 431 to define a ''designated account'' as the account of: (1) A bank; (2) a savings association; (3) an insurance company; (4) an investment company; (5) a state or political subdivision thereof; or (6) a pension or profit sharing plan.

[31] The alternative deduction under NYSE Amendment No. 1 would apply to securities covered by the Related Filing's proposed subparagraphs (e)(2)(F) and (e)(2)(G) to NYSE Rule 431. These securities include: exempted securities, mortgage related securities, major foreign sovereign debt securities, highly rated foreign sovereign debt securities, and investment grade debt securities. Generally, the maintenance margin requirement for these securities under the Related Filing would be less than the current maintenance margin requirement under NYSE Rule 431 and the haircut requirements under Exchange Act Rule 15c3–1.

[32] NYSE Amendments Nos. 1 and 2, *supra* note 4.

[33] The term ''exempted borrower'' is defined in section 220.2 of Regulation T. Subparagraph (a)(2) of NYSE Rule 431 specifically excludes an exempted borrower from its definition of ''customer.''

[34] NYSE Amendments Nos. 1 and 2, *supra* note 4. *See infra* text and accompanying notes 69 to 77 for a discussion of the comments relating to the additional net capital requirements for options market-maker clearing firms under the SRO JBO proposals.

[35] *Id.*

[36] NYSE Amendments Nos. 1 and 2, *supra* note 4. Subparagraph (c)(2)(x) of Exchange Act Rule 15c3–1 requires an options market-maker carrying firm's ratio of gross options market-maker deductions to net capital to not exceed a ratio of 10 to 1 for a period of more than three consecutive business days.

arrangements. The NYSE stated that a six month phase-in would allow sufficient time for firms to comply with the capital and risk analysis requirements for JBO arrangements and for firms to implement new or make changes to their existing systems.

NYSE Amendment No. 4 clarified the current citation to the provisions of Regulation T relating to JBO arrangements. [37]

(e) Impact of the NYSE JBO Filing on Other SROs

Generally, the other SRO JBO filings were similar to the NYSE's filing. However, some of the SRO filings contained different requirements. For example, the other SRO filings did not incorporate the alternative deduction for certain non-equity securities covered by the NYSE's Related Filing. If a firm is a dual member of the NYSE and another SRO, however, the firm may nevertheless be permitted to elect to be bound by the NYSE's margin rules. [38] By making this election, the firm would be permitted to take advantage of the NYSE's proposed alternative deduction.

2. PCX JBO Filing

The PCX and the NYSE JBO filings are substantially similar, as amended. However, unlike the NYSE's filing, the PCX filing would require a JBO broker to provide immediate telegraphic or facsimile notice to the PCX if its tentative net capital or net capital, whichever applies, would fall below the prescribed minimum levels. The PCX filing would also subject a JBO broker to the equity capital withdrawal restrictions of paragraph (e) of Exchange Act Rule 15c3–1 and the prohibitions against the reduction, prepayment, and repayment of subordination debt of paragraph (b) of Appendix D of Exchange Act Rule 15c3–1, as if the firm's net capital would be below the minimum standards specified by those sections. In addition, the PCX filing would prohibit a JBO broker that was only a carrying firm.[39]

3. CBOE, Phlx, CHX and Amex JBO Filings

The CBOE, Phlx, CHX, and Amex all had similar JBO filings as the NYSE's filing, as amended. However, unlike the NYSE filing, these SROs would require a JBO broker to comply with the PCX's additional requirements and also establish and maintain written ownership standards for JBO accounts. In addition, a JBO participant would be required to employ or have access to a qualified Series 27 principal and would not be eligible to operate under subparagraph (b)(1) of Exchange Act Rule 15c3–1.[40] Lastly, the Phlx JBO proposal would permit foreign currency options participants to be JBO participants.

C. Reduced Margin Proposal for Specialist, Market-Maker and Broker-Dealer Accounts

1. NYSE Proposal

(a) Original Filing

The NYSE proposed to amend subparagraphs (e)(5) and (e)(6) of NYSE Rule 431. Subparagraphs (e)(5) and (e)(6) require a carrying broker-dealer to deduct from its net capital the difference between the equity maintained in the account of a specialist, market-maker and broker-dealer and the required maintenance margin under NYSE Rule 431. Under the proposed amendments, a broker-dealer would instead deduct from its net capital the difference between the equity maintained in the account of a specialist, market-maker and broker-dealer and the required haircut in accordance with Exchange Act Rule 15c3–1.[41] The NYSE stated that this rule change would provide ''equitable treatment'' for the maintenance margin requirements of broker-dealer accounts with the proposed treatment for JBO participants.[42]

(b) NYSE Amendment No. 1

NYSE Amendment No. 1 proposed to incorporate the Related Filing into the amendments to subparagraphs (e)(5) and (e)(6) of NYSE Rule 431 that were proposed in the NYSE's original filing. Under NYSE Amendment No. 1, for certain non-equity securities covered by the Related Filing, a carrying broker-dealer would be permitted to alternative deduct from its net capital the difference between the equity maintained in the account of a specialist, market-maker and broker-dealer and the maintenance margin requirement under the Related Filing, as opposed to the haircut requirement under Exchange Act Rule 15c3–1 as originally proposed. [43]

2. PCX and Amex Proposals

The PCX and Amex included provisions to permit a clearing firm to carry the proprietary account of another registered broker-dealer on a mutually satisfactory margin basis, provided that the firms comply with Regulation T and do not maintain the account in an equity deficit. The PCX and Amex did not include a provision incorporating the alternative deduction for certain non-equity securities covered by the NYSE's Related Filing.

D. NYSE's Concentration Reduction Proposal for Control and Restricted Securities

The NYSE proposed to amend subparagraph (e)(8)(C)(iv) of NYSE Rule 431.[44] Subparagraph (e)(8)(C)(iv) sets forth the conditions that determine if a customer's account contains a concentration of control and restricted securities for purposes of computing a broker-dealer's net capital deduction under NYSE Rule 325 [45] for a customer margin deficiency under subparagraph (e)(8)(B)(i).[46] Specifically, subparagraph (e)(8)(c)(iv) currently provides that a concentration exists whenever a customer's aggregate position of control

[37] Prior to the filing of NYSE Amendment No. 4, the NYSE's JBO proposal contained the Regulation T citation for JBO arrangements of section 220.11. Subsequently, the Federal Reserve Board changed the citation to section 220.7(c). *See* Board of Governors of the Federal Reserve System Docket Nos. R–0905, R–0923 and R–0944 (Jan. 8, 1998), 63 FR 2806 (Jan. 16, 1998).

[38] For example, CBOE Rule 12.11 specifies that in lieu of meeting the CBOE's margin requirements, a firm may elect to be bound by the initial and maintenance margin requirements of the NYSE. CBOE Constitution and Rules, ¶ 2381, Rule 12.11.

[39] The PCX's original proposal was similar to the NYSE's, which permits a JBO broker to clear and carry or carry customer accounts.

[40] Subparagraph (b)(1) of Exchange Act Rule 15c3–1 exempts certain broker-dealers, satisfying enumerated conditions, from the requirements of the Rule.

[41] For example, in the case of a long position in an equity security the proposed amendments would require a JBO broker to compute its net capital deduction for deficient specialist, market-maker and broker-dealer accounts based on the 15% haircut requirement of Exchange Act Rule 15c3–1(c)(2)(vi)(J), rather than the 25% maintenance margin requirement of NYSE Rule 431(c)(1).

[42] NYSE Amendments Nos. 1 and 2, *supra* note 4.

[43] *See supra* text and accompanying notes 29 to 32 for a discussion of the application of the NYSE's Related Filing to its JBO filing.

[44] The NYSE proposed this amendment in its original filing with the Commission, along with its broader proposal relating to JBO arrangements. Subsequently, in Amendment No. 1 the NYSE requested that these amendments be subject to separate Commission review. The NYSE stated that by bifurcating the proposed rule changes the proposals would become effective more expeditiously than if they were considered by the Commission together. However, the Commission decided not to bifurcate the NYSE's proposals and is issuing this Order to cover each of the proposed amendments in the NYSE's original filing. NYSE Amendments Nos. 1 and 2, *supra* note 4.

[45] NYSE Constitution and Rules, ¶ 2325, Rule 325. NYSE Rule 325 requires a firm to comply with additional net capital requirements than those imposed by Exchange Act Rule 15c3–1.

[46] Subparagraph (e)(8)(B)(i) of NYSE Rule 431 provides that a broker-dealer must, in computing net capital under NYSE Rule 325, deduct ''any margin deficiencies in customers' accounts based upon a margin requirement as specified in subparagraph (e)(8)(C)(iv)'' for control and restricted securities.

and restricted securities in one security exceeds either: (1) 10% of the security's outstanding shares; or (2) 100% of the security's average weekly volume during the preceding three months.

Under the proposed amendments to subparagraph (e)(8)(C)(iv), in determining if a concentration exists, a broker-dealer would deduct from its customer's aggregate position of control and restricted securities ''excess securities,'' which would be defined as the amount of securities by which the aggregate position in control and restricted securities of any one issue exceeds the aggregate amount of securities that would be required to support the aggregate credit extended on those securities, assuming a 50% margin requirement. The NYSE stated that this proposal would correct an anomaly of subparagraph (e)(8)(C)(iv), which effectively imposes stricter requirements on accounts that have more control and restricted securities than necessary to collateralize a credit extension.[47] By limiting the determination of whether a concentration of control and restricted securities exists to two times the credit extension, the proposed amendments would subject these securities to a greater margin requirement based only on financed control and restricted securities.

The NYSE further proposed to amend subparagraph (e)(8)(D) of NYSE Rule 431, which exempts from the requirements of subparagraph (e)(8) control and restricted securities satisfying the following conditions: (1) The securities are considered ''then saleable[48] under Securities Act Rule 144(k),[49] Securities Act Rule 145(d)(2)[50] or Securities Act rule 145(d)(3):[51] and (2) the issuer is current in its filings pursuant to the continuous disclosure system under the Exchange Act;[52] and (3) the securities are owned by a ''non-affiliate''[53] of the issuer. Under the proposed amendments, the exemption of subparagraph (e)(8)(D) would also include control and restricted securities held by an affiliate, provided that the securities otherwise satisfy the other requirements for the exemption. The NYSE stated that it believes that the maintenance margin requirements under NYSE rule 431 for an affiliate that satisfied the time conditions of Securities Act Rule 144(k) for control and restricted securities should be the same as a non-affiliate because the Commission's interpretations under Securities Act Rule 144(k) permit a broker-dealer to sell control and restricted securities of an affiliate in default without regard to the volume and other restrictions imposed on affiliates.[54] In addition, subparagraph (d)(3)(iv) of Securities Act Rule 144 permits a broker-dealer to ''tack'' the ownership period of an affiliate in default to its own for purposes of determining if the time conditions of SEC Rule 144(k) are met.[55]

The NYSE further proposed to amend subparagraph (e)(8)(C)(ii) of NYSE Rule 431. Subparagraph (e)(8)(C)(ii) requires a broker-dealer to incur a net capital charge by the amount of aggregate credit it agrees to extend to its customers on control and restricted securities that exceeds 10% of its ''excess net capital''[56] for purposes of determining its status under NYSE Rule 326.[57] Under the proposed amendments to subparagraph (e)(8)(C)(ii), a broker-dealer would be required to have a written agreement to extend credit to a customer for control and restricted securities. In addition, a firm would incur a net capital charge under subparagraph (e)(8)(C)(ii) of NYSE Rule 431 based on the greater of the aggregate credit agreed to in writing and the credit actually extended.[58]

E. Comment Summary

The Commission received seven comment letters on the SRO proposed rule changes. All of the comments concerned the JBO proposed rule changes and specifically related to the CBOE's proposal. The following is a summary of the comments.

1. Comments Concerning the $7 Million Net Capital Requirement for Options Specialists and Market-Maker Clearing Firms

The original JBO proposals would have required options market-maker clearing firms to maintain $10 million in net capital. At the time the proposals were filed with the Commission, some of these firms did not need to maintain $10 million of net capital to finance their business.[59] However, the Committees established to review and recommend changes to the SRO margin rules believed that these firms would eventually need this amount by the time the Commission would approve the JBO proposals.[60] Accordingly, the SROs originally proposed a $10 million net capital requirement for options market-maker clearing firms.

Although the capital needs for options market-maker clearing firms have in fact increased,[61] several comment letters expressed opposition to the $10 million net capital requirement originally proposed.[62] Since receiving these

[47] NYSE Amendments Nos. 1 and 2, *supra* note 4. Currently, the NYSE interpretations to subparagraph (e)(8)(B) encourages a firm to require its customers to deposit with it all their control and restricted securities on which the firm extends credit. *See* NYSE Interpretation Handbook, Rule 431(e)(8)(B)/01.

[48] The term ''then saleable'' refers to where all the conditions under Securities Act Rule 144 have been satisfied and, the securities are thus immediately saleable within the parameters of SEC Rules 144 and 145(d) under the Securities Act. *See* NYSE Interpretation Handbook, Rule 431(e)(8)(C)(iv)/02. Generally, Securities Act Rule 144 provides a safe harbor for the resale of restricted securities, which includes volume limitations, manner of sale and notice requirements.

[47] NYSE Amendments Nos. 1 and 2, *supra* note 4. Currently, the NYSE interpretations to subparagraph (e)(8)(B) encourages a firm to require its customers to deposit with it all their control and restricted securities on which the firm extends credit. *See* NYSE Interpretation Handbook, Rule 431(e)(8)(B)/01.

[48] The term ''then saleable'' refers to where all the conditions under Securities Act Rule 144 have been satisfied and, the securities are thus immediately saleable within the parameters of SEC Rules 144 and 145(d) under the Securities Act. *See* NYSE Interpretation Handbook, Rule 431(e)(8)(C)(iv)/02. Generally, Securities Act Rule 144 Provides a safe harbor for the resale of restricted securities, which includes volume limitations, manner of sale and notice requirements.

[49] 17 CFR 230.144(k).

[50] 17 CFR 230.145(d)(2).

[51] 17 CFR 230.145(d)(3).

[52] *See* 15 U.S.C. 78m and 78o(d).

[53] An affiliate of an issuer is ''a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with'' the issuer. 17 CFR 230.144(a).

[54] Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Richard Strasser, Assistant Director, dated May 28, 1999.

[55] *See* Securities Act Release No. 6862 (Apr. 23, 1990), 55 FR 17933 (Apr. 30, 1990).

[56] The term ''excess net capital'' generally refers to a firm's net capital in excess of its prescribed requirements under Exchange Act Rule 15c3–1.

[57] NYSE Constitution and Rules, ¶ 2326(a)–(d), Rule 326. NYSE Rule 326 generally limits the activities of a broker-dealer if the firm's net capital falls below certain prescribed percentages.

[58] Currently, a broker-dealer is required to comply with this requirement under the NYSE's interpretation of NYSE Rule 431. *See* NYSE Interpretation Handbook, NYSE Rule 431(e)(8)(C)(ii)/01.

[59] CBOE Original Filing, *supra* note 5.

[60] *Id.*

[61] *Id.*

[62] *See* Letter from William M. Cousins, President, AB Financial LLC, to Jonathan G. Katz, Secretary, Commission, dated January 6, 1998 (''AB Financial Letter''); Letter from William C. Floersch, President and CEO, O'Connor & Company LLC, to Jonathan G. Katz, Secretary, Commission, dated January 7, 1998 (''O'Connor Letter''); Letter from Ray Woods to Jonathan Katz, Secretary, Commission, dated January 6, 1998 (''Woods Letter''); Letter from Lee E. Tenzer, Chairman, Lee E. Tenzer Trading Company, to Jonathan G. Katz, Secretary, Commission, dated January 6, 1998 (''LETCO Letter''); Letter from Phyllis M. Wyse, Senior Vice President, Sage-Clearing, to Jonathan Katz, Secretary, Commission, dated January 6, 1998 (''Sage Letter''); Letter from Timothy Mullen, Chairman and CEO, LIT Clearing Services, Inc., to Jonathan G. Katz, Secretary, Commission, dated

comments, the SROs have amended their JBO proposals to reduce the requirement to $7 million.

Four of the seven commenters believed that $10 million in net capital was excessive.[63] These commenters noted that the minimum dollar net capital requirement under Exchange Act Rule 15c3–1 for clearing firms is $250,000,[64] which is far below the $10 million net capital requirement originally proposed. Indeed, one commenter pointed out that a $10 million net capital requirement equals 40 times the minimum amount required under Exchange Act Rule 15c3–1 and 10 times the $1 million minimum required by the Options Clearing Corporation (''OCC'').[65]

These four commenters stated that a $10 million requirement is arbitrary and without basis under Exchange Act Rule 15c3–1. These commenters noted that Exchange Act Rule 15c3–1's minimum dollar net capital requirements are nominal and that a firm's overall minimum net capital requirement increases based on the size of its business.[66] By the JBO proposals requiring a minimum of $10 million in net capital, one of these commenters argued that the requirement would ''represent an entirely new and unprecedented type of capital test.'' [67]

In addition, two of these four commenters argued that the risk management practices currently in place [68] reduce the need for additional net capital requirements.[69] One of the two commenters stated ''setting capital requirements without regard to the size or risk of the business engaged in essentially ignores all risk management techniques established over the past ten years.'' [70]

These four commenters stated that a $10 million requirement would be ''anti-competitive'' and lead to a concentration of JBO business in fewer firms. As a result, these commenters cautioned that systemic risk would increase in the financial markets. One of these commenters elaborated that, as a result of the increased costs of maintaining additional net capital,[71] smaller firms would have to decide whether to raise the required net capital or exit the JBO clearing business.[72] If these firms would opt to abandon the JBO business, the commenter predicted ''larger firms will be clearing more of the JBO business and thereby concentrating this type of account among fewer firms.'' [73]

Two of these four commenters criticized the JBO proposals' distinction between options market-maker clearing firms, which under the original JBO filings would have been required to maintain $10 million in net capital, and other JBO brokers, which are required under the JBO proposals to maintain $25 million in tentative net capital.[74] One of the two commenters stated that a JBO broker that is required to maintain $25 million in tentative net capital would not be required to consider its haircuts on proprietary positions, even though ''it is conceivable that a broker-dealer could have tentative net capital in excess of $25 million but net capital less than $10 million.'' [75] Further, the JBO broker would not be subject to the 10:1 ratio of gross options market-maker deductions to net capital, which effectively imposes minimum net capital requirements on a firm based on the amount of business it conducts.

In addition, the same commenter noted that maintenance margin requirements for broker-dealer accounts are permitted to be the same as JBO participant accounts. As a result, the commenter argued that a minimum dollar requirement on a JBO broker would present ''an uneven playing field.'' [76]

The same commenter proposed that the JBO net capital requirements should include the 10:1 ratio requirement for all JBO brokers, and that the proposals should eliminate any minimum dollar net capital requirements. The commenter also suggested that a JBO broker should be able to satisfy its net capital requirements through undrawn and available subordinated debt. [77]

2. Comments Concerning the $1 Million Equity Requirement for JBO Participants

The JBO filings require a JBO participant to maintain account equity of $1 million, which is exclusive of its ownership interest in the JBO broker required under Regulation T.

Two commenters stated that it is unreasonable to require a JBO participant to maintain $1 million account equity, and thereby be subject to margin calls for a deficiency.[78] The two commenters stated that due to temporary market fluctuations, JBO participants would be subject to frequent calls on the $1 million equity requirement. Accordingly, the two commenters proposed to require an initial minimum equity amount, and a call amount of 50% to 60% of the initial minimum.

The two commenters also stated that the proposed requirement that a JBO broker deduct from its net capital each JBO participant's haircut requirement under Exchange Act Rule 15c3–1 in excess of the equity maintained in the JBO participant's account, is inconsistent with current margin rules that apply to broker-dealer accounts. In addition, the two commenters noted that it is unclear from the JBO proposals that the $1 million equity requirement would also be subject to a net capital charge. Accordingly, the two commenters proposed to instead require a JBO broker's net capital charge to be the lesser of: (1) The sum of each JBO participant's haircut charges and any deficiency of the $1 million account equity requirement; and (2) the maintenance margin requirement of the JBO participant.

The two commenters also stated that the term ''equity'' is vague. The two commenters noted that under Exchange Act Rule 15c3–1, the term equity includes each account of a JBO participant. However, for margin

[63] AB Financial Letter, O'Connor Letter, LETCO Letter and Sage Letter, *supra* note 62.

[64] Exchange Act Rule 15c3–1 imposes minimum dollar net capital requirements based on the type of business a firm conducts.

[65] O'Connor Letter, *supra* note 62.

[66] In addition to the minimum dollar requirements, Exchange Act Rule 15c3–1 requires a firm's overall minimum net capital requirement to increase based on either a percentage of its liabilities, or alternatively, a percentage of its customer debits. Further, subparagraph (c)(2)(x) of the Rule requires an options market-maker carrying firm's ratio of gross options market-maker deductions to net capital to not exceed a ratio of 10:1.

[67] *Id.*

[68] For instance, CBOE Rule 15.8 requires options market-maker clearing firms to establish and maintain written procedures for assessing and monitoring the potential risks of market-maker positions to a firm's capital. CBOE Constitution and Rules, ¶ 2448, Rule 15.9.

[69] O'Connor Letter and Sage Letter, *supra* note 62.

[70] O'Connor Letter, *supra* note 62.

[71] A clearing firm's net capital may fluctuate due to the changes of the daily net deductions for its customers. In order to cover these fluctuations, many clearing firms maintain revolving subordinated loan arrangements. According to the CBOE, there is a one time charge to establish a facility of approximately $10,000 per $1 million (1%). The cost to maintain such a facility, undrawn, approximates $10,000 per year per $1 million (1%), or $28 per day. The cost to draw down such a facility approximates $95,000 per year per $1 million of drawn funds (at 1% over an 8½% prime), or $264 per day. However, the CBOE stated that it believes these costs are not excessively burdensome. CBOE Original Filing, *supra* note 5.

[72] AB Financial Letter, *supra* note 62.

[73] *Id.*

[74] AB Financial Letter and Sage Letter, *supra* note 62.

[75] AB Financial Letter, *supra* note 62.

[76] *Id.*

[77] Paragraph (b) of Appendix D of Exchange Act Rule 15c3–1 sets forth the minimum requirements for debt under a subordination agreement to be considered net capital. Under paragraph (b), generally a subordination agreement must have a minimum term of one year, except for certain temporary subordination agreements under subparagraph (c)(5) of Appendix D.

[78] Woods Letter and LETCO Letter, *supra* note 62.

purposes the term equity refers to each individual account. Accordingly, the two commenters believes that more clarification is needed in defining the term equity.

In regard to the definition of equity under the JBO proposals, several commenters proposed to define equity as all cash and other assets (including the amount paid by the JBO participant for its share of the JBO and the value of the CBOE memberships owned by the JBO participant, if applicable) plus all positions minus all short positions. Two commenters stated that it is appropriate to include in the $1 million account equity requirement a JBO participant's ownership interest in the JBO broker because ''it is often a significant amount of money and adds to the financial stability of the JBO as a whole.'' [79]

B. Comments Concerning the Written Risk Analysis Requirement

Under the JBO proposals, a JBO broker must maintain a written risk analysis methodology for assessing the amount of credit extended to each JBO participant. One commenter criticized this requirement as not being ''entirely clear.'' [80]

C. Comments Concerning the Written Ownership Requirement

Some of the JBO filings would require a JBO broker to establish and maintain written ownership standards for JBO accounts. One commenter criticized this requirement as not having provided guidance regarding the minimum standards.[81] In addition, the commenter stated that under the CBOE filing, the CBOE would have discretion to determine what is an appropriate ownership standard. As a result, the commenter argued that JBO brokers, would have an incentive to ''establish overly restrictive ownership standards.'' [82]

5. Comments Concerning the Series 27 Principal Requirements

Some of the JBO filings would require JBO participants to employ, or have access to, a Series 27 principal. One commenter criticized this requirement and stated that some broker-dealers who limit their activities to proprietary trading and do not transact business with non-broker-dealers are not currently required to employ a Series 27 principal.[83] In addition, the commenter believed that the requirement was vague and not relevant.

III. Discussion

For the reasons discussed below, the Commission finds that the proposed rule changes are consistent with the Exchange Act and the rules and regulations under the Exchange Act applicable to a national securities exchange. In particular, the Commission believes that the proposed rule changes are consistent with Section 6(b)(5) of the Exchange Act,[84] which requires that the rules of an exchange be designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and protect investors and the public interest.[85]

A. Approval of JBO Provisions

The Commission believes that each of the SROs has proposed reasonable capital and equity requirements for JBO brokers and JBO participants. The Commission also believes that the SRO requirements fulfill the Federal Reserve Board's mandate for the SROs to provide rules that ''ensure the reasonableness of JBO arrangements.'' [86]

With respect to JBO brokers, the Commission believes that it is reasonable for SROs to require a JBO broker to: (1) Provide written notification to its designated examining authority (''DEA'') prior to establishing a JBO arrangement; (2) maintain a minimum of $25 million in tentative net capital or $7 million in net capital if the JBO broker's primary business is clearing options market-maker accounts and, for these firms, the Commission also believes that it is reasonable to deem a broker-dealer's primary business to be the clearance of options market-maker accounts if a minimum of 60% of its aggregate deductions in its ratio of gross options market-maker deductions to net capital (including gross deductions for JBO participant accounts) are options market-maker deductions; (3) provide prompt written notification to the SROs if its tentative net capital or net capital, whichever applies, would fall below the prescribed requirements; (4) resolve any net capital deficiency within three business days or not be permitted to accept additional transactions through the JBO arrangement; (5) maintain a written risk analysis methodology for assessing the amount of credit extended to each JBO participant; and (6) deduct from its net capital each JBO participant's haircut requirement in excess of the equity maintained in the JBO participant's account.[87]

The Commission believes that the $7 million net capital requirement for JBO brokers is a reasonable response to the need for a capital cushion for the fluctuations in net capital resulting from the daily changes in JBO participant accounts and would avoid unnecessary and inadvertent violations of the net capital requirements at the times when a firm's capital needs are more volatile, such as the week that options expire or during severe market stresses.

In addition, for those SROs that would so require, the Commission believes that it is reasonable to require a JBO broker to establish and maintain written ownership standards for JBO accounts and to require a JBO broker to provide immediate telegraphic or facsimile notice to the SRO if its tentative net capital or net capital, whichever applies, would fall below the prescribed minimum levels. The Commission also believes that it is reasonable for a JBO broker to be subject to the equity capital withdrawal restrictions of paragraph (e) of Exchange Act Rule 15c3–1 and the prohibitions against the reduction, prepayment, and repayment of subordination debt of paragraph (b) of Appendix D of Exchange Act Rule 15c3–1, as if the firm's net capital would be below the minimum standards specified by those sections.

The Commission believes that it is reasonable for the SROs to require a JBO broker to be either a clearing and carrying, clearing, or carrying firm in accordance with the requirements under Regulation T and the Federal Reserve Board's applicable interpretations.

With respect to JBO participants, the Commission believes that it is

[79] LIT Letter and First Options Letter, *supra* note 62.

[80] Woods Letter, *supra* note 62.

[81] *Id.*

[82] *Id.*

[83] LETCO Letter, *supra* note 62.

[84] 15 U.S.C. 78f(b)(5).

[85] In approving these proposed rule changes, the Commission considered the proposals' impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[86] Board of Governors of the Federal Reserve System Docket No. R–0772 (Apr. 24, 1996), 61 FR 20386 (May 6, 1996).

[87] To date, the Commission has not taken action on the NYSE's Related Filing. Accordingly, this Order does not approve the Related Filing or its application to the margin amendments contained in this filing. However, upon Commission approval of the Related Filing, this Order would, for certain non-equity securities, permit a JBO broker to deduct from its net capital the difference between the equity maintained in the account of a JBO participant and the maintenance margin requirement specified in the Related Filing, as amended.

Although the SROs, except for the NYSE, have not proposed a similar alternative deduction, the Commission recognizes that some SRO rules permit dual NYSE registered firms to elect to be bound by the NYSE's maintenance margin requirements. By making this election, these firms would be permitted to take advantage of this alternative deduction.

reasonable for the SROs to require a JBO participant to: (1) Be a registered broker-dealer subject to Exchange Act Rule 15c3–1; (2) maintain an ownership interest in the JBO broker in accordance with Regulation T; and (3) maintain a minimum liquidating equity of $1 million in an account with the JBO broker. The Commission also believes that it is reasonable to require a JBO participant, whose liquidating equity would fall below the required $1 million, to deposit the deficiency within 5 business days or lose its JBO participant status and become subject to the customer margin account requirements under Regulation T and the other SRO maintenance margin requirements.

The Commission believes that the requirement of $1 million equity in the account is not unreasonable, considering the lack of regular maintenance margin requirements and the substantial leverage that would be obtained by the JBO participant.

In addition, for those SROs that would so require, the Commission believes that this is reasonable to require a JBO participant to employ or have access to a qualified Series 27 principal and to prohibit a JBO participant from operating under paragraph (b)(1) of Exchange Act Rule 15c3–1. The Commission also believes that it is reasonable to permit a foreign currency option participant to be a JBO participant.

The Commission believes that it is important for the SROs and the firms to be adequately prepared to implement and monitor the revised rules. Therefore, the Commission believes that it is appropriate to permit firms to allow a six-month phase-in of these new rules relating to JBO arrangements.

B. Approval of Reduced Margin for Specialist, Market-Maker and Broker-Dealer Accounts

The Commission believes that it is reasonable to require a broker-dealer to deduct from its net capital the difference between the equity maintained in the account of a specialist, market-maker and broker-dealer and the required haircut in accordance with Exchange Act Rule 15c3–1. The Commission believes that it is appropriate and equitable for SROs to require the same maintenance margin requirements for specialist, market-maker and broker-dealer accounts as JBO participant accounts.

In addition, the Commission believes that it is reasonable to permit SROs, which have not previously adopted these provisions, to allow a clearing firm to carry the proprietary account of another registered broker-dealer on a mutually satisfactory margin basis, provided that the firms comply with Regulation T and do not maintain the account in an equity deficit.

C. Approval of the Proposed Changes to the Concentration Provisions for Control and Restricted Securities

The Commission believes that it is reasonable for the NYSE to permit a firm to deduct the amount of its customers' excess control and restricted securities in determining if a concentration of control and restricted securities exists for purposes of deducting from its net capital any margin deficiencies in a customer's account under of subparagraph (e)(8)(c)(i) of NYSE Rule 431. Excess securities includes securities by which a customer's aggregate position in control and restricted securities of any one issue exceeds the aggregate amount of securities that would be required to support the aggregate credit extended on those securities, assuming a 50% margin requirement.

The Commission notes that the current concentration provisions for control and restricted securities appear to be inappropriate because they impose stricter requirements on accounts that have more control and restricted securities than necessary to collateralize a credit extension. By limiting the determination of whether a concentration of control and restricted securities exists to two times the credit extension, the proposal would subject these securities to a greater margin requirement based only on financed control and restricted securities. The Commission believes that this is a reasonable and appropriate margin requirement.

The Commission believes that it is reasonable for the NYSE and other SROs to exempt affiliate securities from the margin provisions relating to control and restricted securities provided that the securities otherwise meet the requirements of subparagraph (e)(8)(D), including that: (1) The securities are considered then saleable under Securities Act Rule 144(k), Securities Act Rule 145(d)(2) or Securities Act Rule 145(d)(3); and (2) the issuer is current in its filings pursuant to the continuous disclosure system under the Exchange Act.

The Commission notes that its interpretations under Securities Act Rule 144(k) may, under certain circumstances, permit a broker-dealer to sell control and restricted securities of an affiliate in default without regard to the volume and other restrictions imposed on affiliates. In addition, subparagraph (d)(3)(iv) of Securities Act Rule 144 permits a broker-dealer to ''tack'' the ownership period of an affiliate in default to its own for purposes of determining if the time conditions of Securities Act Rule 144(k) are met. Accordingly, the Commission believes that it is appropriate for affiliate securities, which otherwise meet the requirements of subparagraph (c)(8)(D), to be exempt from the maintenance margin rules for control and restricted securities.

The Commission believes that it is reasonable for the NYSE to require a broker-dealer to incur a net capital charge by the amount of aggregate credit it agrees to extend to its customers on control and restricted securities that exceed 10% of its excess net capital for purposes of determining its status under NYSE Rule 326. The Commission believes that it is reasonable for the NYSE to require a broker-dealer to have a written agreement to extend credit to a customer for control and restricted securities and require a firm to incur a net capital charge based on the greater of the aggregate credit agreed to in writing and the credit actually extended. The Commission notes that this rule change is currently required under the NYSE's interpretation of NYSE Rule 431.

D. Accelerated Approvals

The Commission finds good cause for approving NYSE Amendments Nos. 3 and 4 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. NYSE Amendment No. 3 proposed to permit a six-month phase-in of the NYSE's rule changes relating to JBO arrangements. NYSE Amendment No. 4 clarified the current citation to the provisions of Regulation T relating to JBO arrangements. The Commission believes that NYSE Amendment No. 3 is necessary because it is important for the NYSE and its members to be adequately prepared to implement and monitor the new rules relating to JBO arrangements. The Commission believes that NYSE Amendment No. 4 is necessary to reflect the current citation of Regulation T. Accordingly, the Commission finds it is consistent with Section 19(b) of the Exchange Act to approve NYSE Amendments Nos. 3 and 4 on an accelerated basis.

The Commission finds good cause for approving Phlx Amendment No. 2 and CHX Amendments Nos. 2, 3 and 4 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. These amendments generally proposed to: (1) Lower the minimum net capital

requirement for a JBO broker whose primary business is clearing options market-maker accounts to $7 million, instead of the $10 million originally proposed; (2) require a JBO broker to provide immediate telegraphic or facsimile notice to the SRO if its tentative net capital or net capital, whichever applies, would fall below the prescribed minimum levels; and (3) subject a JBO broker to the equity capital withdrawal restrictions of paragraph (e) of Exchange Act Rule 15c3–1 and the prohibitions against the reduction, prepayment, and repayment of subordination debt of paragraph (b) of Appendix D of Exchange Act Rule 15c3–1, as if the firm's net capital would be below the minimum standards specified by those sections. These amendments also clarified the requirement that if a JBO participant's liquidating equity would fall below the required $1 million it must deposit the deficiency within 5 business days or lose its JBO participant status and become subject to the margin account requirements under Regulation T and the other SRO maintenance margin requirements.

Furthermore, these amendments clarified the current citation to the relevant provisions of Regulation T, and proposed to prohibit a JBO broker to be only a carrying firm. The Commission believes that these amendments are reasonable and are consistent with some of the other SROs' JBO requirements. Accordingly, the Commission finds it is consistent with Section 19(b) of the Exchange Act to approve Phlx Amendment No. 2 and CHX Amendments Nos. 2, 3, and 4 on an accelerated basis.

The Commission finds good cause for approving PCX Amendment No. 2 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. PCX Amendment No. 2 would prohibit a JBO broker to be only a carrying firm. The PCX's original filing would have permitted a JBO broker to carry and clear or carry customer accounts. The Commission believes that PCX Amendment No. 2 is reasonable and is consistent with some of the other SROs' JBO requirements. Accordingly, the Commission finds it is consistent with Section 19(b) of the Exchange Act to approve PCX Amendment No. 2 on a accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing SRO amendments not previously published in the **Federal Register**, including whether the proposed rule changes, as modified by the amendments, are consistent with the Exchange Act. Persons making written submissions should file six copies thereof with the Secretary. Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal offices of the SROs. All submissions should appropriately refer to SR–NYSE–97–28; SR–CBOE–97–58; SR–Phlx–97–56; SR–PCX–97–49; SR–CHX–98–12 and should be submitted by March 24, 2000.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[88] that the proposed rule changes (SR–NYSE–97–28; SR–CBOE–97–58; SR–Phlx–97–49; SR–CHX–98–12; SR–Amex–99–26), as amended, are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[89]

Margaret H. McFarland,

Deputy Secretary.

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[88] 15 U.S.C. 78s(b)(2).

[89] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 42458; File No. SR–Phlx–00–12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Rescind Exchange Rule 132, ''Dealings Outside of Exchange in Securities Dealt in on the Exchange''

February 25, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 10, 2000, the Philadelphia Stock Exchange, Inc. (''Exchange'' or ''Phlx'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Exchange's proposed rule change raises issues similar to those raised by the New York Stock Exchange's (''NYSE'') proposal to repeal NYSE Rule 390, which rule generally prohibits NYSE members and their affiliates from effecting transactions in certain NYSE-listed securities away from a national securities exchange. The Commission recently issued the notice of filing for the NYSE's proposal (''NYSE Notice'') and solicited comment on a number of important issues that have broad implications for the structure of the U.S. securities markets.[3] Specifically, the Commission requested comment on market fragmentation—the trading of orders in multiple locations without interaction among those orders—and on several options for addressing market fragmentation. To promote a comprehensive discussion of off-board trading restrictions and related market fragmentation issues, the Commission requests that persons interested in the Exchange's proposal refer to the NYSE Notice and submit comments that respond to the questions presented in the NYSE Notice.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange seeks to rescind Exchange Rule 132, ''Dealings Outside of Exchange in Securities Dealt on the Exchange.'' The text of the proposed rule change is available at the Exchange and at the Commission.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42450 (Feb. 23, 2000) (File No. SR–NYSE–99–48). The Commission notes that similar proposals have been filed by the American Stock Exchange and the Chicago Stock Exchange. *See* Securities Exchange Act Release Nos. 42460 (Feb. 25, 2000) (File No. SR–Amex–00–05) and 42459 (Feb. 25, 2000) (File No. SR–CHX–00–12).

[4] The Commission notes that the NYSE Notice is available on the Commission's website at: (http://www.sec.gov/rules/sros/ny9948n.htm).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to rescind Exchange Rule 132, which currently places restrictions on off-board trading by Exchange members and member organizations. With certain exceptions, and Exchange member, member organization, or affiliated person may not effect any transaction in any ''listed security,'' as defined in Exchange Rule 132, in the over-the-counter market, either as principal or agent.

The staff of the Commission recently asked the Exchange to review its off-board trading restrictions and consider measures to repeal such restrictions.[5] In proposing the rescission of Exchange Rule 132, the Exchange intends to broaden the free market trading activities of Exchange members and the investors they represent by removing restrictions on over-the-counter trading in listed securities.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section of the Act,[6] in general, and with Section 6(b)(5),[7] in particular, in that it is designed to promote just and equitable principles of trade, and protect investors and the public interest by broadening the free market trading activities of Exchange members and the investors that they represent by removing restrictions on over-the-counter trading in listed securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rules Change Received From Members, Participants or Others

The Exchange neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. The Commission also invites interested persons to submit written data, views, and arguments on the market fragmentation issues presented in the NYSE Notice.[8] Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Phlx–00–12 and should be submitted by March 24, 2000. Comments responding to the Commission's request for comment on market fragmentation issues should refer to File No. SR–NYSE–99–48 and should be submitted by April 28, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5185 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

[5] *See* Letter from Annette L. Nazareth, Director, Division of Market Regulation, Commission, to Meyer S. Frucher, Chairman and Chief Executive Officer, Exchange, dated December 22, 1999.

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(5).

[8] *See supra* notes 3 and 4.

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42457; File No. SR–Phlx–99–61]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Monthly Billing of Membership Dues, Foreign Currency User Fees, Foreign Currency Participation Fees, Trading Post/Booth Space Fees and the Technology Fee

February 25, 2000.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 3, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in items I, II, and III below, which Items have been prepared by the Exchange. On February 16, 2000, the Phlx submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its schedule of dues, fees and charges to bill membership dues, foreign currency user fees, foreign currency participation

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Murray L. Ross, Vice President and Secretary, Phlx, to Kelly A. McCormick-Riley, Division of Market Regulation, SEC, dated February 3, 2000 (''Amendment No. 1''). Amendment No. 1 included a corrected Exhibit B to the proposed rule change regarding the fees impacted by the proposed billing schedule, corrected the date of effectiveness and corrected the file number listed in the Solicitation of Comment section.

fees, trading post/booth space fees and the technology fee on a monthly basis rather than the semi-annual or quarterly basis currently utilized. The amounts of the charges of fees will remain unchanged; only the frequency of billing for such dues, fees or charges will change to a monthly basis. The proposed effective date of this amendment is at the opening of business, January 3, 2000. The text of the proposed change to the Phlx fee schedule is available for inspection at the places specified in Item IV below.

II. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

According to the Exchange, the purpose of this proposed rule change is to amend its fee schedule to change the frequency that members, foreign currency options participants and member and participant organizations are billed for membership dues, foreign currency user fees, foreign currency participation fees, trading post/booth space and the technology fee.

This change is being instituted on the recommendation of the Exchange's Finance Committee and is designed to enhance operational efficiency by billing monthly for such dues, fees and charges. The change in frequency of billing for such items will allow the Exchange's Accounting Department to operate more effectively, while allowing members and participants to more accurately gauge their operating expenses on a monthly basis and to reduce operational cash flow burdens which may result from the current payment schedule. The Phlx believes that the proposed amendments to the billing cycles for membership dues, foreign currency user fees, foreign currency participation fees, trading post/booth space and the technology fee are reasonable and equitable because they only change the frequency of billing not the amount billed.

2. Basis

The Exchange believes the proposed rule change is consistent with section 6 of the Act,[4] in general, and in particular, with section 6(b)(4),[5] because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee or charged imposed by the Exchange and, therefore, has become effective upon filing pursuant to section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(2)[7] thereunder. The Exchange intends to implement the fee changes on January 3, 2000. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rate change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–99–61 and should be submitted by March 24, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–5187 Filed 3–2–00; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(2).

[8] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

The information collections listed below have been submitted to OMB for clearance. Written comments and recommendations on the information collections would be most useful if received within 30 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer and the OMB Desk Officer at the addresses listed after this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him.

1. *Report to United States Social Security Administration by Person Receiving Benefits for a Child or Adult Unable to Handle Funds–0960–0049.* The information on Forms SSA–7161–OCR–SM and 7162–OCR–SM is used by the Social Security Administration (SSA) to determine continuing entitlement and proper benefit amounts for Social Security beneficiaries who live outside the United States (U.S.). The respondents are persons living outside the U.S. who are entitled to

benefits or who are representative payees for beneficiaries.

	SSA–7161–OCR–SM	SSA–7162–OCR–SM
Number of Respondents	30,000	200,000
Frequency of Response	1	1
Average Burden Per Response (minutes)	15	5
Estimated Annual Burden (hours)	7,500	16,667

2. *State Agency Schedule for Equipment Purchases for SSA Disability Programs–0960–0406.* SSA uses the information collected on Form SSA–871 to budget and account for expenditures of funds for equipment purchases by the State Disability Determination Services (DDS) that administer the disability determination program. The respondents are State governments that make disability determinations.

Number of Respondents: 54.

Frequency of Response: 4.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 216 hours.

3. *Physical Residual Functional Capacity Assessment; Mental Residual Functional Capacity Assessment–0960–0431.* The information collected on forms SSA–4734–BK and SSA–4734–BK–SUP is needed by SSA to assist in the adjudication of disability claims involving physical and/or mental impairments. The forms assist the State DDS to evaluate impairment(s) by providing a standardized data collection format to present findings in a clear, concise and consistent manner. The respondents are State DDSs administering title II and title XVI disability programs.

Number of Responses: 1,130,772.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 376,924 hours.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

(OMB Address)

Office of Management and Budget, OIRA, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, DC 20503.

Dated: February 28, 2000.

Frederick W. Brickenkamp,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 00–5161 Filed 3–2–00; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

[Second Amendment to Delegation of Authority 221]

Delegation of Authority 221–2

Section 1. Functions Delegated

By virtue of the authority vested in me by the Secretary of State in Delegation of Authority 148–1, dated September 9, 1981, and Delegation of Authority 198, dated September 16, 1992, I hereby delegate to the Director General of the Foreign Service and Director of Personnel the authority vested in me:

(a) To prescribe regulations arising under the Foreign Service Act of 1980, the Civil Service Reform Act, and any other laws administered by or relating to the Bureau of Personnel and the Office of Medical Services;

(b) To exercise the functions of the Secretary under:

(1) § 308 of the Foreign Service Act of 1980, as amended (relating to the recall and reemployment of retired career members of the Service).

(2) § 401(b) of the Foreign Service Act of 1980, as amended (relating to the continuation of the official services of the chief of mission for up to 50 days after relinquishment of charge of the mission).

(3) § 413 of the Foreign Service Act of 1980, as amended (relating to payment of a death gratuity to surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad);

(4) § 605(b) of the Foreign Service Act of 1980, as amended (relating to removing names from rank order lists or delaying promotions);

(5) § 607(b) of the Foreign Service Act of 1980, as amended (relating to limited career extensions);

(6) § 609(b)(1) of the Foreign Service Act of 1980, as amended (relating to accelerating or combining installments);

(7) § 808 of the Foreign Service Act of 1980, as amended (relating to disability retirement and related determinations);

(8) § 901(6) of the Foreign Service Act of 1980, as amended (relating to rest and recuperation travel, including extraordinary rest and recuperation travel);

(9) § 901(8) of the Foreign Service Act of 1980, as amended (relating to designation of posts as imminent danger areas from which family visitation travel is permitted);

(10) 5 U.S.C. § 5753 and § 5754 (relating to recruitment and relocation bonuses and retention allowances).

Section 2. Delegations Revoked

Delegation of Authority No. 224, dated September 2, 1998, Delegation of Authority No. 132, dated July 8, 1975, 40 Federal Register 28646, and Delegation of Authority 221–1 dated October 1, 1999 are hereby revoked.

Section 3. General Provisions

(a) As used in this delegation of authority, the word ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, or activity.

(b) The parenthetical descriptions used in this delegation of authority shall not be construed as words of limitation.

(c) This authority may only be re-delegated to a Deputy Assistant Secretary of State for Personnel to the extent consistent with the law.

(d) Notwithstanding any provisions of this delegation of authority, the Secretary, the Deputy Secretary, and the Under Secretary of State for Management may at any time exercise the functions herein delegated.

(e) The exercise by the Director General, or any person acting on behalf of the Director General, of the functions prescribed herein, prior to the effective date of this Delegation of Authority is hereby confirmed and ratified.

(f) An act, executive order, regulation or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation or

procedure as amended from time to time.

(g) This Delegation of Authority supersedes any prior delegation on this subject to the extent such delegation may be inconsistent herewith.

Dated: February 23, 2000.

Bonnie R. Cohen,

Under Secretary of State for Management, U.S. Department of State.

[FR Doc. 00–5218 Filed 3–2–00; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 23–16, Powerplant Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance and availability.

SUMMARY: Advisory Circular (AC) 23–16, Powerplant Guide for Certification of Part 23 Airplanes provides information and guidance concerning acceptable means, but not the only means of compliance with Title 14 of the Code of Federal Regulations (14 CFR) Part 23, Subpart F, applicable to the powerplant installation in normal, utility, acrobatic, and commuter category airplanes. The AC consolidates existing policy documents, and certain AC's that cover specific paragraphs of the regulations, into a single document. Material in the AC is neither mandatory nor regulatory in nature and does not constitute a regulation.

DATE: AC 23–16 was issued by the Small Airplane Directorate, Aircraft Certification Service, on September 21, 1999.

How to Order: A copy of AC 23–16 may be purchased from the Superintendent of Documents, Post Office Box 371954, Pittsburgh, PA 15250–7954, or from any of the Government Printing Offices located in major cities throughout the United States. Identify the publication as AC 23–16, Powerplant Guide for Certification of Part 23 Airplanes, Stock Number 050–007–01285–3. The cost is $14.00 per copy for orders mailed within the U.S. and $17.50 for orders mailed outside of the U.S. Send a check or money order, made payable to Superintendent of Documents, with your request. No c.o.d. orders are accepted. Also, the AC should be available within a few days on the internet at http://www.faa.gov/avr/air/airhome.htm.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Nininger, Standards Office, Small Airplane Directorate, Aircraft Certification Service, Kansas City, Missouri 64106, telephone (816) 329–4129, fax (816) 329–4090.

Issued in Kansas City, Missouri on February 18, 2000.

Marv Nuss,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–5228 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–08]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 27, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on February 29, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 25483.

Petitioner: Air Transport Association of America.

Section of the FAR Affected: 14 CFR paragraph (d) of appendix B to part 43, 45.11(a) and (d), 91.203(c), and 91.417(d).

Description of Relief Sought/Disposition: To allow all aircraft operating under 14 CFR part 121 and all aircraft operating in commuter air carrier operations (as defined in 14 CFR 119.3) under an FAA-approved CAMP to be operated without complying with the requirements pertaining to (1) the location of the aircraft identification plates and (2) the carriage of FAA Form 337 as evidence of installation approval for fuel tank installation in the passenger compartment or a baggage compartment.

Grant, 02/22/00, Exemption No. 4902G

[FR Doc. 00–5229 Filed 3–2–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33851]

Texas Pacifico Transportation, Ltd.—Acquisition and Operation Exemption—South Orient Railroad Company, Ltd.

Texas Pacifico Transportation, Ltd. (Pacifico), a noncarrier State of Texas limited partnership, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from the South Orient Railroad Company, Ltd. (SORC) and operate approximately 381.9 miles of rail line in Brewster, Coleman, Crane, Crockett, Irion, Pecos, Presidio, Reagan, Runnels, Tom Green, and Upton Counties, TX. Grupo Mexico, S.A. de C.V., a Mexican Sociedad Anomina de Capital Variable, and the ultimate

parent of Pacifico, has entered into a conditional agreement with SORC, whereby Pacifico proposes to acquire the following: (1) SORC's permanent, exclusive easement to conduct rail freight transportation; (2) SORC's lease of the rail line extending between milepost 1029.1 on the International Bridge, near Presidio, and milepost 956.7, at Paisano Junction, and between milepost 945.3, at Alpine Junction, and milepost 0 + 330 feet, near San Angelo Junction on the east, and Lampasas Subdivision milepost 373 + 4362 feet, near San Angelo Junction on the west; and (3) the assignment of SORC's trackage rights over a line of the Union Pacific Railroad Company extending between milepost 956.7, at Paisano Junction, and milepost 945.3 at Alpine Junction.

The transaction is scheduled to be consummated on or after February 25, 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. 33851, 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 Fritz R. Kahn, Esq., 1100 New York Avenue, N.W., Suite 750 West, Washington, DC 20036.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: February 24, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 00–4923 Filed 3–2–00; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Federal Reserve System Federal Deposit Insurance Corporation

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Submission for OMB Review; Joint Comment Request.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (collectively, the ''agencies'') hereby give notice that they plan to submit to the Office of Management and Budget (OMB) requests for review of the information collection systems described below. The Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

On September 3, 1999, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on the extension, without revision, of the currently approved information collections: the Country Exposure Report (FFIEC 009) and the Country Exposure Information Report (FFIEC 009a). However, minor clarifications were proposed to the FFIEC 009 instructions.

DATES: Comments must be submitted on or before April 3, 2000.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments should refer to the OMB control number(s) and will be shared among the agencies.

OCC: Written comments should be submitted to the Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW, Third Floor, Attention: 1557–0100 (FFIEC 009 and 009a), Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov. Comments will be available for inspection and photocopying at the OCC's Public Reference Room, 250 E Street, SW, Washington, DC 20219 between 9 a.m. and 5 p.m. on business days. Appointments for inspection of comments may be made by calling (202) 874–5043.

Board: Written comments should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.12 of the Board's Rules Regarding Availability of Information, 12 CFR 261.12(a).

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. [FAX number (202) 898–3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW, Washington, DC, between 9 a.m. and 4:30 p.m. on business days.

A copy of the comments may also be submitted to the OMB desk officer for the agencies: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of an agency's submission may be obtained by contacting:

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Board: Mary M. West, Chief, Financial Reports Section, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets, NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Diane Jenkins, (202) 452–3544, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

FDIC: Steven F. Hanft, FDIC Clearance Officer, (202) 898–3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Proposal To Extend for Three Years With Minor Instructional Clarifications the Following Currently Approved Collections of Information

Report Title: Country Exposure Report/Country Exposure Information Report.

Form Number: FFIEC 009 and FFIEC 009a.

Frequency of Response: Quarterly.

Affected Public: Business or other for profit.

For OCC:

OMB Number: 1557–0100.

Estimated Number of Respondents: 50 (FFIEC 009); 50 (FFIEC 009a).

Estimated Average Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a).

Estimated Total Annual Burden: 6,000 burden hours (FFIEC 009); 1,050 burden hours (FFIEC 009a).

For Board:

OMB Number: 7100–0035.

Estimated Number of Respondents: 39 (FFIEC 009); 16 (FFIEC 009a).

Estimated Average Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a).

Total Annual Burden: 4,680 burden hours (FFIEC 009); 336 burden hours (FFIEC 009a).

For FDIC:

OMB Number: 3064–0017.

Estimated Number of Respondents: 35 (FFIEC 009); 35 (FFIEC 009a).

Estimated Average Time per Response: 30 burden hours (FFIEC 009); 5.25 burden hours (FFIEC 009a).

Estimated Total Annual Burden: 4,200 burden hours (FFIEC 009); 735 burden hours (FFIEC 009a).

General Description of Reports

This information collection (FFIEC 009 and FFIEC 009a) is mandatory: 12 U.S.C. 161 and 1817 (for national banks); 12 U.S.C. 248(a), 1844(c), and 3906 (for state member banks and bank holding companies); and 12 U.S.C. 1817 and 1820 (for insured state nonmember commercial and savings banks). The FFIEC 009 information collection is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)). The FFIEC 009a information collection is not given confidential treatment. Small businesses (*i.e.,* small banks) are not affected.

Abstract

The Country Exposure Report (FFIEC 009) is filed quarterly with the agencies and provides information on international claims of U.S. banks and bank holding companies that is used for supervisory and analytical purposes. The information is used to monitor country exposure of banks to determine the degree of risk in their portfolios and the possible impact on U.S. banks of adverse developments in particular countries. The Country Exposure Information Report (FFIEC 009a) is a supplement to the FFIEC 009 and provides publicly available information on material foreign country exposures (all exposures to a country in excess of one percent of total assets or 20 percent of capital, whichever is less) of U.S. banks and bank holding companies that file the FFIEC 009 report. Reporting institutions must also furnish a list of countries in which they have lending exposures above 0.75 percent of total assets or 15 percent of total capital, whichever is less. No changes are proposed to the FFIEC 009 reporting forms or the FFIEC 009a reporting forms and instructions. However, minor clarifications are proposed to the FFIEC 009 instructions.

Current actions: The agencies received one comment letter in response to the notice published in the **Federal Register** on September 3, 1999 (64 FR 48453) requesting public comment on the extension without revision, with minor clarification to the FFIEC 009 instructions for the treatment of credit derivatives. The commenter supported an instructional clarification for the treatment of credit derivatives and recommended specific language. In addition, the commenter recommended the agencies clarify the treatment for securities reverse repurchase agreements (resale agreements) in these information collections.

After consideration of the comment letter, the agencies decided to clarify the treatment of credit derivatives in the instructions effective as of the June 30, 2000, report date. However, the agencies determined that further study of the impact of alternative treatments for resale agreements on these information collections is warranted. The agencies will reconsider the need for a clarification on the treatment of resale agreements after the issue has been studied further.

Request for Comment

Comments are invited on:

a. Whether the information collections are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

b. The accuracy of the agencies' estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this notice will be shared among the agencies. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology as well as other relevant aspects of the information collection request.

Dated: February 23, 2000.

Mark J Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 28, 2000.

Jennifer J. Johnson,

Secretary of the Board.

Dated at Washington, DC, this 16th day of February, 2000.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 00–5129 Filed 3–2–00; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–27–83; LR–54–85]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing temporary regulations, LR–27–83 (TD 7882), Floor Stocks Credits or Refunds and Consumer Credits or Refunds With Respect to Certain Tax-Repealed Articles; Excise Tax on Heavy Trucks (Section 145.4051–1) and LR–54–85 (TD 8050), Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors; Reporting and Recordkeeping Requirements (Section 145.4052–1).

DATES: Written comments should be received on or before May 2, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: (LR–27–83) Floor Stocks Credits or Refunds and Consumer Credits or Refunds With Respect to Certain Tax-Repealed Articles; Excise Tax on Heavy Trucks, and (LR–54–85) Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors; Reporting and Recordkeeping Requirements.

OMB Number: 1545–0745

Regulation Project Number: LR–27–83; LR–54–85

Abstract: LR–27–83 requires sellers of trucks, trailers and semitrailers, and tractors to maintain records of the gross vehicle weights of articles sold to verify taxability. LR–54–85 requires that if the sale is to be treated as exempt, the seller and the purchaser musts be registered and the purchaser must give the seller a resale certificate.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,100.

Estimated Time Per Respondent: 1 hour, 1 minute.

Estimated Total Annual Burden Hours: 4,140

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 24, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5087 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5472

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5472, Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

DATES: Written comments should be received on or before May 2, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

OMB Number: 1545–0805.

Form Number: 5472.

Abstract: Form 5472 is used to report information about transactions between a U.S. corporation that is 25% foreign owned or a foreign corporation that is engaged in a U.S. trade or business and related foreign parties. The IRS uses Form 5472 to determine if inventory or other costs deducted by the U.S. or foreign corporation are correct.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 75,000.

Estimated Time Per Response: 23 hrs., 47 min.

Estimated Total Annual Burden Hours: 1,784,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 24, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5088 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8594

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8594, Asset Acquisition Statement.

DATES: Written comments should be received on or before May 2, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Asset Acquisition Statement.

OMB Number: 1545–1021.

Form Number: 8594.

Abstract: Internal Revenue Code section 1060 requires reporting to the IRS by the buyer and seller of the total consideration paid for assets in an applicable asset acquisition. The information required to be reported includes the amount allocated to goodwill or going concern value. Form 8594 is used to report this information.

Current Actions: There are no changes being made to Form 8594 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 12 hr., 15 min.

Estimated Total Annual Burden Hours: 245,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5230 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–107644–97]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–107644–97 (TD 8769), Permitted Elimination of Preretirement Optional Forms of Benefit (§ 1.411(d)–4).

DATES: Written comments should be received on or before May 2, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Permitted Elimination of Preretirement Optional Forms of Benefit.

OMB Number: 1545–1545.

Regulation Project Number: REG–107644–97.

Abstract: This regulation permits an amendment of a qualified plan or other employee pension benefit plan that eliminates plan provisions for benefit distributions before retirement age but after age 70½. The regulation affects employers that maintain qualified plans and other employee pension benefit plans, plan administrators of these plans and participants in these plans.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 135,000.

Estimated Average Time Per Respondent: 22 min.

Estimated Total Annual Burden Hours: 48,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5231 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–5–91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–5–91 (TD 8437), Limitations on Percentage Depletion in the Case of Oil and Gas Wells (Section 1.613A–3(e)).

DATES: Written comments should be received on or before May 2, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Limitations on Percentage Depletion in the Case of Oil and Gas Wells.

OMB Number: 1545–1251

Regulation Project Number: PS–5–91

Abstract: This regulation concerns oil and gas property held by partnerships. Because the depletion allowance with respect to production from domestic oil and gas properties is computed by the partners and not by the partnership, section 1.613A–3(e)(6)(i) of the regulation requires each partner to separately keep records of the partner's share of the adjusted basis in each oil and gas property of the partnership.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,500,000.

Estimated Time Per Respondent: 2 minutes.

Estimated Total Annual Burden Hours: 49,950.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 29, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5232 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8810

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8810, Corporate Passive Activity Loss and Credit Limitations.

DATES: Written comments should be received on or before May 2, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Corporate Passive Activity Loss and Credit Limitations.

OMB Number: 1545–1091.

Form Number: 8810.

Abstract: Under Internal Revenue Code section 469, losses and credits from passive activities, to the extent they exceed passive income (or, in the case of credits, the tax attributable to net passive income), are not allowed. Form 8810 is used by personal service corporations and closely held corporations to figure the passive activity loss and credits allowed and the

amount of loss and credit to be reported on their tax return.

Current Actions: There are no changes being made to Form 8810 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 100,000.

Estimated Time Per Response: 35 hr., 26 min.

Estimated Total Annual Burden Hours: 3,543,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 29, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5233 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8725

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8725, Excise Tax on Greenmail.

DATES: Written comments should be received on or before May 2, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Excise Tax on Greenmail.

OMB Number: 1545–1086.

Form Number: 8725.

Abstract: Form 8725 is used by persons who receive ''greenmail'' to compute and pay the excise tax on greenmail imposed under Internal Revenue Code section 5881. IRS uses the information to verify that the correct amount of tax has been reported.

Current Actions: There are no changes being made to Form 8725 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 12.

Estimated Time Per Respondent: 7 hours.

Estimated Total Annual Burden Hours: 84.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 29, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–5234 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Tuesday March 21, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1–888–912–1227 or 718–488–3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Tuesday March 21, 2000, 6 p.m. to 9 p.m. at the Internal Revenue Service

Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1–888–912–1227 or 718–488–3555. The public is invited to make oral comments from 8:30 p.m. to 9 p.m. on Tuesday March 21, 2000. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 718–488–3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201. The Agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated:February 24, 2000.

John J. Mannion,

Program Manager, TAS.

[FR Doc. 00–5249 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Pacific-Northwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Pacific-Northwest Citizen Advocacy Panel will be held in Portland, Oregon.

DATES: The meeting will be held Friday March 24, 2000 and Saturday March 25, 2000

FOR FURTHER INFORMATION CONTACT: Lori M. Dupuis at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday March 24, 2000, 9:00 a.m. to 4:30 p.m. at the Internal Revenue Service Portland Headquarters Building located at 1220 SW Third Avenue, Room 611, Portland, OR 97204 and Saturday March 25, 2000, 9:00 a.m. to Noon at the Portland Conference Center, Boardroom, 300 NE Multnomah Street, Portland, OR 97232. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Lori M. Dupuis, CAP Office, 915 2nd Avenue, Room 442, Seattle, WA 98174. Due to limited conference space, notification of intent to attend the meeting must be made with Lori M. Dupuis. Ms. Dupuis can be reached at 1–888–912–1227 or 206–220–6096.

The Agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 24, 2000.

John J. Mannion,

Program Manager, TAS.

[FR Doc. 00–5250 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Midwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Midwest Citizen Advocacy Panel will be held in Dubuque, IA.

DATES: The meeting will be held Thursday, March 23, 2000 and Friday, March 24, 2000.

FOR FURTHER INFORMATION CONTACT: Sandra McQuin at 1–888–912–1227, or 414–297–1604.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Citizen Advocacy Panel (CAP) will be held Thursday, March 23, 2000, from 1:00 p.m. to 4:00 p.m. and Friday, March 24, 2000, from 9:00 a.m. to 12:00 p.m. at Holiday Inn Dubuque Five Flags, Goodtime Meeting Room, 450 Main Street, Dubuque, IA 52001. The Citizen Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service. The public is invited to make oral comments at the CAP town hall meeting on Thursday March 23, 7:00 p.m. to 9:00 p.m. at Loras College, Marie Graber Ballroom, Alumni Campus Center, 1450 Alta Vista, Dubuque, IA 52004. Written comments will be read into the record. Individual comments will be limited to five minutes and an additional five minutes allotted for questions and answers. If you would like to have the CAP consider a written statement or pre-register to make an oral comment, please call the CAP office at 1–888–912–1227 or 414–297–1604, FAX (414) 297–1623, or mail to Citizen Advocacy Panel, Mail Stop 1006-MIL, 310 West Wisconsin Ave, Milwaukee, Wisconsin 53203–2221. If you would like to pre-register for the meeting, the only information needed by the CAP office is number of attendees and zip code.

The Agenda will include the following: Presentation of performance measures, reports by the CAP sub-groups, presentation of taxpayer issues by individual members, CAP office report, and discussion of issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: February 25, 2000.

John J. Mannion,

Program Manager, TAS.

[FR Doc. 00–5251 Filed 3–2–00; 8:45 am]

BILLING CODE 4830–01–U

Federal Register

Friday,
March 3, 2000

Part II

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–09]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Ms. Barbara Jenkins, Air Force Real Estate Agency, (Area—MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; DOT: Mr. Rugene Spruill, Principal, Space Management, SVC–140, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (202) 366–4246; VA: Mr. Anatolij Kushnir, Director, Asset & Enterprise Development Service, 181B, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 419, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (these are not toll-free numbers).

Dated: February 24, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 3/3/00

Suitable/Available Properties

Buildings (by State)

California

Bldg. 604
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 605
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 612
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 611
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 613
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 614
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 615
Point Arena Air Force Station
Co: Mendorino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010243
Status: Unutilized

Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 616
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 617
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing

Bldg. 618
Point Arena Air Force Station
Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

3 Bachelor Enlisted Quarters
U.S. Coast Guard Station
Humboldt Bay
Samoa CA 95564–9999
Landholding Agency: DOT
Property Number: 87199810001
Status: Unutilized
Comment: 2550 sq. ft. each, 2-story, wood, most recent use—residential, needs rehab, off-site use only

Colorado

Bldg. 964
Former Lowry AFB
Denver Co: CO 80220–
Landholding Agency: Air Force
Property Number: 18199930016
Status: Unutilized
Comment: 14,495 sq. ft., local land use controls, most recent use—child care/kitchen facility

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 18199520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices

Bldg. 2201
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199520005
Status: Unutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent us—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Underutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Massachusetts

Bldg. 001
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940001
Status: Excess
Comment: 37,557 sq. ft., most recent use—shops/vehicle maintenance

Bldg. 002
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940001
Status: Excess
Comment: 5,580 sq. ft., most recent use—office/shops

Bldg. 003
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940003
Status: Excess
Comment: 3,840 sq. ft., most recent use—warehouse

Bldg. 004
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940004
Status: Excess
Comment: 225 sq. ft., most recent use—shop

Bldg. 005
Air Natl Guard Station
50 Skyline Drive
Worcester Co: MA 01605–2898
Landholding Agency: Air Force
Property Number: 18199940005
Status: Excess
Comment: 8000 sq. ft., most recent use—warehouse

Nebraska

Bldg. 20
Offutt Communications Annex 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 18199610004
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory needs major repair

New York

Bldg. 1452 & 297 acres
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft., on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint

Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos

Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos

Pennsylvania

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–

Landholding Agency: VA
Property Number: 97199210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage, second floor—lacks elevator access

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Wisconsin

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres, landslide area

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Maine

Irish Ridge NEXRAD Site
Loring AFB
Fort Fairfield Co: Aroostook ME 04742–
Landholding Agency: Air Force
Property Number: 18199640017
Status: Unutilized
Comment: 3.491 acres in fee simple

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052–
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves

Massachusetts

.07 acre
Westover Air Reserve Base
Off Rte 33
Chicopee Co: Hampden MA 01022–
Landholding Agency: Air Force
Property Number: 18199840007
Status: Excess
Comment: land, no utilities

Nebraska

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199810027
Status: Unutilized
Comment: 11 acres

Texas

Land
Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: Va
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldgs. 001A&B
Spruce Cape Loran Station
Kodiak Co: Kodiak Is. Bor. AK 99615–
Landholding Agency: DOT
Property Number: 87199720001
Status: Excess
Comment: 12492 sq. ft. steel frame, most recent use—barracks and shops, needs extensive repairs, in Tsunami evacuation area

Colorado

Bldg. 9023
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730010
Status: Underutilized
Comment: 4112 sq. ft., most recent use—preschool

Bldg. 9027
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730011
Status: Underutilized
Comment: 4112 sq. ft., most recent use—child care center

Idaho

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840008
Status: Unutilized
Comment: 1890 sq. ft., no plumbing facilities, possible asbestos/lead paint; more recent use—office

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230005
Status: Underutilized
Comment: 4135 sq. ft., 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places

Bldg. 122
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810006
Status: Unutilized
Comment: 37,135 sq. ft., presence of asbestos, most recent use—former dietetics bldg., National Register of Historic Places

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested, contamination investigation in progress

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in progress

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 87199240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME

Landholding Agency: DOT
Property Number: 87199240026
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, well is contaminated, limited utilities

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 87199240027
Status: Unutilized
Comment: 750 sq. ft., 2-story wood frame dwelling

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 87199240027
Status: Unutilized
Comment: 1000 sq. ft., 2-story brick dwelling, large wave action with severe ocean storms

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 87199240025
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, large wave action with severe ocean storms

Plymouth Light
Plymouth Co: Plymouth MA
Landholding Agency: DOT
Property Number: 87199420003
Status: Unutilized
Comment: 250 sq. ft., tower, and 2096 sq. ft. dwelling, wood frame, most recent use—aid to navigation/housing

Michigan

Bldg. 50
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010790
Status: Excess
Comment: 6171 sq. ft., 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010833
Status: Excess
Comment: 6751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium

Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010834
Status: Excess
Comment: 3000 sq. ft.; 1 floor concrete block; most recent use—commissary facility

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010864
Status: Excess
Comment: 538 sq. ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility

Nebraska

Bldg. 64
Offutt AFB
Silver Creek Co: Nance NE 68113–
Landholding Agency: Air Force
Property Number: 18199720040
Status: Unutilized
Comment: 4000 sq. ft., most recent use—admin., needs major rehab, possible asbestos/lead base paint

New Hampshire

Bldg. 127
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199320057
Status: Excess
Comment: 698 sq. ft.; 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage

New Mexico

16 Bldgs., Type A
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2160–2162, 2157, 2155, 2148, 2139, 2137, 2130, 2129, 2117, 2113, 2109, 2107, 2102, 2100
Landholding Agency: Air Force
Property Number: 18199910013
Status: Unutilized
Comment: 2733 sq. ft.; presence of lead, most recent use—residential, off-site use only

12 Bldgs., Type B
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2158, 2149, 2147, 2136, 2132, 2125–2128, 2121, 2115, 2103
Landholding Agency: Air Force
Property Number: 18199910014
Status: Unutilized
Comment: 2735 sq. ft.; presence of lead, most recent use—residential, off-site use only

15 Bldgs., Type C
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2164, 2159, 2156, 2150, 2142, 2143, 2140, 2135, 2122–2124, 2120, 2110, 2108, 2104
Landholding Agency: Air Force
Property Number: 18199910015
Status: Unutilized
Comment: 2790 sq. ft.; presence of lead, most recent use—residential, off-site use only

6 Bldgs., Type D
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2165, 2163, 2144, 2131, 2106, 2105
Landholding Agency: Air Force
Property Number: 18199910016
Status: Unutilized
Comment: 2936 sq. ft.; presence of lead, most recent use—residential, off-site use only

9 Bldgs., Type E
Kirtland AFB
Single Units
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2153, 2151, 2134, 2141, 2133, 2119, 2112, 2111, 2101
Landholding Agency: Air Force
Property Number: 18199910017
Status: Unutilized
Comment: 1482 sq. ft.; presence of lead, most recent use—residential, off-site use only

12 Bldgs.
Kirtland AFB
#862–867, 869, 870, 873–876
Kirtland AFB Co: Bernalillo NM 87117–5000
Landholding Agency: Air Force
Property Number: 18199940006
Status: Unutilized
Comment: 678 sq. ft.; presence of lead, most recent use—residential, off-site use only

Bldgs. 871, 872
Kirtland AFB
Kirtland AFB Co: Bernalillo NM 87117–5000
Landholding Agency: Air Force
Property Number: 18199940007
Status: Unutilized
Comment: 1363 sq. ft.; presence of lead, most recent use—residential, off-site use only

Wisconsin

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Landholding Agency: VA
Property Number: 97199830002
Status: Underutilized
Comment: 133,730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage

Land (by State)

Georgia

Land—St. Simons Boathouse
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek, Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities

Nebraska

Land/Offutt Comm. Annex No. 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 18199720041
Status: Unutilized
Comment: 354 acres, most recent use—radio transmitter site, wetlands, isolated area

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easements, portion leased

Pennsylvania

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities
Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls

Land—34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer

Tennessee

44 acres
VA Medical Center
3400 Lebanon Rd/
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: VA
Property Number: 97199740003
Status: Underutilized
Comment: intermittent use, partially landlocked, flooding

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 87199310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehad, limited utilities, off-site use only

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 87199420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation

Light Tower, Highland Light
Near Rt. 6, 9 miles sough of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 87199430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 87199530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower

New York

Bldg. 1
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number 18199530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530051
Status: Excess
Comment: 1750 sq. ft., 1 story wood frame, needs rehab, most recent use—storage

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530055
Status: Excess
Comment: 8252 sq. ft., 1 story concrete block, most recent use—storage

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage

South Carolina

5 Bldgs.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 101 Vector Ave., 112, 114, 116, 118 Intercept Ave.
Landholding Agency: Air Force
property Number: 18199830035
Status: Unutilized
Comment: 1433 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 102 Vector Ave.
Landholding Agency: Air Force
property Number: 18199830036
Status: Unutilized
Comment: 1545 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 101 Vector Ave.
Landholding Agency: Air Force
property Number: 18199830037
Status: Unutilized
Comment: 1445 sq. ft. + 346 sq. ft. carport, lead base paint/exterior most recent use—residential

18 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 104–107 Vector Ave., 108–111, 113, 115, 117, 119 Intercept Ave., 120–122 Radar Ave.
Landholding Agency: Air Force
Property Number: 18199830038
Status: Unutilized

Comment: 1265 sq. ft. + 353 sq. ft. carport, lead base paint/exterior most recent use—residential

Land (by State)

Alaska

Gibson Cove Tract
Kodiak Co: AK 99619–
Landholding Agency: DOT
Property Number: 87199920001
Status: Unutilized
Comment: 37.55 acres, undeveloped land

New York

14.90 Acres
Hancock Field
Syracuse Co: Onandaga Ny 13211–
Property Number: 18199530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group

Unsuitable Properties

Buildings (by State)

Alabama

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120001
Status: Excess
Reason: Floodway

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010296
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010298
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010299
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010300
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010301
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010303
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010307
Status: Unutilized
Reasons: Contamination, Secured Area

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010309
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010310
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010311
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010312
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010313
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010314
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010315
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER

Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010317
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010318
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010319
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010320
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010321
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010322
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 88506–5000
Landholding Agency: Air Force
Property Number: 18199010323
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 152
Cape Lisburne Air Force Stationtation
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010324
Status: Unutilized*
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010325
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010326
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010327
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010328
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010329
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010330
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010331
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010332
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010333
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010334
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010335
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010336
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010337
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010338
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010339
Status: Unutilized

Reasons: Isolated area, Not accessible by road, Contamination, Secured Area

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010433
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199440011
Status: Unutilized
Reasons: Floodway, Secured Area

Bldg. 142
Tin City Long Range
Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199520015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520024
Status: Unutilized
Reasons: Extensive deterioration

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520025
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520026
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520027
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520028
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520029
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration

Bldg. 3045
Tatalina Long Range Radar
Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2166

Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530017
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 31–342
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530023
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199540001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 52–651
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199740004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 132
Tin City Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 1001, 211
Murphy Dome AF Station
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1551
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810030
Status: Unutilized
Reasons: Within airport runway clear zone

Bldg. 1771
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199820001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 34–570
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199830008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 8
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 19
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 20
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 338
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 560
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 612
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 618
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 643
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 649
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 114
Indian Mountain Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 34–636
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 34–638
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 140
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 145
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 310
Cape Lisburne Long Range Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 27
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 30
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 42
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 212
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 213
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 223
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 452
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 502
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840033
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 503
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 522
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840035
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 587
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 588
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 598
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840038
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 605
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 613
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 614
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 615
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 616
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 617
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 624
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 700
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 718
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 727
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 731
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force

Property Number: 18199840049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 751
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 753
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840051
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1001
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1005
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840053
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1010
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840054
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1025
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1030
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840056
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3016
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840057
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3062
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840058
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3063
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840059
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 32–189
Elmendorf Air Force Base
Anchorage Co: AK 99506–3230
Landholding Agency: Air Force
Property Number: 18199920001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 4893
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930001
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 4905
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930002
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 4913
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930003
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 5887
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 10449
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930005
Status: Unutilized
Reason: Secured Area

Bldg. 12759
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 7227
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18200010001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 28
USCG Support Center
Kodiak Co: Kodial Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210126
Status: Excess
Reasons: Within airport runway clear zone, Secured Area

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210128
Status: Excess
Reasons: Within airport runway clear zone, Extensive deterioration, Secured Area.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210132
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.
GSA Number: U–ALAS–655a

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210133
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310014
Status: Unutilized
Reason: Secured Area

Bldg. S–3
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310015
Status: Unutilized
Reason: Secured Area

Bldg. S–16
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310016
Status: Unutilized
Reason: Secured Area

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310021
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Bldg. 456
Coast Guard—ISC Kodiak
Kodiak Co: Kodiak Borough AK 99615–
Landholding Agency: DOT
Property Number: 87199710002
Status: Excess
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration

Bldg. 524A
USCG ISC Kodiak
Kodiak Co: Kodiak Is. Bor. AK 99619–

Landholding Agency: DOT
Property Number: 87199710004
Status: Excess
Reason: Floodway, Secured Area

Bldg. R13, USCG ISC Kodiak
Holiday Beach
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 87199720003
Status: Excess
Reason: Secured Area

Bldg. 172, USCG ISC Kodiak
Nyman's Peninsula
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 87199720004
Status: Excess
Reason: Secured Area

Bldg. 160, USCG ISC Kodiak
Comsta/Buskin Lake
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 87199720005
Status: Excess
Reason: Secured Area

Bldg. 16
Airstation Kodiak
Kodiak Co: AK 99615–
Landholding Agency: DOT
Property Number: 87200010001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 18199340049
Status: Unutilized
Reason: Within airport runway clear zone

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010193
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 502 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010196
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 523 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010197
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010233
Status: Unutilized
Reasons: Secured Area

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010234
Status: Underutilized
Reason: Secured Area

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010235
Status: Unutilized
Reason: Secured Area

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010236
Status: Unutilized
Reason: Secured Area

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010546
Status: Unutilized
Reason: Secured Area

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010547
Status: Unutilized
Reason: Secured Area

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010548
Status: Unutilized
Reason: Secured Area

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199010549
Status: Unutilized
Reason: Secured Area

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 18199130360
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199210026
Status: Unutilized
Reason: Secured Area

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 18199230020
Status: Underutilized
Reason: Secured Area

Bldg. 5428, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310015
Status: Unutilized
Reason: Secured Area

Bldg. 7304, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310030
Status: Unutilized
Reason: Secured Area

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199330016
Status: Unutilized
Reason: Secured Area

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340003
Status: Unutilized
Reasons: Electrical Power Generator Bldg., Secured Area

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340006
Status: Unutilized
Reason: Secured Area

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340007
Status: Unutilized

Reason: Secured Area

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340008
Status: Unutilized
Reason: Secured Area

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340020
Status: Unutilized
Reason: Secured Area

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340022
Status: Unutilized
Reason: Secured Area

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340028
Status: Unutilized
Reason: Secured Area

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 893
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9350
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620030
Status: Unutilized
Reasons: Secured Areas, Extensive deterioration

Bldg. 13003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 13222
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 815
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1850
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1853
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1856
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1865
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1874
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1875
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1877
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1885
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 1898
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06445
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 21160
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06437
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10715
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 00879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01630
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01797
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01830
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01852
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 10252
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11345
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 14019
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 14026
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 16162
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 22300
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199730002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 08412
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740006
Status: Unutilized
Reason: Secured Area,

Bldg. 11153
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740007
Status: Unutilized
Reason: Secured Area,

Bldg. 11154
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 2–11 20–21
Edwards AFB
P–Area Housing AFB Co: Edwards Kern CA 93524–
Landholding Agency: Air Force
Property Number: 18199810029
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1681
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 01839
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06519
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 06526
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11167
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force

Property Number: 18199820007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11168
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 827
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200010002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 16153 & 16154
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18200010003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 87199440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land)

Bldg. T102
USCG Training Center
Petaluma Co: Sonoma CA 94952–
Landholding Agency: DOT
Property Number: 87199830001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Colorado

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 18199530046
Status: Underutilized
Reason: Secured Area

Bldg. 1007
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730003
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 1008
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730004
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 9214
U.S. Air Force Academy
Colorado Springs Co: El Paso Co 80814–2400
Landholding Agency: Air Force
Property Number: 18199730012
Status: Underutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 7067
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 8222
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810006
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9200
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810007
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 9022
USAF Academy
El Paso Co: CO 80840–2400
Landholding Agency: Air Force
Property Number: 18200010004
Status: Unutilized
Reason: Extensive deterioration

Alameda Facility
350 S. Santa Fe Drive
Denver CO: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental
Comment: contamination

Connecticut

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Reason: Floodway

Florida

Bldg. 1179
Patrick Air Force Base
1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 18199240030
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area

Bldg. 575
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199320004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Extensive Deterioration, Secured Area

Bldg. 921
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199430002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

23 Family Housing
MacDill Auxiliary Airfield
No. 1
Avon Park Co: Polk FL 33825–
Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 18199520006
Status: Excess
Reason: Within airport runway clear zone

Bldg. 240
MacDill Auxiliary Airfield
No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 18199520007
Status: Excess
Reason: Extensive deterioration

Bldg. 307
Patrick Air Force
Patrick AFB Co: Brevard FK
Landholding Agency: Air Force
Property Number: 18199710022
Status: Unutilized
Reason: Secured Area

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710023
Status: Unutilized
Reason: Secured Area

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force

Property Number: 18199710024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 1114
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 10831
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710033
Status: Unutilized
Reason: Secured Area

Facility No. 15500
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 39764
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710035
Status: Unutilized
Reason: Secured Area

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710038
Status: Unutilized
Reason: Secured Area

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542-5133
Landholding Agency: Air Force
Property Number: 18199710045
Status: Unutilized
Reason: Extensive deterioration

Fac. No. 09010
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number 18199810008
Status: Unutilized
Reason: Secured Area

Bldg. 744
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3008
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 3010
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 12709
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 08807
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820013
Status: Unutilized
Reason: Secured Area

Bldg. 08809
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 21911
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 21914
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 32349
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Facility 44608
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199830006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 12577
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12576
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12534
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12533
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 12528
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 9281
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 9280
Elgin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 609
Elgin AFB
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910008
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 01103
Cape Canaveral Air Station
Brevard Co: FL 32925–

Landholding Agency: Air Force
Property Number: 18199910009
Status: Unutilized
Reason: Secured Area

Bldg. 55152
Cape Canaveral Air Station
Brevard Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18199910010
Status: Unutilized
Reason: Secured Area

Facility 1737
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920002
Status: Underutilized
Reason: Secured Area

Facility 5200
Cape Canaveral Air Station
Cape Canaveral Co: Brevard Co FL 32925–
Landholding Agency: Air Force
Property Number: 18199920003
Status: Underutilized
Reason: Secured Area

Facility 49950
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920004
Status: Underutilized
Reason: Secured Area

Bldg. 1704
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–
Landholding Agency: Air Force
Property Number: 18199930007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration

Bldg. 01390
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199930008
Status: Unutilized
Reason: Secured Area

Facility 90330
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199940008
Status: Unutilized
Reason: Secured Area

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 87199210008
Status: Unutilized
Reasons: Floodway, Secured Area

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reasons: Floodway, Secured Area

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reasons: Floodway, Secured Area

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reasons: Floodway, Secured Area

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reasons: Floodway, Secured Area

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway, Secured Area

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway, Secured Area

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway, Secured Area

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway, Secured Area

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway, Secured Area

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway, Secured Area

3 Bldgs. and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Underutilized
Reason: Floodway, Secured Area

Cape St. George Lighthouse
Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 87199640002
Status: Unutilized
Reason: Extensive deterioration

Georgia

Bldgs. 1180–1185
Robins AFB
Warner Robins Co: GA 31098–2207
Landholding Agency: Air Force
Property Number: 18200010005
Status: Unutilized
Reason: Extensive deterioration

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Unutilized
Reason: Extensive deterioration

Guam

Andersen South
Andersen Admin. Annex
360 housing units & a commercial structure
Mangilao GU 96923–
Landholding Agency: Air Force
Property Number: 18199840009
Status: Underutilized
Reason: Secured Area

Hawaii

Bldg. 1740
U.S. Coast Guard Air Station
Barbers Point
Honolulu Co: HI 96862–5800
Landholding Agency: DOT
Property Number: 87199910002
Status: Unutilized
Reason: Secured Area

Idaho

Bldg 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 923
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 604
Mountain Home Air Force Base
Pine Street
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199040857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone

Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 18199520008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 101
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840001
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840002
Status: Unutilized
Reason: Extensive deterioration

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area

Indiana

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310009
Status: Unutilized
Reason: Fuel pump station

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310010
Status: Unutilized
Reason: Pump station

Kansas

Bldg. 2703
Forbes Field
Topeka KS
Landholding Agency: Air Force
Property Number: 18199820018
Status: Unutilized
Reason: Extensive deterioration

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 18199140015
Status: Unutilized
Reason: Secured Area

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized
Reason: Floodway

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 87199420006
Status: Unutilized
Reason: Secured Area

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area

Maryland

Bldg. 3542
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810010
Status: Unutilized
Reason: Secured Area

Bldg. 3543
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810011
Status: Unutilized
Reason: Secured Area

7 Bldgs.
Davidsonville Family Housing Annex
300, 301, 303, 305, 308, 309, 311
Landholding Agency: Air Force
Property Number: 18199910011
Status: Unutilized
Reason: Extensive deterioration

8 Bldgs.
Davidsonville Co: Anne Arundel MD 20755–
Landholding Agency: Air Force
Property Number: 18199810012
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 6
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620001
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 59
U.S. Coast Guard Yard, 2401
Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 87199620002
Status: Excess

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Massachusetts

Bldg. 110
Otis Air National Guard
Otis Co: MA 02542–5028
Landholding Agency: Air Force
Property Number: 18199940009
Status: Unutilized
Reason: Secured Area

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 87199240001
Status: Underutilized
Reason: Secured Area

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reasons: Floodway, Secured Area

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSota Johnson KS 66018–
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reasons: Extensive deterioration

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration

Michigan

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010810
Status: Excess
Reason: Sewage treatment and disposal facility

Bldg. 99 (Water Well)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010831
Status: Excess
Reason: Water well

Bldg. 100 (Water Well)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010832
Status: Excess
Reason: Water well

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010875
Status: Excess
Reason: Gasoline Station

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010876
Status: Excess
Reason: Gasoline Station

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010877
Status: Excess
Reason: Pump lift station

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010878
Status: Excess
Reason: Gasoline station

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010889
Status: Excess
Reason: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010890
Status: Excess
Reason: Water pump station

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 181
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630013
Status: Unutilized
Reason: Secured Area

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 827
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630018
Status: Unutilized
Reason: Secured Area

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630019
Status: Unutilized
Reason: Secured Area

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630020
Status: Unutilized
Reason: Secured Area

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630021
Status: Unutilized
Reason: Secured Area

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630022
Status: Unutilized
Reason: Secured Area

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630024
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630025
Status: Unutilized
Reason: Secured Area

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630026
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630027
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630029
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630030
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 1585
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630033
Status: Unutilized
Reason: Secured Area

Facilities 246, 248, 252–254
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

7 Facilities
Selfridge Air National Guard
#240, 242, 244, 245, 247, 250, 251
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710040
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facilities 237, 238
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710041
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

5 Facilities
Selfridge Air National Guard 228, 230, 232, 234, 236
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710042
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 114
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199710043
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 114
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930009
Status: Unutilized
Reason: Secured Area

Bldg. 318
Alpena CFTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930010
Status: Unutilized
Reason: Secured Area

Quarters B
U.S. Coast Guard
Marquette MI 49855–
Landholding Agency: DOT
Property Number: 87199740001
Status: Unutilized
Reason: Secured Area

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway

Bldg. 67
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized

Reason: Floodway

Bldg. 68
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Floodway

Montana

Bldg. 1189, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199540013
Status: Underutilized
Reason: Secured Area

Bldg. 23
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720030
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 24
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720031
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 35
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 18199720033
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 230, Malstrom AFB
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 1819910012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 22
Great Falls IAP
Great Falls Co: Cascade MT 59404–5570
Landholding Agency: Air Force
Property Number: 18199820019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 803
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 1846
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 1218, 1220
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199920005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 1210, 1212, 1214, 1216
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199920006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Bldgs. 920, 1242
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 1820001006
Status: Unutilized
Reason: Secured Area

Nebraska

Offutt Communciations Annex–#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 18199210006
Status: Unutilized
Reason: former sewage lagoon

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230021
Status: Unutilized
Reason: Extensive deterioration

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230022
Status: Unutilized
Reason: Extensive deterioration

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240007
Status: Unutilized
Reason: Secured Area

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240008
Status: Unutilized
Reason: Secured Area

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240009
Status: Unutilized
Reason: Secured Area

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240010
Status: Unutilized
Reason: Secured Area

Bldg. 417
Offut Air Force Base
Sherman Turnpike
Offut Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240011
Status: Unutilized
Reason: Secured Area

Bldg. 545
Offut Air Force Base
Offut Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240012
Status: Unutilized
Reason: Secured Area

Bldg. 21
Hastings Radar Bomb Scoring Site
Hasting Co: Adams NE 68901—
Landholding Agency: Air Force
Property Number: 18199320058
Status: Excess
Reason: Generator

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hasting Co: Adams NE 68901—
Landholding Agency: Air Force
Property Number: 18199320059
Status: Excess
Reason: Contamination

Bldg. 500
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hasting Co: Adams NE 68901—
Landholding Agency: Air Force
Property Number: 18199320060
Status: Excess
Reason: Contamination

Bldg. 502
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hasting Co: Adams NE 68901—
Landholding Agency: Air Force
Property Number: 18199320061
Status: Excess
Reason: Contamination

Bldg. 504
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hasting Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320062
Status: Excess
Reason: Contamination

Bldg. 506
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320063
Status: Excess
Reason: Contamination

Bldg. 507
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320064
Status: Excess
Reason: Contamination

Bldg. 509
Hasting Family Housing

Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320065
Status: Excess
Reason: Contamination

Bldg. 511
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320066
Status: Excess
Reason: Contamination

Bldg. 512
Hasting Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320067
Status: Excess
Reason: Contamination

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320068
Status: Excess
Reason: Contamination

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320069
Status: Excess
Reason: Contamination

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320070
Status: Excess
Reason: Contamination

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320071
Status: Excess
Reason: Contamination

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320072
Status: Excess
Reason: Contamination

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320073
Status: Excess
Reason: Contamination

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320074
Status: Excess
Reason: Contamination

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320075
Status: Excess
Reason: Contamination

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320076
Status: Excess
Reason: Contamination

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320077
Status: Excess
Reason: Contamination

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320078
Status: Excess
Reason: Contamination

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number 18199320079
Status: Excess
Reason: Contamination

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320080
Status: Excess
Reason: Contamination

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320081
Status: Excess
Reason: Contamination

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320082
Status: Excess
Reason: Contamination

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320083
Status: Excess
Reason: Contamination

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320084
Status: Excess
Reason: Contamination

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320085
Status: Excess
Reason: Contamination

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320086
Status: Excess
Reason: Contamination

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320087
Status: Excess
Reason: Contamination

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320088
Status: Excess
Reason: Contamination

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320089
Status: Excess
Reason: Contamination

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320090
Status: Excess
Reason: Contamination

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320091
Status: Excess
Reason: Contamination

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320092
Status: Excess
Reason: Contamination

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320093
Status: Excess
Reason: Contamination

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320094
Status: Excess
Reason: Contamination

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320095
Status: Excess
Reason: Contamination

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320096
Status: Excess
Reason: Contamination

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320097
Status: Excess
Reason: Contamination

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320098
Status: Excess
Reason: Contamination

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320099
Status: Excess
Reason: Contamination

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510021
Status: Unutilized
Reason: Secured Area

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510022
Status: Unutilized
Reason: Secured Area

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720028
Status: Underutilized
Reasons: Floodway, Secured Area

Bldg. 675
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720029
Status: Unutilized
Reasons: Floodway, Secured Area

New Hampshire

Bldg. 117
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 129
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920009
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 5210
Newington POL DFS
Newington Co: Rockingham NH 03801–
Landholding Agency: Air Force
Property Number: 18199920010
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 155
Pease Air National Guard
Newington Co: Rockingham NH 03803–
Landholding Agency: Air Force
Property Number: 18199930011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Chapel Hill Front Range
Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reason: Skeletal tower

Bldg. 103
U.S. Coast Guard Station
Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reason: Secured Area

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199130333
Status: Unutilized
Reason: Secured Area

Bldg. 21
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240032
Status: Unutilized
Reason: Secured Area

Bldg. 80
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240033
Status: Unutilized
Reason: Secured Area

Bldg. 98
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240034
Status: Unutilized
Reason: Secured Area

Bldg. 324
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240035
Status: Unutilized
Reason: Secured Area

Bldg. 598
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240036
Status: Unutilized
Reasons: Secured Area

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240037
Status: Unutilized
Reasons: Secured Area

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240038
Status: Unutilized
Reasons: Secured Area

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240039
Status: Unutilized
Reasons: Secured Area

Bldg. 1096
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240040
Status: Unutilized
Reasons: Secured Area

Facility 321
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240041
Status: Unutilized
Reasons: Secured Area

Facility 75115
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199240042

Status: Unutilized
Reasons: Secured Area

Bldg. 874
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199320041
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area

Bldg. 1258
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199320042
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area

Bldg. 134
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199430014
Status: Unutilized
Reasons: Secured Area

Bldg. 640
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199430015
Status: Unutilized
Reasons: Secured Area

Bldg. 703
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number 18199430016
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 813
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430017
Status: Unutilized
Reason: Secured Area

Bldg. 821
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430018
Status: Unutilized
Reason: Secured Area

Bldg. 829
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430019
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 867
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430020
Status: Unutilized
Reason: Secured Area

Bldg. 884
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430021
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 886
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430022
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Bldg. 908
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430023
Status: Unutilized
Reason: Secured Area

Bldg. 599
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510001
Status: Unutilized
Reason: Secured Area

Bldg. 600
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510002
Status: Unutilized
Reason: Secured Area

Bldg. 599
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610007
Status: Unutilized
Reason: Secured Area

Bldg. 600
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610008
Status: Unutilized
Reason: Secured Area

Bldg. 995
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610009
Status: Unutilized
Reason: Secured Area

Bldg. 1257
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740012
Status: Unutilized
Reason: Secured Area.

Bldg. 332
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area,

Bldg. 205
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1089
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830009
Status: Unutilized
Reason: Secured Area.

Bldg. 2149
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2151
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2176
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2178
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 18199010075
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

New York

Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140022
Status: Excess
Reason; Secured Area.

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140023
Status: Excess
Reason; Secured Area.

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230001
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230002
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230003
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 1344–4520
Landholding Agency: Air Force
Property Number: 18199240020
Status: Unutilized
Reason: Secured Area.

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240021
Status: Unutilized
Reason: Secured Area.

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240022
Status: Unutilized
Reason: Secured Area.

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240023
Status: Unutilized
Reason: Secured Area.

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240024
Status: Unutilized
Reason: Secured Area.

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240025
Status: Unutilized
Reason: Secured Area.

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240026
Status: Unutilized
Reason: Secured Area.

Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240027
Status: Unutilized
Reason: Secured Area.

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240028
Status: Unutilized
Reason: Secured Area.

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 1344–4520
Landholding Agency: Air Force
Property Number: 18199330097
Status: Unutilized
Reason: Secured Area.

Bldg. 740
Niagara Falls Air Force Reserve
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199720026
Status: Unutilized
Reasons: Within airport runway clear zone Floodway, Secured Area.

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199730006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 604
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 606
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 615
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810018
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810019
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 630
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810020
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 635
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 640
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 733
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199810023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 514
Niagara Falls ARS
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 18199810024
Status: Unutilized
Reasons: Floodway Secured Area, Extensive deterioration.

Bldg. 614
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 722
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 750
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 751
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830017
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Facility 1200
Verona Test Annex
Town of Verona Co: Oneida NY 13478–

Landholding Agency: Air Force
Property Number: 18199920011
Status: Unutilized
Reason: No public access

Facility 1202
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920012
Status: Unutilized
Reason: No public access

Facility 1203
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920013
Status: Unutilized
Reason: No public access

Facility 1204
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920014
Status: Unutilized
Reason: No public access

Facility 1205
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920015
Status: Unutilized
Reason: No public access

Facility 1206
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920016
Status: Unutilized
Reason: No public access

Facility 1207
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920017
Status: Unutilized
Reason: No public access

Facility 1208
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920018
Status: Unutilized
Reason: No public access

Facility 1209
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920019
Status: Unutilized
Reason: No public access

Facility 1210
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920020
Status: Unutilized
Reason: no public access

Facility 1259
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920021
Status: Unutilized
Reason: no public access

Facility 1260
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920022
Status: Unutilized
Reason: no public access

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Secured Area

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199420004
Status: Unutilized
Reason: Secured Area

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess
Reason: Secured Area

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029
Status: Excess
Reason: Secured Area

Cottage
Coast Guard Station
Wellesley Island Co: Jefferson NY 13640–
Landholding Agency: DOT
Property Number: 87199940001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 18199120233
Status: Underutilized
Reason: Secured Area

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 18199330041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 18199540019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240018
Status: Unutilized
Reason: Secured Area

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240019
Status: Unutilized
Reason: Secured Area

Bldg. 54
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340005
Status: Unutilized
Reason: Secured Area

Water Tanks
Groups Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340006
Status: Unutilized
Reason: Secured Area

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 87199420007
Status: Excess
Reason: Secured Area

Unit #71
Buxton Annex, Cape Kendrick Circle
Landholding Agency: DOT
Property Number: 878199530011
Status: Unutilized
Reason: Floodway

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530012
Status: Unutilized
Reason: Floodway

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530013
Status: Unutilized
Reason: Floodway

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530014
Status: Unutilized
Reason: Floodway

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530015
Status: Unutilized
Reason: Floodway

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530016
Status: Unutilized
Reason: Floodway

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018
Status: Unutilized
Reason: Floodway

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway

Unit #78
Buxton Annex, Old Lighthouse Road
Buxtom Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway

Bldg. 45
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630020
Status: Unutilized
Reason: Secured Area

Bldg. 47
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630021
Status: Unutilized
Reason: Secured Area

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area

Bldg. 57
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630023
Status: Unutilized
Reason: Secured Area

Quarters 1
USCG Station
Hobucken Co: Pamlico NC 28537–
Landholding Agency: DOT
Property Number: 87199940003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 9
VA Medical Center
1100 Tunnel Road
Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199010724
Status: Underutilized
Reason: Secured Area

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 18199310107
Status: Excess
Reason: garbage incinerator

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320034

Status: Unutilized
Reason: Secured Area

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320038
Status: Unutilized
Reason: Secured Area

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320039
Status: Unutilized
Reason: Secured Area

Ohio

14 Bldgs.
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Location:
6036, 38, 42, 44, 45, 49, 54, 64, 65, 69, 75
Landholding Agency: Air Force
Property Number: 18199820030
Status: Unutilized
Reason: Within airport runway clear zone

Bldgs. 6104, 08, 09
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Landholding Agency: Air Force
Property Number: 18199820044
Status: Unutilized
Reason: Within airport runway clear zone

Bldg. 522
Youngstown Air Reserve
Vienna Co: Trumbull OH 44473–0910
Landholding Agency: Air Force
Property Number: 18200010007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number 97199920002
Status: Unutilized
Reason: Extensive deterioration

Bldg. 217
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration

Bldg. 010
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820031
Status: Unutilized
Reasons: Within 2000 ft. of flammable on explosive material, Secured Area

Bldg. 305
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820032
Status: Unutilized
Reasons: Within 2000 ft. of flammable on explosive material, Secured Area

Oregon

Bldg. 8
USCG Tongue Point Moorings
Astoria Co: OR 97103–2099
Landholding Agency: DOT
Property Number: 87199910001
Status: Unutilized
Reason: Extensive deterioration

Duplex
Cape Blanco
Sixes Co: Curry OR 97465–
Landholding Agency: DOT
Property Number: 87199940002
Status: Unutilized
Reason: Extensive deterioration

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area

Storage Equipment Bldg.
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 87199310002
Status: Unutilized
Reason: Extensive deterioration

South Dakota

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199320048
Status: Unutilized
Reason: Extensive deterioration

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199320049
Status: Unutilized
Reason: Extensive deterioration

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199320050
Status: Unutilized
Reason: Extensive deterioration

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199320051
Status: Unutilized
Reason: Extensive deterioration

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199320052
Status: Unutilized
Reason: Extensive deterioration

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–

Landholding Agency: Air Force
Property Number: 18199320053
Status: Unutilized
Reason: Extensive deterioration

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340033
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340037
Status: Unutilized
Reason: Secured Area

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199730007
Status: Unutilized
Reason: Secured Area

Bldg. 7530
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199810025
Status: Unutilized
Reason: Secured Area

Bldg. 7504
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820034
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone, Secured Area

Bldg. 4001
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820035
Status: Unutilized
Reason: Secured Area

Bldg. 7239
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 1102
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820037
Status: Unutilized
Reason: Secured Area

Bldg. 88307
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 88320
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 608
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area

Bldg. 3501
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920024
Status: Unutilized
Reason: Secured Area

5 Bldgs.
Ellsworth Air Force Base 6926, 6928, 6929, 6930, 6931
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920025
Status: Unutilized
Reason: Secured Area

Bldg. 8001
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920026
Status: Unutilized
Reason: Secured Area

Bldg. 609
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199930012
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7911
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199930013
Status: Unutilized
Reason: Secured Area

Texas

Old Exchange Bldg.
U.S. Coast Guard
Galveston CO: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
Status: Unutilized
Reason: Secured Area

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island CO: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 87199530002
Status: Unutilized
Reason: Floodway

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 108
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 87199630008
Status: Unutilized
Reason: Extensive deterioration

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 18199040859
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 18199730008
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT

Property Number: 87199220003
Status: Excess
Reason: Floodway

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710003
Status: Unutilized
Reason: Extensive deterioration

Bldg. 418
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 87199230004
Status: Excess
Reason: Secured Area

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199240014
Status: Unutilized
Reason: Secured Area

Little Creek Station
Navamphib Base, West Annex,
U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 87199310004
Status: Unutilized
Reason: Secured Area

Operations Bldg.
U.S. Coast Guard Group
Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
Status: Unutilized
Reason: Secured Area

Washington

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 18199210004
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number; 18199310065
Status: Unutilized
Reasons: Within 200 ft. of flammable or explosive material, Secured Area

Bldg. 1, Waste Annex
West of Craig Road
Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number; 18199320043
Status: Unutilized
Reason: Secured Area

Pistol Range Bldg.
USCG Port Angeles
Port Angeles Co: Clallam WA 98362–0159
Landholding Agency: DOT
Property Number; 87199630030
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration

Floating Boathouse
Bellingham Co: Whatcom WA 98225–
Landholding Agency: DOT
Property Number; 87199820001
Status: Excess
Reason: Inaccessible

Quarters 8, 10, 12, 14
USCG Station Cape
Disappointment
Ilwaco Co: Pacific WA 98624–
Landholding Agency: DOT
Property Number: 87199930001
Status: Unutilized
Reason: Extensive deterioration

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number; 87199540004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Wyoming

Bldg 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number; 18199010198
Status: Unutilized
Reason: Secured Area

Bldg 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number; 18199010201
Status: Unutilized
Reason: Secured Area

Bldg 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number; 18199010202
Status: Unutilized
Reason: Secured Area

Bldg 2565–2571
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number; 18199720001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg 2564, 2572
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number; 18199720002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
2982–2986, 2989, 2991, 2994–2995
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number; 18199720003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

6 Bldgs.
F.E. Warren AFB
2768, 2772, 2773, 2993, 2980, 2988
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number 18199720004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

8 Bldgs.
F.E. Warren AFB
2784, 2762–2764, 2769, 2775, 2777, 2981
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number 18199720005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

8 Bldgs.
F.E. Warren AFB
2785–2786, 2770–2771, 2774, 2776, 2990, 2992
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number 18199720006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldgs. 2460–2468
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number 18199830018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2469, 2470, 2508–2511, 2520, 2523, 2528
Landholding Agency: Air Force
Property Number 18199830019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2471–2472, 2502, 2504–2507, 2544
Landholding Agency: Air Force
Property Number 18199830020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

8 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2473, 2500, 2503, 2547, 2557, 2601, 2613, 2625
Landholding Agency: Air Force
Property Number 18199830021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.

F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2512, 2514–2517, 2418, 2519, 2524, 2525
Landholding Agency: Air Force
Property Number 18199830022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2513, 2530. 2537, 2606, 2626, 2700, 2707, 2720, 2750
Landholding Agency: Air Force
Property Number 18199830023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2526, 2527, 2532–2534, 2439, 2608, 2610, 2612
Landholding Agency: Air Force
Property Number 18199830024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2529, 2531, 2535–2536, 2538, 2540–2543
Landholding Agency: Air Force
Property Number 18199830025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2545, 2546, 2548–2554
Landholding Agency: Air Force
Property Number 18199830026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2555, 2556, 2559, 2603, 2605, 2607, 2609, 2611
Landholding Agency: Air Force
Property Number: 18199830027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2560, 2561, 2600, 2602, 2604, 2701, 2702, 2704, 2705
Landholding Agency: Air Force
Property Number: 18199830028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2614, 2616, 2618, 2620, 2622, 2624, 2714, 2722
Landholding Agency: Air Force
Property Number: 18199830029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

6 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2615, 2617, 2619, 2621, 2623, 2627
Landholding Agency: Air Force
Property Number: 18199830030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2706, 2708–2713, 2715, 2716
Landholding Agency: Air Force
Property Number: 18199830031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2717, 2719, 2721, 2727, 2728, 2751, 2753, 2757, 2759
Landholding Agency: Air Force
Property Number: 18199830032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

10 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2723–2726, 2752, 2754–2756, 2758, 2703
Landholding Agency: Air Force
Property Number: 18199830033
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

4 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2739, 2740, 2760, 2761
Landholding Agency: Air Force
Property Number: 18199830034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 919
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199930015
Status: Unutilized
Reason: Secured Area

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110004
Status: Unutilized
Reason: Sewage digester for disposal plant

Bldg. 96
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110005
Status: Unutilized
Reason: Pump house for sewage disposal plant

Structure 99
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110006
Status: Unutilized
Reason: Mechanical screen for sewage disposal pl

Structure 100
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110007
Status: Unutilized
Reason: Dosing tank for sewage disposal plant.

Structure 101
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110008
Status: Unutilized
Reason: Chlorination chamber for sewage disposal

Bldg. 97, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199410011
Status: Unutilized
Reason: Sewage disposal plant

Structure 98, Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199410012
Status: Unutilized
Reason: Sludge bed/sewage disposal plant

Bldg. 80
Medical Center
Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199840001
Status: Unutilized
Reasons: Floodway Extensive deterioration

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010430
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic environ

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506-5000
Landholding Agency: Air Force
Property Number: 18199010431
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic coast.

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force

Property Number: 18199010432
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic coast.

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440025
Status: Excess
Reason: Floodway

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440026
Status: Excess
Reason: Floodway

Land—Sanak Island
106+ acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 87199640003
Status: Unutilized
Reason: Inaccessible

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 18199030003
Status: Excess
Reason: Floodway

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reasons: Floodway, Secured Area

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB CO; Prince Georges MD 20613–
Landholding Agency: Air Force Base
Property Number: 18199010263
Status: Underutilized
Reason: Secured Area

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 Ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 87199120006
Status: Unutilized
Reason: Within airport runway clear zone

Minnesota

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns MN 56303–
Landholding Agency: VA
Property Number: 97199010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

3.85 acres (Area #2)
VA Medical Center
4801 8th Street No.
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: Landlocked

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area

New Mexico

Facility 75100
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240043
Status: Unutilized
Reason: Secured Area

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area

Tract 3
VA Medical Center
Bath Co: Steuben NY
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area

North Dakota

0.23 acres
Minot Middle Market Annex
Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199810001
Status: Unutilized
Reason: Within airport runway clear zone

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44
Co: Shannon SD
Landholding Agency: Air Force
Property Number: 18199210003
Status: Unutilized
Reason: Secured Area

Utah

10.24 acres
Southern Utah Communication Site
Salt Lake UT
Landholding Agency: Air Force
Property Number: 18199810002
Status: Unutilized
Reason: Inaccessible

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199010137
Status: Unutilized
Reason: Secured Area

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 18199010138
Status: Unutilized
Reason: Secured Area

Tract B–201
Geiger Heights Lagoon
Spokane Co: WA 99210–
Landholding Agency: Air Force
Property Number: 18199930014
Status: Excess
Reason: No public access.

[FR Doc. 00–4837 Filed 3–2–00; 8:45 am]

BILLING CODE 4210–29–M

Federal Register

Friday,
March 3, 2000

Part III

Department of Agriculture

Forest Service

36 CFR Parts 212, 261, and 295

National Forest System Road Management and Transportation System; Proposed Rule and Notices

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AB67

National Forest System Road Management

AGENCY: Forest Service, USDA.

ACTION: Notice; overview of proposals.

SUMMARY: The Forest Service has concluded that it must thoroughly review its forest road system policy. This action is necessary to ensure that the road system, which is one of four emphasis areas in the agency's Natural Resource Agenda, meets current and future management objectives for National Forest System lands; provides for safe public use; allows for economical and efficient management within likely budget levels; and, to the extent practicable, causes minimum adverse environmental impacts. Accordingly, the Forest Service gives notice of proposed revisions to its transportation system rules at 36 CFR part 212 and of proposed corollary revisions to Forest Service administrative directives. Both notices are published separately in this part of today's **Federal Register**.

The Forest Service invites written comments on these documents and will consider those comments in development of the final rule and final administrative policy that the agency will publish in the **Federal Register**.

DATES: Comments must be received in writing by May 2, 2000.

ADDRESSES: Send written comments to USFS CAET, Attention: Roads, P.O. Box 221090, Salt Lake City, UT 84122 or to roads/wo__caet-slc@fs.fed.us.

All comments received, including names and addresses when provided, are placed in the record and are available for public inspection and copying at Forest Service headquarters, 201 14th Street SW, Washington, D.C. 20250. Persons wishing to inspect the comments are encouraged to call 202–205–1400 to facilitate building entrance.

FOR FURTHER INFORMATION CONTACT: Heidi Valetkevitch, Office of Communication, 202–205–0914.

SUPPLEMENTARY INFORMATION:

Background

Few natural resource issues in recent years have attracted as much public scrutiny as the management of the Forest Service road system. Forest roads can have adverse impacts on watersheds, especially if poorly maintained. Few marks on the land are more lasting than roads. Yet, forest roads are essential for forest use and often serve as the backbone of rural transportation networks.

The estimated 380,000 miles of classified Forest Service roads on National Forest System lands are extensive and diverse. Most of the existing road system was built over the last 50 years for timber harvest and log removal. In the decades after World War II, logging traffic tripled, peaking in 1990. But when timber harvests on the national forests declined in the 1990's, logging traffic fell to 1950 levels. By contrast, recreation forest road use has grown to 13 times its 1950 rate. Driving for pleasure is the single largest recreational use of Forest Service managed lands, constituting 35.8 percent of all recreation in 1996. In summer, recreation drivers on the national forests account for 13.6 million vehicle-miles per day. The outlook is for recreational road use to grow by an additional 64 percent by the year 2045.

Managers today must wrestle with many complicated forest road issues.

Environmental damage. The negative effects on the landscape of constructing new roads, deferring maintenance, and decommissioning old roads are well documented. Unwanted or non-native plant species can be transported on vehicles and clothing by users of roads, ultimately displacing native species. Roads may fragment and degrade habitat for wildlife species and eliminate travel corridors of other species. Poorly designed or maintained roads promote erosion and landslides, degrading riparian and wetland habitat through sedimentation and changes in streamflow and water temperature, with associated reductions in fish habitat and productivity. Also, roads allow people to travel into previously difficult or impossible to access areas, resulting in indirect impacts such as ground and habitat disturbance, increased pressure on wildlife species, increased litter, sanitation needs and vandalism, and increased frequency of human-caused fires.

Substandard roads. Many roads on the national forests do not meet current standards for safety and environmental protection. Many of these are classified roads that have not been properly maintained for a variety of reasons. Some were crudely pioneered by early settlers. Others were planned for temporary access but never closed. Still others evolved from tracks made by off-road vehicles. Due to their haphazard nature, unclassified roads have far more adverse impacts on the environment than do permanent, properly planned forest roads that are well engineered and maintained. While the agency estimates more than 60,000 miles of unauthorized, unplanned, and temporary roads exist on National Forest System lands, a complete inventory of unclassified roads is needed to identify roads which should be decommissioned.

Roadless areas. The National Forest System has more than 50 million acres of inventoried roadless areas. These areas were inventoried through a national roadless area review in the 1970's (RARE II) or through subsequent regional and local forest planning activities. A further refinement of roadless area acres may occur through the agency's roadless initiative begun October 19, 1999. Because building a road in a roadless area often has an irreversible impact, the public debate over road building and other uses of these roadless areas has persisted. Through public participation in forest planning and project-level proposals, through appeals and litigation, as well as through public forums over the last decade, the Forest Service has witnessed the increasingly strong public sentiment that new roads should not be built in the remaining roadless areas. Nevertheless, many others believe that these areas should be available for a wide variety of uses, including road construction.

Additional facts related to the nature and scope of the Forest Service road system, public demand, funding, and the environmental impacts of roads are in Appendix A at the end of this notice.

The shift in public use of national forests and changes in user expectations require new approaches to deciding the appropriate extent, use, and standards of the Forest Service road system. Current funding is inadequate to maintain all Forest Service roads to their intended safety, service, and environmental standards. Therefore, to continue to effectively manage the Forest Service road system, the agency must carefully consider the extent of the system and applicable safety, service, and environmental standards, as well as explore new funding sources.

On January 28, 1998, in an Advance Notice of Proposed Rulemaking (63 FR 4350), the Forest Service announced its intent to revise regulations concerning management of the national forest transportation system. Simultaneously, the Forest Service published a proposed interim rule (63 FR 4351) to temporarily suspend permanent and temporary road construction and reconstruction in certain unroaded areas of National Forest System lands. The purpose of the interim rule was to take a ''timeout'' for 18-months while the Forest Service developed a revised road management policy and analytical tools to provide a

more ecological approach to existing and future road needs.

A final interim rule, issued on February 12, 1999 (64 FR 7289), temporarily suspended permanent and temporary road construction and reconstruction in certain unroaded areas of National Forest System lands. The temporary suspension is in effect until development of a revised Forest Service road system policy, or 18 months from the effective date of the interim final rule, whichever is sooner.

In spring 1999, the Forest Service conducted focus group meetings for input from various segments of the public and Forest Service employees to gather detailed ideas about the development of the agency's revised road policy. Led by a facilitator from outside the agency, the focus groups contributed the views of specific interested groups, including employees, regarding roads and transportation on public lands. These ideas were considered along with the wide range of public comments received in response to the Advanced Notice and the proposed interim rule (over 164,000) in developing the proposed long-term road management rule and policy published in this part.

A summary of the information the Forest Service received from the focus group sessions is available at *www.fs.fed.us/news/roads*. A complete summary of the analysis of public comments on the Advanced Notice of Proposed Rulemaking is found in ''Proposed Rulemaking on Administration of the Forest Development Transportation System—Analysis of Public Comments: Final Scoping Report,'' dated August 20, 1998. This report is available upon request from the Director, Ecosystem Management Coordination, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090 and at *www.fs.fed.us/news/roads*.

Proposed Road Management Strategy

The agency has identified three primary actions to help find an appropriate balance between safe and efficient access for all forest road users and protection of healthy ecosystems:

1. Develop new analytical tools to decide when—and if—both new and existing roads are needed to meet resource management objectives.

2. Aggressively decommission nonbeneficial or unauthorized roads that are determined through forest planning and NEPA and other analyses to be damaging to the environment or to be no longer necessary for achieving resource managing objectives.

3. Maintain and improve those important roads needed for recreation, rural access, and the sustainable flow of goods and services which do not compromise healthy lands and waters.

To achieve these objectives, the Forest Service is proposing revisions to the road system rules at 36 CFR part 212 and to Forest Service administrative directives governing transportation analysis and management.

Proposed Rule. The rules at 36 CFR part 212 govern administration of the forest transportation system. The rules address development of transportation programs, construction, maintenance, and management; ingress and egress; access procurement; and road-use restrictions.

To improve its road management, the Forest Service proposes to revise 36 CFR Part 212 to shift the emphasis from transportation development to managing environmentally sound access. This shift requires clarification of terminology associated with managing the transportation system. The proposed revision reflects changes in public opinion, demand, and use of National Forest resources and increased understanding and knowledge about the adverse environmental impacts of road construction, reconstruction, and the lack of maintenance. The proposed revision of Part 212 shifts the focus of road management from development and construction of new roads to restoring and maintaining those roads needed to meet resource objectives, as identified through land and resource management planning, and decommissioning unneeded roads. The proposed rule also includes a requirement to use a science-based transportation analysis to identify the minimum Forest Service road system needed for administration, utilization, and protection of National Forest System lands and resources, while providing safe and efficient travel and minimizing adverse environmental effects. This analysis is necessary to identify and objectively consider the environmental, social, and economic impacts of proposed road construction, reconstruction, and decommissioning at multiple scales in the context of realistic funding expectations. The information derived from this analysis will also help National Forest System managers to more strategically address priority transportation issues.

The notice of proposed rulemaking is published separately in this part of today's **Federal Register**.

Proposed Revisions to Forest Service Manual. In addition to the proposed rule changes, the Forest Service has identified several areas that require revision to its administrative direction on roads in Forest Service Manual (FSM) Title 7700—Transportation system and Chapter 1920—Land and Resource Planning. These changes would clarify terminology and direction to provide the minimum forest transportation system for administration, protection, and use within a context of minimizing adverse environmental impacts and restoring healthy ecosystems. These proposed changes would require a comprehensive transportation system inventory and incorporate a science-based, multiple-scale transportation analysis into the forest planning process. The inventory and analysis will allow more careful consideration of decisions to construct new roads or decommission old ones. The proposed changes emphasize maintenance of needed roads and decommissioning of unneeded roads. The policy also provides for additional consideration and protection of unroaded area values in the land and resource planning management process.

The notice of the proposed revisions to FSM 7700 and 1920 are published separately elsewhere in this part of today's **Federal Register**.

New Analysis Process

The Forest Service must balance the need for agency and public access against the environmental costs associated with road construction and reconstruction. To accomplish this, Forest Service researchers and resource specialists have developed an integrated, science-based roads analysis process that allows objective evaluation of the environmental, social, and economic impacts of proposed road construction, reconstruction, maintenance, and decommissioning.

A science-based road analysis process recently developed and tested by the Forest Service is entitled *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System* (USDA Forest Service, 1999, Misc. Rep. FS–643).

This road analysis processs comprises six steps aimed at producing needed information and maps. The steps are as follows:

- Step 1—Setting up the analysis.
- Step 2—Describing the Situation, *i.e.*, the existing road system in relation to current forest plan direction.
- Step 3—Identifying issues.
- Step 4—Assessing benefits, problems, and risks.
- Step 5—Describing management opportunities, establishing priorities, and formulating technical recommendations that respond to issues and effects.

• Step 6—Reporting, which includes maps and supporting information important for making decisions about future characteristics of the road system and changes to forest plans.

The road analysis neither makes decisions nor allocates lands for specific purposes. Rather, the new science-based road analysis identifies and addresses a set of possible issues and applicable analysis questions that, when answered, produce information for forest line officer consideration about possible road construction, reconstruction, and decommissioning needs and opportunities. The road analysis process examines issues at various scales, is flexible, and is driven by road issues important to the public and to managers.

This report is available from Publications Distribution, Rocky Mountain Research Station, 3825 E. Mulberry Street, Fort Collins, CO 80524–8597; *rschneider/rmrs@fs.fed.us* or *www.fs.fed.us/news/roads/roadsanalysis.htm*. Other National Forest transportation system research efforts are also available at *www.fs.fed.us/news/roads*.

Conclusion

Implementing this proposed road management strategy would improve service to users, protect environmental values, enhance public safety, mitigate environmental impacts, promote viable local communities, and boost credibility of our natural resource management. Reviewers are asked to review the proposed rule and proposed policy which follow and to provide the agency with comments. A table follows as Appendix B which may help reviewers understand the overall strategy and how the proposed rule and proposed policy relate.

Dated: February 25, 2000.

Mike Dombeck,

Chief.

Appendix A—Forest Service Road System Facts

1. The forest transportation system is extensive and diverse; it includes an estimated 380,000 miles of Forest Service roads. Public roads, such as State and county roads, and private roads maintained by others on National Forest System lands, also exist.

a. Approximately one-fourth (22 percent) of all Forest Service roads serve passenger car use.

b. Over one-half (55 percent) of all Forest Service roads are maintained for high-clearance vehicle use.

c. Approximately one-fourth (23 percent) of all Forest Service roads are closed to highway use by the public. Closed roads may be used for a variety of recreation uses, and for forest administration and protection.

d. Currently, Forest Service inventories have identified at least 60,000 miles of unclassified roads including temporary roads and roads that were never planned, built, or maintained to safety, service, and environmental standards. It is anticipated that future inventories will verify the existence of substantially more miles of unclassified roads.

e. More than 7,000 bridges on Forest Service roads exist; three-fourths of these are on the roads serving passenger car use.

f. In 1998, new construction of Forest Service roads was 215 miles or .06 percent of the total Forest Service road system. New construction has trended downward annually from 2,310 miles in 1988.

2. While a significant portion of the 192 million acres of the National Forest System is roaded, a significant and ecologically critical portion remains unroaded.

a. Some 34.7 million acres are currently designated as wilderness; approximately 6 million acres were proposed for wilderness designation in forest plans.

b. The National Forest System has an estimated 50 million acres of roadless Areas are inventoried through national roadless area review in the 1970's (RARE II) or through subsequent regional and local forest planning activities.

3. Current funding is inadequate to maintain all the existing roads to intended safety, service, and environmental standards to permit efficient and safe use, while mitigating adverse environmental impacts.

a. The Forest Service has available only about 20 percent of funds necessary to fully maintain Forest Service roads to intended safety, service, and environmental standards. As a result, roads not fully maintained become restricted to use by high clearance vehicles or are gated.

b. The backlog of deferred road maintenance and reconstruction needs on Forest Service roads is $8.4 billion. This backlog is due to the age of the arterial and collector roads (three-fourths are over 50-years old), heavy use, and the lack of regular maintenance.

c. From 1991 to 1997, the Forest Service decommissioned an average of 2,700 miles of roads per year.

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Appendix B

	Maintenance of Existing Roads	Decommissioning Existing Roads	Reconstructing Existing Roads	Constructing New Roads
Inventoried Roadless Area	**Long Term** •Science-based analysis* not required for routine & emergency maintenance **Transition** •Same as above **Is maintenance allowed?** Classified Roads: Yes Unclassified Roads: No[1]	**Long Term** •If no longer needed •Priority given to decommissioning roads that are causing excessive damage •Decision based on science-based road analysis* **Transition** •Same as above **Is decommissioning allowed?** Classified Roads: Yes Unclassified Roads: Yes	**Long Term** •Decision based on science-based road analysis* **Transition** •During transition, must demonstrate compelling need and typically would require an EIS and Regional Forester decision **Is reconstruction allowed?** Classified Roads: Yes Unclassified Roads: No[2]	**Long Term** •Decision based on science-based road analysis* **Transition** •During transition, must demonstrate compelling need and typically would require an EIS and Regional Forester decision **Is construction allowed?** Classified Roads: Yes Unclassified Roads: No[3]
Unroaded Areas	**Long Term** •Science-based analysis* not required for routine & emergency maintenance **Transition** •Same as above **Is maintenance allowed?** Classified Roads: Yes Unclassified Roads: No[1]	**Long Term** •Priority given to decommissioning roads that are causing excessive damage •Decision based on science-based road analysis* **Transition** •Same as above **Is decommissioning allowed?** Classified Roads: Yes Unclassified Roads: Yes	**Long Term** •Decision based on science-based road analysis* **Transition** •During transition, must demonstrate compelling need and typically would require an EIS and Regional Forester decision **Is reconstruction allowed?** Classified Roads: Yes Unclassified Roads: No[2]	**Long Term and Transfer** •Decision based on science-based road analysis* **Transition** •During transition, must demonstrate compelling need and typically would require an EIS and Regional Forester decision **Is construction allowed?** Classified Roads: Yes Unclassified Roads: No[2]
Roaded Areas	**Long Term** •Science-based analysis* not required for routine & emergency maintenance **Transition** •Same as above **Is maintenance allowed?** Classified Roads: Yes Unclassified Roads: No[1]	**Long Term** •Priority given to decommissioning roads that are causing excessive damage •Decision based on science-based road analysis* **Transition** •Same as above **Is decommissioning allowed?** Classified Roads: Yes Unclassified Roads: Yes	**Long Term** •As identified through science-based road analysis* and as funding allows **Transition** •During transition, road analysis as appropriate, pending projects exempt **Is reconstruction allowed?** Classified Roads: Yes Unclassified Roads: No[2]	**Long Term and Transfer** •Decision based on NFS resource management objectives and use of science-based road analysis* **Transition** •During transition, road analysis as appropriate, pending projects exempt **Is construction allowed?** Classified Roads: Yes Unclassified Roads: No[2]

***Note:** Road Analysis Process does not make decisions! It does collect or identify sets of options that are available to land managers for issues related to roads and access that will be needed to meet resource objectives.

a. Sets of actions already part of site-specific NEPA
b. Sets of actions that may be undertaken if so concluded by site-specific NEPA
c. Sets of actions which are inconsistent with Forest plans and would require Forest Plan amendment or revision **and** site-specific NEPA.

Road Maintenance is the perpetuation of existing roads and protection of the surrounding resources from the effects of roads. It is independent of road analysis. However, road analysis may inform decisions about which roads should be classified and therefore, maintained, and will help establish maintenance priorities.

[1] Unclassified roads will not be maintained, except under emergency resource protection circumstances

[2] Through road analysis, it could be determined that some unclassified roads are necessary to support resource objectives and would be classified.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 212, 261, and 295

RIN 0596–AB67

Administration of the Forest Development Transportation System; Prohibitions; Use of Motor Vehicles Off Forest Service Roads

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: This proposed rule would revise regulations concerning the development, use, maintenance, and management of the national forest transportation system. This action is needed to reflect changes in public demand and use of National Forest resources; to better consider scientific information about the adverse environmental impacts of road construction; and to efficiently meet present and future management objectives in balance with available funding. In concert with the proposed revision of Forest Service road system administrative direction published elsewhere in this part of today's **Federal Register**, this rule will help ensure that additions to the Forest Service road system are those deemed essential for National Forest System resource management and use; that, to the extent practicable, construction, reconstruction, and maintenance of roads will minimize adverse environmental impact; and, finally, that unneeded roads are decommissioned and, where indicated, ecological processes are restored. The substantive changes are proposed to part 212, which addresses the forest transportaiton system. Proposed revisions to parts 261 and 295 are solely to conform terminology to that proposed to part 212. The Forest Service invites written comments and will analyze and consider those comments in development of the final rule.

DATES: Comments must be received in writing by May 2, 2000.

ADDRESSES: Send written comments to USFS CAET, Attention: Roads, P.O. Box 221090, Salt Lake City, UT 84122.

Send comments electronically to *roads/wo__caet-slc@fs.fed.us.* All comments received, including names and addresses when provided, are placed in the record and are available for public inspection and copying at Forest Service, 201 14th Street SW, Washington, D.C. 20250. Persons wishing to inspect the comments are encouraged to call 202–205–1400 to facilitate building entrance.

FOR FURTHER INFORMATION CONTACT: Heidi Valetkevitch, Office of Communication, 202–205–0914.

SUPPLEMENTARY INFORMATION:

Background

On January 28, 1998, in an Advance Notice of Proposed Rulemaking (ANPR) (63 FR 4350), the Forest Service announced its intent to revise regulations concerning management of the national forest transportation system. Simultaneously, the Forest Service published a proposed interim rule (63 FR 4351) to temporarily suspend permanent and temporary road construction and reconstruction in certain unroaded areas of National Forest System lands. The purpose of the interim rule was to take a ''timeout'' for 18 months while the Forest Service developed a new long-term road management policy and new analytical tools to provide a more ecological approach to analyzing existing and future road needs.

A final interim rule, issued on February 12, 1999, (64 FR 7289), temporarily suspended permanent and temporary road construction and reconstruction in certain unroaded areas of National Forest System lands. The temporary suspension is effective pending development of a revised forest transportation system policy, or 18 months from the effective date of the interim final rule, whichever is sooner.

Section-by-Section Explanation of Proposed Revisions to 36 CFR Part 212

The Forest Service proposes to revise 36 CFR part 212 to shift the emphasis from transportation development to managing access within the capability of the land. The proposed revision reflects changes in public opinion, demand, and use of National Forest resources and considers not only possible economic and social benefits associated with road construction and use but also scientific information about the adverse environmental impacts of road construction. In the proposed revision, emphasis is placed on providing administrative and public access and safety within a context of maintaining and restoring healthy ecosystems. The proposal shifts the focus of road management from development and construction of new roads to maintaining needed roads and decommissioning unneeded roads.

Proposed Change in Nomenclature. Consistent with the intent to shift emphasis from road development to environmentally sound access, the term ''forest development transportation'' is revised throughout Part 212 to remove the word ''development.''

Proposed § 212.1 Definitions. The term ''forest transportation plan'' is revised to refer to ''forest transportation atlas'' to more clearly reflect the nature and intent of this document. Also, definitions are added for ''road, unclassified road, and classified road.'' These terms are necessary to understand and implement the requirements of proposed § 212.5 regarding the minimum Forest Service road system. The proposed definition of a road is a ''A motor vehicle travelway over 50 inches, unless classified and managed as a trail. A road may be classified or unclassified.'' The 50-inch dimension was derived to generally distinguish between the largest of the motorized trail vehicles and the smallest of the highway vehicles. This definition would permit some trails to be over 50 inches wide as long as they are classified and managed as a trail. The terms ''classified'' and ''unclassified'' as used in the context of Forest Service roads are somewhat new. The term ''unclassified'' was first used in the September 1998 draft report, ''The National Forest Road System and Its Use,'' which was posted on the Worldwide Web *www.fs.us/new/roads.* Its intent was to identify for management and analysis purposes the existence of those roads that were not intended to be a part of the permanent transportation system. The term ''classified road'' was used in the Temporary Suspension of Road Construction and Reconstruction in Unroaded Areas Interim Rule, 36 CFR part 212 (64 FR 7289; Feb. 12, 1999) to describe those roads that were constructed or maintained for long-term highway use. These definitions were also used in the Road Analysis Report (August 1999). Finally, the definitions for the terms classified, unclassified, and road as used in this proposal have been modified slightly for clarity and to reflect comments received. The proposed new road terms and their definitions are not intended to have an effect on the disposition of particular roads, only on how they are characterized for the purposes of analysis and for documentation in the forest transportation atlas.

Proposed § 212.2 Forest Transportation Program. The proposed rule would revise this section to update and clarify the required information to be collected and displayed in the forest transportation atlas (formerly called the transportation plan). Additionally, the section would require the use of a science-based analysis to identify

needed transportation facilities. The proposed rule also would remove paragraph (c), which addresses allocation of funds, because the statute on which this paragraph was based has been repealed.

Proposed § 212.5 Road System Management. This section of the proposed rule would direct agency officials to identify the minimum transportation system needed to administer and protect National Forest System lands using a science-based transportation analysis and recognizing likely, realistic funding estimates. Previously, forest transportation policy focused on road development and maintenance, and only limited attention has been paid to ''decommissioning'' roads. Given the shift in the focus of road management, new direction is needed to ensure that agency officials identify and decommission unneeded roads. This proposed revision to § 212.5 would require that if roads are determined to be unneeded, priority should be given to decommissioning those roads that pose the greatest risk of environmental damage.

The proposed rule does not establish any specific science-based analysis as the standard to be used; rather, it preserves Forest Service flexibility to further describe science-based transportation analysis in conjunction with other ecosystem analyses and to adjust the process in response to new scientific knowledge of road and resource management interactions. Science-based road analysis is discussed further in the proposed administrative direction published elsewhere in this part of today's **Federal Register**.

Proposed Conforming Amendments to 36 CFR Parts 261 and 295

The rules at 36 CFR part 261 give notice of prohibited acts on National Forest System lands. There are numerous references in these prohibitions to ''forest transportation development roads.'' This proposed rule would remove the term ''development'' from various sections to conform the terminology to that proposed in part 212. Also, the rules at 36 CFR part 295 govern use of motor vehicles off forest development roads. This proposed rule would remove the term ''development'' from the heading and sections of Part 295 to conform the terminology to that proposed in Part 212. No substantive revisions are proposed to these parts.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order (E.O.) 12866 on Regulatory Planning and Review. The Office of Management and Budget (OMB) has determined that this is a significant rule as defined by E.O. 12866 because of the importance of the Forest Service road system and the level of public interest expressed in the promulgation of the interim rule. Accordingly, OMB has reviewed this proposed rule. A cost-benefit analysis has been prepared as part of the environmental assessment on this proposal.

The basic approach is to issue new regulations consistent with emerging road management policy which encourages investing limited road management funds in a transportation system that best serves the current and anticipated management objectives and public uses of National Forest System lands. This new policy emphasizes investing in the process of decommissioning unneeded roads and reconstructing and maintaining the most heavily used roads. New road construction must be supported by rigorous analysis. Agency road management costs are not expected to change. Although this rule requires that the Agency use a new science-based roads analysis when making decisions about road construction, the Agency currently conducts some transportation analysis in the context of NEPA requirements or other forest planning assessments. Thus, the Agency does not expect an incremental increase of administrative costs due to new administrative requirements under this proposal. Most of the economic effects have not been quantified. They have been discussed and evaluated on a qualitative basis. Timber harvesting is an exception where quantitative data was reasonably available. A summary of the economic effects of the proposed change in road management strategy are as follows:

Roaded Areas: The differences between the no action alternative and the proposed action alternative tend to be minor. No significant difference in economic benefits or costs is expected for ease of access, public safety, law enforcement, timber management, and wilderness or heritage resources. Potential positive economic effects are expected for fire management, insect and disease management, noxious weed control, water and air quality, wildlife and fish values, and passive use values. These positive effects result from road decommissioning. Different types of recreation use are affected in different ways—some positive and some negative.

Roadless Areas (inventoried roadless and other unroaded areas): The differences between the no-action alternative and the proposed action alternative would be greatest during the transition phase. No differences are expected for access, public safety, and law enforcement. The only negative effects expected during the transition period would be from reduced timber harvest and mineral exploration and extraction. If all road construction were delayed during the transition in all of the roadless areas, the maximum potential total reduction in timber harvest would be 351 million board feet of timber per year. The cost associated with this reduced timber harvest would be $42 million annually. Also lost, as a result of decreased timber production, would be approximately 3,700 jobs and $10 million in payments-to-states each year. This loss in payments-to-states would be partially offset by Payments in Lieu of Taxes. Positive effects are expected for fire prevention, insect and disease management, noxious weeds, watershed and air quality, wildlife and fish, wilderness, and passive use values. These positive effects result from lack of new road development. The effects on recreation and heritage resources are complex and ambiguous and depend upon the type of activity—some are positive and some are negative. Less access reduces the level of participation. However, the quality of wilderness type recreation use is protected and vandalism of heritage sites is lessened.

In summary, the proposed regulations will permit a reallocation of funds to management activities that are consistent with present resource management direction. While the agency could not quantify or monetize many of the impacts of this proposed rule, the agency thoroughly considered both the potential quantified and qualitatively-discussed costs and benefits. Pursuant to requirements of Executive Order 12866, the agency carefully assessed alternative regulatory approaches and is proposing this rule only upon making a reasoned determination that the benefits justify the costs. See the ''Environmental Impact'' section which follows for availability of the full cost-benefit analysis.

This proposed rule has been considered in light of the Regulatory Flexibility Act (5 USC 601 et seq. This proposed rule primarily involves agency terminology and broad principles to guide the planning and management of the Forest Service road system and has no direct or indirect financial or other impact on small businesses. Therefore, it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities as defined by the Act.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of this proposed rule on State, local, and tribal governments, and on the private sector. This proposed rule does not compel the expenditure of $100 million or more by any State, local, or tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Environmental Impact

Section 31.1b of Forest Service Handbook 1909.15 (57 FR 43180; September 18, 1992) excludes from documentation in an environmental assessment or impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.'' The Forest Service's assessment is that this proposed rule falls within this category of exclusion. Nevertheless, to further the intent of the National Environmental Policy Act, the agency has elected to prepare an environmental assessment. This document may be obtained from the internet at *www.fs.fed.us/news/roads/ea2.htm* or by writing to the Director of Ecosystem Management Coordination, P.O. Box 96090, Washington, DC 20090. Comments on the environmental assessment should be submitted with any comments on the proposed rule.

No Takings Implications

This proposed rule has been reviewed for its impact on private property rights under Executive Order 12630. It has been determined that this proposed rule does not pose a risk of taking Constitutionally-protected private property; in fact, the proposed rule honors access to private property pursuant to statute and to outstanding or reserved rights.

Civil Justice Reform Act

This proposed rule revision has been reviewed under Executive Order 12988, Civil Justice Reform. The proposed revision would (1) Preempt all State and local laws and regulations that are found to be in conflict with or that would impede its full implementation; (2) would not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of National Forest System lands; and (3) does not require administrative proceedings before parties may file suit in court challenging these provisions.

Controlling Paperwork Burdens on the Public

This proposed rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, imposes no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

Federalism

The agency has considered this proposed rule under the requirements of Executive Order 12612 and has made a preliminary assessment that 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 responsibilities among the various levels of government. Therefore, the agency has determined that no further assessment on federalism implications is necessary at this time. In addition, the agency has reviewed the consultation requirements under Executive Order 13132, effective November 2, 1999. This new Order calls for enhanced consultation with State and local governmental officials and emphasizes increased sensitivity to their concerns.

In the spirit of these new requirements, the agency has already carefully considered in the development of this proposed rule the comments received from States, tribes, and local governments in response to the Advanced Notice of Proposed Rulemaking published January 28, 1998 (63 FR 4350). In proposed section 212.1, the definition of ''forest transportation atlas'' recognizes the need to consider forest resources upon which communities depend. Section 212.5 of the proposed rule would require agency officials to use a science-based road analysis process and involve the public in identifying the Forest Service road system. Also, the proposed rule at section 212.5(b)(1) calls for consultation with affected State, tribal, and local governments in identifying transportation needs. In addition to public comments on this Notice, the agency will meet with State, tribal, and local government officials to clarify understanding of the proposed rule and to understand their concerns. Prior to adopting a final rule, the agency will consider the extent to which additional consultation is appropriate under Executive Order 13132.

Conclusion

The Forest Service proposes to revise its regulations concerning the national forest transportation system to shift emphasis from transportation development to managing access within the capability of the land. The proposed revisions to 36 CFR parts 212, 261, and 295, in conjunction with proposed administrative direction published elsewhere in this part today, will provide the framework for achieving this new emphasis. The Forest Service invites written comments and will consider those comments in developing the final rule that will be published in the **Federal Register**. Additionally, Forest Supervisors may hold meetings to provide an opportunity for local comment and clarification of this proposed rulemaking.

List of Subjects

36 CFR Part 212

Highways and roads, National forests, Public lands—rights-of-way, and Transportation.

36 CFR Part 261

Law enforcement, Investigations, National forests, and Seizures and forfeitures.

36 CFR Part 295

National forests and Traffic regulations.

For the reasons set forth in the preamble, the Forest Service proposes to amend Chapter II of Title 36 of the Code of Federal Regulations as follows:

PART 212—ADMINISTRATION OF THE FOREST TRANSPORTATION SYSTEM

1. The authority citation for Part 212 continues to read as follows:

Authority: 16 U.S.C. 551. 23 U.S.C. 205.

2. Revise the heading for Part 212 as set out above.

3. Remove the words ''forest development'' and, in their place, add the word ''forest'' in the following places:

a. § 212.1(e) heading;
b. § 212.1(h) text;
c. § 212.1(i) text;
d. § 212.1(j) text;
e. § 212.1(k) text;
f. § 212.2 heading;
g. § 212.2(b) text;
h. § 212.4(a) text; and
i. § 212.4(b) text.

4. Amend § 212.1 as follows:

a. Remove the paragraph designations and arrange the terms in alphabetical order.

b. Remove the definitions for ''forest development transportation plan'' and

''forest development transportation facility,'' and add definitions, in alphabetical order, for ''forest transportation atlas,'' ''forest transportation facility'' and ''road'' to read as follows:

§ 212.1 Definitions.

* * * * *

Forest transportation atlas. An inventory, description, and display of roads, trails, and airfields that are important to the management and use of National Forest System lands or to the development and use of resources upon which communities within or adjacent to the National Forests depend and associated information.

Forest transportation facility. A classified road, trail, airfield, bridge, culvert, parking lot, log transfer facility, road safety and other appurtenances in a national forest or grassland transportation network and under Forest Service jurisdiction that is all or partly within or adjacent to National Forest System lands.

* * * * *

Road. A motor vehicle travelway over 50 inches wide, unless classified and managed as a trail. A road may be classified or unclassified.

(1) *Classified road.* Roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads.

(2) *Unclassified roads.* Roads not intended to be part of, and not managed as part of, the forest transportation system, such as temporary roads, unplanned roads, off-road vehicle tracks, and abandoned travelways.

* * * * *

5. Amend § 212.2 by removing paragraph (c) and revising paragraph (a) to read as follows:

§ 212.2 Forest transportation program.

(a) For each national forest, grassland, and experimental forest and any other unit of the National Forest System, the Forest Supervisor or other responsible official must prepare and keep current a forest transportation atlas. The purpose of the atlas is to display the system of roads, trails, and airfields of the unit. The identification of transportation facilities needed for management and public access must be based upon a science-based analysis, as cited in the agency directive system (36 CFR 200.4). In order to be used to identify National Forest System transportation facilities, a science-based analysis must provide for consideration of environmental, social, and economic effects and also provide for consideration, at various ecological scales, of transportation facilities needed to meet resource management objectives.

* * * * *

§§ 212.5, 212.6, 212.7, 212.10 [Amended]

6. Remove the words ''forest development roads'' and, in their place, add the words ''Forest Service road'' in the following places:

a. § 212.5(a) text;
b. § 212.6(b) text;
c. § 212.6(c) text;
d. § 212.7(a) text; and
e. § 212.10 heading and text.

7. Amend § 212.5 by adding paragraph (b) to read as follows:

§ 212.5 Road system management.

* * * * *

(b) *Forest Service road system.*

(1) *Identification of system.* In planning for the management of the Forest Service road system for each national forest and grassland, agency officials shall identify the minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands. The road system for each unit of the National Forest System must be commensurate with the resource objectives adopted in the land and resource management plan, reflect likely funding expectations, and, to the extent practicable, minimize the adverse environmental impacts associated with road construction, reconstruction, and maintenance. To provide essential information about road management opportunities within a national forest or grassland and to help identify the road system that best meets applicable statutory and regulatory requirements, Forest Service officials shall conduct a science-based analysis at appropriate scales which includes opportunities for public involvement and consultation with state, local, and tribal governments.

(2) *Identification of unneeded roads.* In identifying the forest road system, forest officers also shall identify those roads under Forest Service jurisdiction that are not needed to meet forest resource management objectives and that, therefore, should be decommissioned. Decommissioning roads involves restoring them to a more natural state through activities such as reestablishing former drainage patterns, stabilizing slopes, and restoring vegetation. In scheduling the decommissioning of roads, forest officials shall give priority to decommissioning those roads that pose the greatest risk to public safety or to environmental quality. Other unneeded roads should be scheduled for decommissioning commensurate with their potential risk and available funding.

* * * * *

8. Amend § 212.20 by revising the heading and paragraph (a) to read as follows:

§ 212.20 National Forest trail system operation.

(a) *Forest Service trails.* Forest Service trails shall be identified on a map available to the public at the offices of the Forest Supervisors and District Rangers and shall be marked on the ground by appropriate signs which reasonably bring their location to the attention of the public.

* * * * *

PART 261—PROHIBITIONS

9. The authority citation for Part 261 continues to read as follows:

Authority: 16 U.S.C. 551, 16 U.S.C. 472.

10. In the following places, remove the words ''forest development road'' or ''forest development roads'' and, in their respective places, add the words ''Forest Service road'' or ''Forest Service roads'':

a. § 261.1(a)(1) text;
b. § 261.1 (a)(3) text;
c. § 261.2 text;
d. § 261.10(d)(2) text;
e. § 261.12 heading;
f. § 261.50(b) text;
g. § 261.50(f) text; and
h. § 261.56 heading and text.

PART 295—USE OF MOTOR VEHICLES OFF FOREST SERVICE ROADS

11. Revise the heading for Part 295 as set out above.

12. The authority citation for Part 295 continues to read as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551): 50 Stat. 525, as amended (7 U.S.C. 1011) E.O. 11644, 11989 (42 FR 26959).

13. In § 295.1, remove the words ''National Forest development roads'' and, in their place, add the words ''Forest Service roads.''

14. Remove the words ''forest development roads'' and, in their place, add ''Forest Service roads'' in the following places:

(a) § 295.2 heading, and
(b) § 295.5 heading.

Dated: February 25, 2000.

Mike Dombeck,

Chief.

[FR Doc. 00–5001 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–11–U

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AB67

Forest Transportation System

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed administrative policy; request for comment.

SUMMARY: In conjunction with a proposed rule published elsewhere in this part of today's **Federal Register**, the Forest Service proposes to revise its administrative direction governing forest transportation planning and management. This action is necessary to ensure that the forest transportation system meets current and future land and resource management objectives and provides for attendant public uses of National Forest System lands; provides for safe public access and travel; allows for economical and efficient management; and, to the extent practicable, minimizes and begins to reverse adverse ecological impacts. The intended effects of this action are to ensure that decisions to construct new roads will be made only upon completion of a science-based road analysis; that emphasis will be given to decommissioning unnecessary classified and unclassified roads and to reconstructing and maintaining classified roads rather than constructing new roads, where supported by analyses; and that the availability of road maintenance funding will be considered when assessing new road construction. Public comment is invited and will be considered in adoption and issuance of the final directives.

DATES: Comments must be received in writing by May 2, 2000.

ADDRESSES: Send written comments to USFS CAET, Attention: Roads, P.O. Box 221090, Salt Lake City, UT 84122. Send comments electronically to *roads/wo__caet-slc@fs.fed.us.* All comments received, including names and addresses when provided, are placed in the record and are available for public inspection and copying at Forest Service headquarters, 201 14th Street SW, Washington, DC 20250. Persons wishing to inspect the comments are encouraged to call 202–205–1400 to facilitate building entrance.

FOR FURTHER INFORMATION CONTACT: Heidi Valetkevitch, Office of Communication, 202–205–0914.

SUPPLEMENTARY INFORMATION:

Background

Forest Service roads are constructed and maintained to provide public and administrative access and to allow for delivery of goods and services. However, few land impacts are more lasting than those associated with road construction. Forest Service land managers face complex transportation-related issues including funding limitations, environmental and social impacts, substandard roads, and maintaining unroaded area values.

In the past, Forest Service transportation policy focused on development of roads into and across National Forest System lands. Over the years, this emphasis on road development has led to heightened concern about water quality, recreation opportunities, and restoration and maintenance of sustainable ecosystems. Today, the Forest Service considers the National Forest road system, at approximately 380,000 miles of road, to be largely complete. As a result, the previous emphasis on road development has evolved into the present focus on managing access within the capability of the land.

Administrative direction to guide forest officers in planning and managing the transportation system is issued in Forest Service Manual (FSM) Title 7700—National Forest Transportation System, FSM Chapter 1920—Land and Resource Management Planning, and in associated handbooks. Numerous changes in these directives are necessary to address the new emphasis on sustaining access within the capability of the land.

One of the significant changes is the direction to utilize a science-based road analysis, at appropriate scales and in coordination with other ecosystem assessments, to inform decisions about road construction, reconstruction, maintenance, and decommissioning. The directives specifically direct forest officers to use an analysis process such as that described in the report *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System* (USDA Forest Service, 1999, Misc. Rep. FS–643) in order to gain improved information on which to identify road management opportunities and to assess priorities among various transportation facilities.

Developed by a team of Forest Service research scientists, engineers, and resource professionals and field tested on six national forests across the country, the process is designed to help forest officers move methodically through a science-based analysis to identify environmental issues and concerns about road management and also to identify potential solutions and management opportunities. The proposed directives would further require that, before decisions about road construction, reconstruction, and decommissioning are initiated, a science-based road analysis is used. A science-based road analysis will provide an additional avenue for public comment and participation about road management options and will provide land managers with access alternatives. In addition, decisionmakers will have improved information on which to plan and design a feasible Forest Service road system within the constraints of current and anticipated future funding levels.

Summary of Proposed Changes

To implement a long-term road management strategy and implement the proposed rule changes (published elsewhere in this part of today's **Federal Register**), the Forest Service proposes to revise Forest Service Manual (FSM) Chapter 1920—Land and Resource Management Planning and Title 7700—Forest Transportation System. For those who are not familiar with the Forest Service administrative directive system, a brief description is at 36 CFR 200.4. Issuances contained in the directive system and information about the system are also available on the internet on the directives homepage at *http://www.fs.fed.us*.

Proposed Amendments to FSM Chapter 1920—Land and Resource Management Planning. This chapter provides definitions and implementing policy for the Forest Service land and resource management planning process. Implementation of the proposed road management strategy will occur chiefly within the forest plan amendment or revision processes. Therefore, direction is needed on how forest planning teams are to integrate consideration of the forest transportation system into the planning process. Specifically, a new paragraph 20 is proposed to be added to section 1922.15 of the Forest Service Manual. This new paragraph would require planners to identify the access requirements and travel management options available to meet resource management objectives for each management area prescription and to identify road management opportunities to be considered.

In addition to addressing how transportation needs should be integrated into forest planning, the proposed policy would also require that management prescriptions protect values associated with unroaded conditions. Proposed paragraph 28 gives examples of those values, such as serving as barriers to invasive species and providing biological diversity. This proposed direction would fill an important gap in current planning

guidelines. To help implement this paragraph, the proposed revision to Section 1920.5 defines ''roadless areas'' and ''unroaded areas,'' and the revision to Section 1922.15 provides direction for protection of unroaded area values under the current forest planning process. On October 5, 1999, the agency published proposed new rules for forest planning (64 FR 54073). Upon adoption of a final planning rule, the direction on consideration of unroad values would be integrated with revised agency directives implementing the new planning rule. The proposed definitions here are essentially the same as those included in the proposed planning rule at proposed § 219.36.

Proposed Amendments to FSM Title 7700—Chapter Zero Code. This chapter establishes the overarching authorities, objectives, policy, responsibilities, and definitions for planning, improving, operating, and maintaining the forest transportation system. Throughout this chapter, references to ''development'' would be removed to reflect a shift in policy from ''road development'' to ''managing access within the capability of the land.'' A brief description of other revisions proposed in this chapter follows.

Section 7702. This section is for identifying the broad objectives of transportation system management—that is the general outcomes the agency wishes to achieve. The proposed revision would refine the management objectives to emphasize environmental protection and to recognize ecosystem values in forest transportation system management.

Section 7703. This section sets out the broad policies that govern transportation planning, design and administration. The proposed revision to this section would establish a policy of providing the minimum forest transportation system that best serves the current and anticipated land management objectives and public uses considering current and likely future funding levels. By ''minimum system,'' the agency does not mean there will not be new roads or other new transportation facilities. Rather, this terminology reflects the agency's conclusion that, particularly with respect to roads, there is little justification for continuing to plan transportation facilities and systems at the high levels of the past 40 years. The agency considers the forest road system to be essentially complete because of previous levels of road construction. Moreover, the agency lacks sufficient funding to maintain all of the system now. Also, land managers recognize that the economic benefits normally associated with roads now rarely balance or outweigh the adverse environmental impacts associated with road construction or reconstruction. Thus, prudent management now requires that the Forest Service focus on evaluating the road system already in place in light of likely future funding, resource management prescriptions, and environmental effects.

This proposed section would include a new policy requiring a rigorous environmental analysis to carefully consider proposals for adding and constructing new roads and to help identify priorities for decommissioning unneeded roads and reconstructing and maintaining needed roads.

Section 7705. The proposed changes to this section would add new definitions and update and revise existing definitions to remove the emphasis on ''development'' and to clarify intent. Definitions of ''roads,'' ''classified roads,'' and ''unclassified roads,'' as proposed at 36 CFR 212.1 would be repeated for user convenience. In addition, the definition of ''public road'' from 23 U.S.C. 101(a) would be added, as well as a definition of ''decommissioning.'' A cross reference to FSM 1920.5 for the definition of ''unroaded areas'' also would be provided.

In the last year, the Forest Service has adopted new common terms and definitions for maintenance and construction based on standards developed by the Federal Accounting Standards Advisory Board. These generic terms are now being applied in inventorying, budgeting, and accounting for all fixed assets under Forest Service jurisdiction, including the national forest transportation system. The terms and definitions used in FSM 7705, though slightly different, are not inconsistent with the new common financial management terms and their definitions. The agency is assessing its transportation directives to determine what changes in the Forest Service Manual and Handbook terminology are needed. However, this effort exceeds the scope of this proposed revision to road management directives. Persons interested in viewing the new maintenance and construction terms may obtain them on line at www.fs.fed.us/news/roads or by writing or calling the names or units listed earlier in this notice under **ADDRESSES** and **FOR FURTHER INTEREST CONTACT**.

In addition to the changes in broad policy in FSM 7700—Zero Code, changes are proposed to Chapter 7710, the name of which would be revised from ''Transportation Planning'' to ''Transportation Atlas, Records, and Analysis.''

Section 7710.2. This section articulates the management results to be achieved through transportation analysis. Proposed paragraphs 1 and 4 are new. Consistent with the shift from development to managing the road system within the capability of the land, paragraph 1 would call for forest officers to establish the minimum forest transportation system that will best provide for management access and public uses as identified in forest plans. Paragraph 4 would add consultation with State, local, and tribal governments, as well as public involvement.

Section 7710.3. This section establishes the overall requirements for transportation system planning, analysis, and decision documentation. Proposed section 7710.31 sets out the general direction for transportation analysis, which would apply to transportation analysis conducted as part of the forest plan amendment and revision process as well as to proposed site-specific projects. First, the analysis should be rigorous and focused on the need for access and the transportation infrastructure required to provide that access. This section would also include the requirement to use the best available science in considering effects of transportation facility construction, reconstruction, maintenance, and decommissioning. This proposed section would also direct forest officers to integrate road analysis with other ecosystem assessments and analyses and to incorporate findings of such analyses into forest plan amendments or revisions or site-specific projects. This section would also require forest officers to ensure that any roads to be added to the transportation system, or new road construction, serve a documented need and are supported by a road analysis.

Proposed section 7710.32 provides more specific direction to guide road analysis. Proposed paragraph 1 (Long-term Application) makes clear that the Forest Supervisor does not have to stop all road management until a road analysis is done, but, rather, recognizes that road analyses will be conducted in the course of business as the need arises. The proposed paragraph cites the report *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System (USDA Forest Service, 1999, Misc. Rep. FS–643)* as a good example of a science-based road analysis procedure. The Road Analysis Process was refined as a result of pilot testing on six National Forests (M-) located across the county—the Boise NF (Idaho), the Black Hills NF

(South Dakota), the Mark Twain NF (Missouri), the Tongass NF (Alaska), the Ocala NF (Florida), and the Willamette NF (Oregon). The new science-based road analysis identifies and addresses a set of possible issues and applicable analysis questions that, when answered, produce information for line officer consideration about possible road construction, reconstruction, and decommissioning needs and opportunities. The road analysis examines issues at various scales, is flexible, and is driven by road issues important to the public, to state, local and tribal governments, and to managers. The directive does not adopt this report as a compulsory analytical tool, but it does establish the report as the standard for comparison when requesting Deputy Chief for National Forest System approval of an alternate science-based analysis process.

Proposed paragraph 2.a. addresses how the agency should handle road construction in sensitive roadless and unroaded areas until forest plan revision is completed. This transitional direction is necessary because the interim suspension on road construction in roadless areas (64 FR 7289; February 12, 1999), expires in September 2000, and it will be several years before all forest plan revisions are completed and sometime before the agency's final roadless rule is adopted. Without some transitional procedures, the special values associated with roadless areas could be subject to an incremental, project-by-project risk of degradation.

The proposed policy would ensure that these roadless areas are given careful consideration through the forest planning process by requiring the following:

1. First, proposals for new road construction or reconstruction in defined roadless and unroaded areas would have to meet a compelling need. Examples of compelling needs include public safety, critical resource restoration, and access required by statute, treaty, or pursuant to reserved or outstanding rights. As indicated by the examples given, the agency envisions ''compelling need'' to primarily include restorative actions. However, the Tongass National Forest may constitute a special situation. Consistent with the April 1999 Record of Decision for the Tongass National Forest Land and Resource Management Plan, the Regional Forester has authority to determine that a compelling need exists in seeking to meet market demand for timber, to the extent consistent with providing for the multiple use and sustained yield of all renewable forest resources, pursuant to the Tongass Timber Reform Act (1990) and all other applicable laws.

2. Second, the proposal would require an Environmental Impact Statement to authorize road construction or reconstruction in the defined roadless and unroaded areas.

3. The Regional Forester, rather than the Forest Supervisor, would be the responsible official, for any road construction proposal in roadless and unroaded areas.

The proposed policy would find environmental mitigation and restoration in roadless and unroaded areas to be appropriate but makes clear that maintenance of unclassified roads in roadless and unroaded areas would be inappropriate, because such activity would lead to defacto road development.

The proposed paragraph also describes the roadless and unroaded areas to which the protections of the transition period would apply. These are the same areas as identified in the interim rule suspending road construction in roadless areas which took effect March 1, 1999.

Proposed paragraph 2.b. exempts projects in roaded areas which are currently underway or listed in the schedule of proposed actions published pursuant to 36 CFR part 215. This exemption is necessary to avoid costly disruption of projects underway or planned at the time the policy is adopted. However, the proposal does not exempt forests that have recently revised forest plans from the transitional procedures, because the science-based road analysis process has not been incorporated into the revision processes on those forests. Also, it should be noted that it is not unusual for forests to prepare EIS's on proposed road construction in unroaded areas. Therefore, for many forests, these transitional requirements do not represent a significant changes from present practice.

Proposed section 7710.32, paragraph 3, sets out the duration of the transitional procedures that apply to roadless areas. For forests that have not yet revised their forest plans, the transitional procedures would remain in effect until forest plans are revised. For forests that have revised their forest plans since January 1, 1996, the transitional procedures could be lifted on roadless areas once the roads analysis process is applied to units of the forest and the Regional Forester makes a written determination concluding that there is no need to revise or amend the forest plan as a result of the analysis or an amendment or revision adopts the findings into the forest plan.

Section 7711. Consistent with the proposed rule, this section proposes to rename the transportation ''plan'' as the transportation ''atlas'' and requires that each forest transportation system facility be identified and described in the transportation atlas. Specific instructions are given for the road atlas portion of the transportation atlas.

Section 7712. This section discusses the scope and levels of transportation analysis and further describes the analysis processes, including reference to the report, *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System (USDA Forest Service, 1999, Misc. Rep. FS–643).* This section also requires documentation of road management objectives.

Regulatory Impact

These proposed administrative policy revisions have been reviewed under USDA procedures and Executive Order (E.O.) 12866 on Regulatory Planning and Review. The Office of Management and Budget (OMB) has determined that they, in concert with a proposed rule published separately in today's **Federal Register**, are a significant action as defined by E.O. 12866 because of the importance of the Forest Service road system and the strong public interest expressed. Accordingly, OMB has reviewed these proposed directive revisions. A cost-benefit analysis has been prepared as part of the environmental assessment on this proposal. A summary of the cost-benefit analysis follows.

The basic approach is to issue new regulations consistent with emerging road management policy which encourages investing limited road management funds in a transportation system that best serves the current and anticipated management objectives and public uses of National Forest System lands. This new policy emphasizes investing in the process of decommissioning unneeded roads and reconstructing and maintaining the most heavily used roads. New road construction must be supported by rigorous analysis. Agency road management costs are not expected to change. Although this rule requires that the Agency use a new science-based roads analysis when making decisions about road construction, the Agency currently conducts some transportation analysis in the context of NEPA requirements or other forest planning assessments. Thus the Agency does not expect a significant increase of administrative costs due to new administrative requirements under this proposal. Most of the economic effects have not been quantified. They have been discussed and evaluated on a qualitative basis. Timber harvesting is an exception where quantitative data was reasonably available. A summary of

the economic effects of the proposed change in the road management strategy are as follows:

Roaded Areas: The differences between the no action alternative and the proposed action alternative tend to be minor. No significant difference in economic benefits or costs is expected for ease of access, public safety, law enforcement, timber management, and wilderness or heritage resources. Potential positive economic effects are expected for fire management, insect and disease management, noxious weed control, water and air quality, wildlife and fish values, and passive use values. These positive effects result from road decommissioning. Different types of recreation use are affected in different ways—some positive and some negative.

Roadless Areas (inventoried roadless and other unroaded areas): The differences between the no-action alternative and the proposed action alternative would be greatest during the transition phase. No differences are expected for access, public safety, and law enforcement. The only negative affects expected during the transition period would be from reduced timber harvest and mineral exploration and extraction. If all road construction were delayed during the transition in all of the roadless areas, the maximum potential total reduction in timber harvest would be 351 million board feet of timber per year. The maximum cost associated with this reduced timber harvest would be $42 million annually. Also lost, as a result of decreased timber production, would be approximately 3,700 jobs and $10 million in payments-to-states each year. This loss in payments-to-states will be partially offset by Payments in Lieu of Taxes. Positive effects are expected for fire prevention, insect and disease management, noxious weeds, watershed and air quality, wildlife and fish, wilderness, and passive use values. These positive effects result from lack of new road development. The effects on recreation and heritage resources are complex and ambiguous and depend upon the type of activity—some are positive and some are negative. Less access reduces the level of participation. However, the quality of wilderness type recreation use is protected and vandalism of heritage sites is lessened.

In summary, the proposed regulations will permit a reallocation of funds to management activities that are consistent with present resource management direction. While the agency could not quantify or monetize many of the impacts of this proposed rule, the agency thoroughly considered both the potential quantified and qualitatively-discussed costs and benefits. Pursuant to the requirements of Executive Order 12866, the agency carefully assessed alternative regulatory approaches and is proposing this rule only upon making a reasoned determination that the benefits justify the costs.

The complete cost-benefit analysis is contained in the Environmental Assessment. See the ''Environmental Impact'' section which follows for availability. These proposed revisions of administrative directives have been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These proposed revisions provide service-wide direction to forest and regional personnel about planning and managing the Forest transportation system. No direct or indirect financial or access impact on small businesses has been identified. Therefore, it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Department has assessed the effects of these proposed administrative policy revisions on State, local, and tribal governments, and on the private sector. These proposed administrative policy revisions do not compel the expenditure of $100 million or more by any State, local, or tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Environmental Impact

Section 31.1(b) of Forest Service Handbook 1909.15 (57 FR 43180, September 18, 1992) excludes from documentation in an environmental assessment or impact statement ''rules, regulations, or policies to establish service-wide administrative procedures, program processes, or instructions.'' The Forest Service's assessment is that these proposed administrative policy revisions fall within this category of exclusion. Nevertheless, to further the intent of the National Environmental Policy Act, the agency has elected to prepare an environmental analysis. This document may be obtained from the internet at *www.fs.fed.us/news/roads/ea2.htm* or by writing to the Director of Ecosystem Management Coordination, P.O. Box 96090, Washington, DC 20090. Comments on the environmental assessment should be submitted with any comments on the proposed rule.

No Takings Implications

These proposed administrative policy revisions were reviewed for their impact on private property rights under Executive Order 12630. It has been determined that they do not pose a risk of taking of Constitutionally-protected private property because the proposed administrative policy revisions honor access to private property pursuant to statute or to outstanding or reserved rights.

Civil Justice Reform Act

These proposed administrative policy revisions were reviewed under Executive Order 12988, Civil Justice Reform. They would (1) Preempt all State and local laws and regulations that are in conflict or which would impede its full implementation; (2) Do not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of the National Forest System lands; and (3) Do not require administrative proceedings before parties may file suit in court challenging these provisions.

Controlling Paperwork Burdens on the Public

These proposed administrative policy revisions do not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, impose no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 USC 3501, *et seq.*) and implementing regulations at 5 CFR Part 1320 do not apply.

Comments Invited

Public comment is invited. The proposed administrative policy and procedures would revise existing administrative policy and procedures in FSM 1920 and FSM 7700. Manual texts containing the proposed administrative policy revisions are at the end of this notice. The Forest Service invites written comments and will analyze and consider those comments in development of the final notice of administrative policy that will be published in the **Federal Register**. Additionally, Forest Supervisors may hold meetings to provide an opportunity for local comment and clarification of these proposed directives.

Dated: February 25, 2000.

Mike Dombeck,

Chief.

Proposed Forest Service Manual Revision

(*Note:* The Forest Service organizes its directive system by alphanumeric codes and subject headings. Only those sections of the FSM that are the subject of this notice are set out here. Those who wish to see the entire documents into which the proposed changes would be incorporated may do so via the internet at *http://fsweb.wo.fs.fed.us/directives/index.html.* Forest Service employees charged with decisionmaking responsibilities concerning the National Forest transportation system are the intended audience of these proposed administrative policy revisions.)

Chapter 1920—Land and Resource Management Planning

1920.5—Definitions. (*Note:* These proposed definitions are essentially the same as those included in the proposed forest planning rule (64 FR 54073) at proposed § 219.36.)

Inventoried Roadless areas. For purposes of forest planning, undeveloped areas typically exceeding 5,000 acres that met the minimum criteria for wilderness consideration under the Wilderness Act and that were inventoried during the Forest Service's Roadless Area Review and Evaluation (RARE II) process, or subsequent forest planning. Criteria for inventorying roadless areas in the eastern United States are in Forest Service Handbook 1909.12, Chapter 7. An area is either a roadless area or an unroaded area, but not both.

Unroaded areas. Any area without the presence of a classified road (proposed 36 CFR 212.1). The size of the area must be sufficient and in a manageable configuration to protect the inherent values associated with the unroaded condition. Unroaded areas do not overlap with designated roadless areas.

1922.15—Resource Integration Requirements. Requirements for integrating individual forest resources, including wilderness and other special areas, into the forest planning process are in 36 CFR 219.14 through 219.27. Refer to the Forest Service Handbook 1909.12 for details on how to incorporate resources into the planning process. In addition, the forest planning process must:

* * * * *

20. Identify the specific access requirements and travel management options available to meet the objectives for each management prescription. Describe how access will be provided and how travel will be managed. Include the Forest Service road system, off-road travel, and air and water access. Integrate considerations of biological, physical, social, and economic factors and environmental design criteria. Link access and travel requirements and opportunities to the full spectrum of resource objectives for each management area and alternative.

* * * * *

28. Ensure that management prescriptions protect values associated with unroaded conditions such as unique or important habitat for wildlife, fish and plant species, sources of drinking water, cultural or historic areas, sources of dispersed recreation, barriers to invasive species, high or unique biological diversity, or research.

FSM 7700—Forest Transportation System Chapter—Zero Code

This title prescribes the authority, objectives, policy, responsibility, and definitions for planning, reconstruction, improvement, operation, and maintenance of forest transportation system facilities.

7701—Authority.

7701.1—Coordination with Forest Planning.

1. *Title 36, Code of Federal Regulations, section 219.27 (36 CFR 219.27).* These rules require transportation access to be addressed in the land management planning process.

7701.2—Revegetation.

1. *Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601, Pub. L. 93–378) as amended by the National Forest Management Act of 1976 (16 U.S.C. 1608, Pub. L. 94–588).* Directs that roads be designed to standards appropriate for intended uses and prescribes the revegetation of unnecessary roads.

7701.3—Transportation System Management.

1. *National Forest Roads and Trails Act of October 13, 1964 as amended (16 U.S.C. 532–538, Pub. L. 88–657).* Authorizes road and trail systems for the National Forests. Authorizes the granting of easements across Forest Service administered lands, the construction of maximum economy roads (FSM 7705) and methods for financing them, and the imposing of requirements on road users for maintaining and reconstructing roads, including cooperative deposits for such work.

2. *Highway Safety Act of 1966 (23 U.S.C. 402, Pub. L. 89–564).* Directs States and participating Agencies to identify and survey accident locations; to design, construct, and maintain roads in accordance with safety standards; to apply sound traffic control principles and standards; and to promote pedestrian safety.

3. *National Trails System Act of October 2, 1968 (16 U.S.C. 1241–1249, Pub. L. 90–543).* Establishes the National Trail System, including planning, right-of-way acquisition, and construction of trails designated by Congress or the Secretary of Agriculture.

4. *Title 36, Code of Federal Regulations, Part 212 (36 CFR Part 212).* These rules establish requirements for the administration of the forest transportation system, including roads, trails and airfields, and provisions for acquisition of rights-of-way.

5. *Title 36, Code of Federal Regulations, sections 261.12 and 261.54 (36 CFR 261.12 and 261.54).* These rules establish prohibitions on Forest Service roads that are enforceable by the Forest Service.

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7702—Objectives. The results to be achieved by developing and managing the forest transportation system are as follows:

1. To provide sustainable access to National Forest System lands for administration, protection, and utilization of these lands and resources.

2. To manage a forest transportation system within the capabilities of the land.

3. To manage forest transportation system facilities to provide user safety, convenience, and efficiency of operations while minimizing adverse environmental impacts and, where appropriate, restoring ecosystems within the limits of current and likely funding levels.

4. To coordinate access to National Forest System lands with National, state-wide and local transportation needs.

7703—Policy. Determine and provide the minimum forest transportation system to best serve the current and anticipated management objectives and public uses of National Forests lands as identified in the relevant land and resource management plans (FSM 1920). In providing access, forest officers should minimize investment and maintenance costs and should not compromise land health or water quality.

7703.1—Road Management. In managing the Forest Service road system, assess the access benefits and the costs of road-associated ecological effects. Give priority to decommissioning unneeded roads and to reconstructing and maintaining needed roads. Add new roads to the transportation system only where supported by rigorous analysis (FSM

7712). Management opportunities for meeting access needs may include roads managed for safe passenger car use, utilization of forest resources, roads managed for high-clearance highway vehicles, roads closed to highway vehicles but available for other uses (such as hiking and administrative access), or trails managed for a variety of uses (such as hiking, horseback riding, and snowmobiling).

1. *Maintaining and reconstructing needed roads.* Emphasize maintenance and reconstruction of roads needed to meet road management objectives (FSM 7712.3). Give priority to upgrading the most heavily used roads to provide safe and efficient travel and to reduce, to the extent practicable, adverse environmental impacts.

2. *Decommissioning unneeded roads.* Many unplanned, unauthorized, unclassified travelways exist within the National Forests and Grasslands. Also, some roads have been classified as part of the forest transportation system based on previously anticipated management needs that may have changed over time. Establish priorities, schedule decommissioning and terminate motor vehicle use of roads no longer needed. Reestablish vegetation (FSM 7701.2) and restore ecological processes interrupted or impacted by the unneeded roads. Decommissioning includes various levels of treatments to stabilize and rehabilitate unneeded roads, such as blocking the entrance, revegetating and water barring; removing fills and culverts, reestablishing drainage-ways and removing unstable road shoulders; or full obliteration by recontouring and restoring natural slopes.

3. *Adding new roads.* Carefully consider proposals to build new roads or to add roads to the Forest Service road inventory that is included in the atlas. Add new roads only where long-term funding obligations have been carefully considered, and, where the resource management objectives and benefits have been documented, such as for natural resource management, including utilization, protection, public health and safety, or private rights. Make road construction and reconstruction decisions locally, with public involvement and based on thorough analysis considering the latest scientific information on the adverse effects of roads on ecosystems.

* * * * *

7705—Definitions. Exhibit 1, Road Terminology Relationships, illustrates the relationships among various road terms.

* * * * *

Forest Roads. As defined in Title 23, Section 101 of the United States Code (23 U.S.C. 101), a road wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

Forest Service Road. A forest road under the jurisdiction of the Forest Service. The term ''Forest Service roads'' is synonymous with the term ''forest development roads'' as used in 23 U.S.C. 205.

Forest Service Trail. (see FSM 2350.5).

Forest Transportation System. Those facilities, including Forest Service roads, bridges, culverts, trails, parking lots, log transfer facilities, road safety and other appurtenances, and airfields, in the transportation network and under Forest Service jurisdiction.

Forest Transportation System Management. The planning, inventory, analysis, classification, records, scheduling, construction, reconstruction, improvement, maintenance, decommissioning, and other operations to achieve environmentally sound, safe, cost effective, and integrated access for use, protection, and management of National Forest System lands.

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Road. A motor vehicle travelway over 50 inches wide, unless classified and managed as a trail. A road may be classified or unclassified (36 CFR 212.1).

a. *Classified Roads.* Roads within National Forest System lands planned or managed for motor vehicle access including state roads, county roads, private roads, permitted roads, and Forest Service roads (36 CFR 212.1).

b. *Unclassified Roads.* Roads not intended to be part of, and not managed as part of, the forest transportation system, such as temporary roads, and unplanned roads, off-road vehicle tracks, and abandoned travelways.

c. *Public Roads.* Any road or street under the jurisdiction of and maintained by a public authority and open to public travel (23 U.S.C. 101(a)).

Road Investment Terms. The following terms have specific meanings as used in the Forest Service:

a. *New Road Construction.* * * *

b. *Road Reconstruction.* The investment in construction activity that results in improvement, restoration, or realignment of a road as defined below:

(1) *Realignment.* Investment in construction activity that results in the new location of an existing road or portions thereof. The investment may include decommissioning the abandoned sections of roadway.

(2) *Improvement.* Investment in construction activity that raises the traffic service level of a road or improves its safety or operating efficiency.

(3) *Rebuilding.* Investment in construction activity required to restore a road to its approved traffic service level.

c. *Road Maintenance.* Expenditures in the ongoing minor restoration and upkeep of a road necessary to retain the road's approved traffic service level.

Roads Subject to the Highway Safety Act. Forest Service roads that are open to use by the public for standard passenger cars. This includes roads with access restricted on a seasonal basis, and roads closed during extreme weather conditions or for emergencies, but which are otherwise open for general public use.

Temporary Facilities. Transportation facilities authorized by contract, permit, lease or emergency operation, not intended to be a part of the forest transportation system and not necessary for long-term resource management.

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Transportation Facility Decommissioning. Various treatments leading to stabilization and restoration of transportation facilities that are no longer needed.

Transportation Facility Jurisdiction. The legal right to control or regulate use of a transportation facility. Jurisdiction requires authority, but not necessarily ownership. The authority to construct or maintain a road may be derived from fee title, an easement, an agreement, or some other similar method.

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7709—Handbooks.

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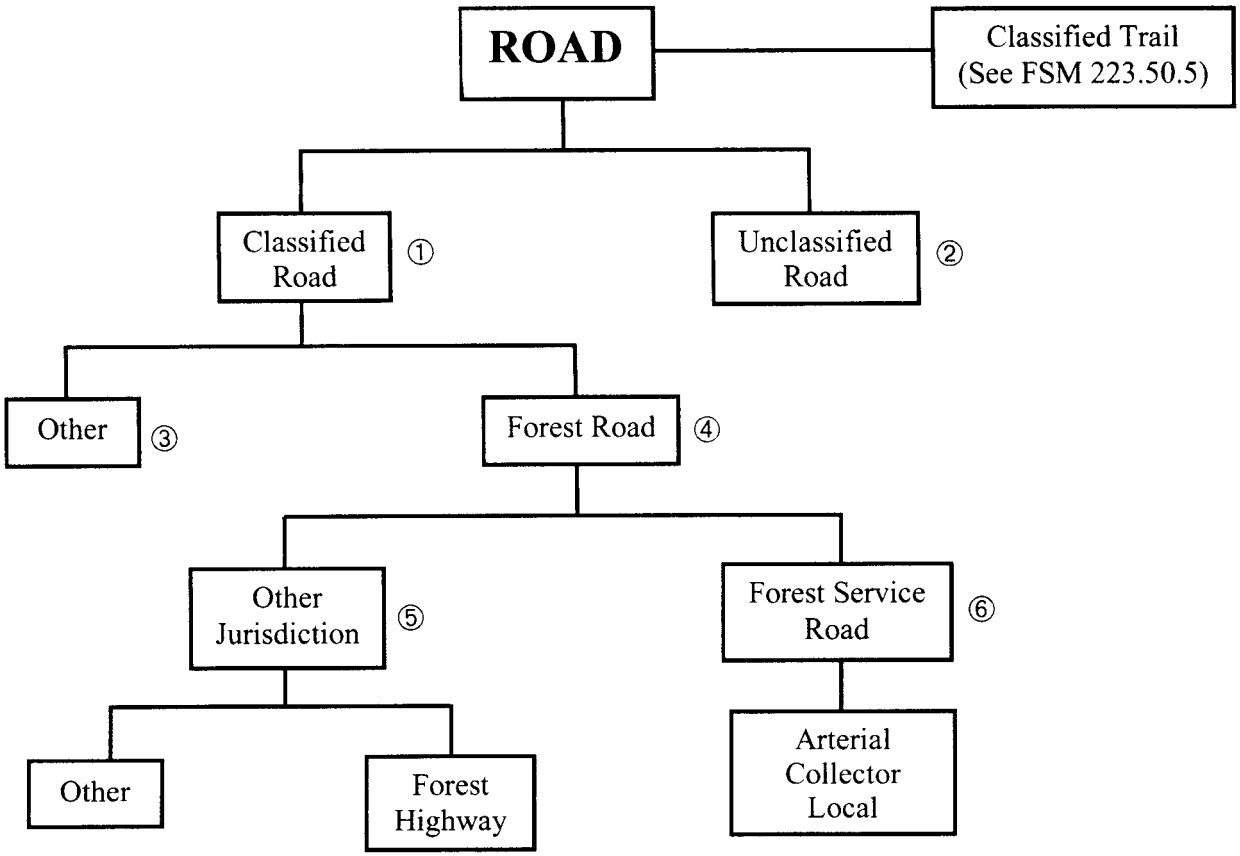
7709.56—Road Preconstruction Handbook. This Handbook establishes procedures and guides for the location, survey, design, and preparation of cost estimates for Forest Service roads.

BILLING CODE 3410–11–U

FSM 7705 – Exhibit 1

Road Terminology Relationships



① Federal, state, county, local, private

② Not intended as part of the transportation system

③ Not important to Forest Service administration

④ Important to Forest Service administration, Protection, utilization, access, and management

⑤ State, county, local, private

⑥ Under Forest Service jurisdiction

BILLING CODE 3410–11–C

Chapter 7710—Transportation Atlas, Records, and Analysis

This chapter contains objectives, policies, responsibilities, and requirements for analyzing transportation needs and issues and documenting the transportation system. Direction for forest trails is in FSM 2350 and FSH 2309.18, Trails Management Handbook.

7710.2—Objectives. The objectives of transportation analysis are:

1. To determine the minimum transportation facilities needed to achieve agency and forest land and resource management goals and safeguard ecosystem health within the context of current and likely funding levels.

2. To incorporate the transportation system needs and direction into the forest land and resource management planning process.

3. To direct the orderly improvement and management of the transportation system and to ensure the documentation of decisions affecting the system.

4. To interact with and involve the public, and State, local, and tribal governments in transportation analysis.

7710.3—Policy.

7710.31—General Transportation Analysis Requirements. Conduct transportation analysis based on rigorous analysis of the need for access to National Forest System lands and of the infrastructure required to provide that access. Use the best available science at appropriate scales to consider effects of transportation facility construction, reconstruction, maintenance, and decommissioning on ecosystems.

Integrate transportation analysis into other ecosystem assessments and analyses as appropriate. Ensure that environmental analysis identifies and displays at least one alternative that is based on current budget levels and realistic projections of future funding. Incorporate the findings of such analyses into forest plan amendments or revision or site-specific project planning, as applicable.

Ensure that road reconstruction, improvement, operation, and maintenance are guided by road management objectives (FSM 7712.3) and are undertaken within the constraints of current and likely future funding levels.

7710.32—Road Analysis.

1. *Long-term Application.* In the course of business, the responsible official shall incorporate a science-based road analysis into multi-forest, forest-wide and watershed-scale analyses and assessments to inform planners and decisionmakers of transportation system opportunities that support land and resource management objectives. Unless an alternative process is approved by the Deputy Chief, National Forest System, units are to use the science-based road analysis process described in the report, *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System (USDA Forest Service, 1999, Misc. Rep. FS–643).*

a. *New road construction.* Consistent with the direction at section 7703.1, ensure that the addition of new roads, including new road construction, serves a documented need and that the decision is informed by a science-based road analysis.

b. *Maintenance, reconstruction, and decommissioning.* Use the science-based analysis process described in paragraph 1 of this section to evaluate opportunities and priorities for maintenance, reconstruction, and decommissioning of roads. Conduct the analysis at a scale and intensity commensurate with the scope of the action. However, implementation of a routine or emergency maintenance activity does not require a road analysis before proceeding.

2. *Transition.* Until a comprehensive road inventory and road analysis have been conducted and integrated into the applicable Forest Plan, the following direction shall apply:

a. *Road construction/reconstruction in roadless and unroaded areas.*

There must be a compelling need to propose construction/reconstruction of roads in the following roadless and unroaded areas:

(1) Unroaded portions of the RARE II (Roadless Area Review and Evaluation conducted by the Forest Service in 1979) inventoried roadless areas within the National Forest System.

(2) Unroaded portions of roadless areas identified in existing land and resource management plans that lie one-quarter mile or more beyond any existing classified road, and

(3) Unroaded areas of more than 1,000 acres that are contiguous to remaining unroaded portions of RARE II inventoried roadless areas or contiguous to areas inventoried in land and resource management plans, contiguous to congressionally designated wilderness areas or Federally-administered components of National Wild and Scenic River System classified as Wild, or contiguous to unroaded areas of 5,000 acres or more on other Federal lands. These areas of 1,000 acres or more must have a common boundary of considerable length, at least one-quarter mile width, and provide important corridors for wildlife movement or extend a unique ecological value of the established inventoried area.

Compelling needs include, but are not limited to, critical resource restoration and protection; public safety; and access to carry out a statute or treaty or pursuant to reserved or outstanding rights.

Road construction in roadless and unroaded areas and generally reconstruction in those areas will constitute a significant environmental effect as defined in the Council on Environmental Quality regulations (40 CFR part 1508) and the Forest Service Environmental Procedures Handbook (FSH 1909.15, section 05) and will require the preparation of an environmental impact statement (FSH 1909.15, section 20.6). This National Environmental Policy Act analysis will provide the basis for a Regional Forester decision.

Environmental mitigation and environmental restoration necessitated by unclassified roads are appropriate in roadless and unroaded areas and must follow normal National Environmental Policy Act decisionmaking processes. However, maintenance of unclassified roads in roadless and unroaded areas is inappropriate as such activity would lead to defacto road development.

b. *Road construction/reconstruction in roaded areas.* A road analysis should be completed as appropriate for any road construction or reconstruction project proposal in roaded areas. However, any road construction or reconstruction underway or listed in the schedule of proposed actions published pursuant to 36 CFR Part 215 prior to the effective date of this amendment does not require a road analysis.

3. *Duration of Transition Procedures.* For those forests that have not adopted a revised forest plan prior to the effective date of this amendment, the transitional procedures in FSM 7710.32, paragraph 2, remain in effect until the roads analysis process has been integrated into the forest plan revision process.

For those forests that have revised their forest plans after January 1, 1996, the transitional procedures in section 7710.32, paragraph 2, remain in effect until the road analysis process is implemented and either (1) The Regional Forester makes a written determination that the forest plan does not require amendment or revision to reflect the findings of the analysis or (2) Until the Forest Supervisor undertakes and adopts a forest plan amendment or revision to integrate the results into the forest plan.

7710.4—Responsibility.

7710.41—Deputy Chief, National Forest System. It is the responsibility of the Deputy Chief to approve an alternative road analysis process.

7710.42—Regional Forester. It is the responsibility of the Regional Forester to:

1. Ensure that science-based road analysis is a component of sub-basin, multi-Forest and sub-regional scale assessments.

2. Ensure that science-based road analysis is incorporated in forest plan revisions.

3. Serve as responsible official on any environmental impact statement on road construction or reconstruction in roadless and unroaded areas prepared under FSM 7710.32, paragraph 2.

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7710.43—Forest Supervisor. It is the responsibility of the Forest Supervisor to:

1. Accomplish road analysis at the appropriate scales in conjunction with other assessments, and integrate transportation management issues and opportunities with land and resource management planning.

2. Develop and maintain a forest transportation atlas in compliance with FSM 7711.

3. Ensure that engineering, hydrology, biology, and other appropriate skills needed in transportation analysis, are available.

4. Ensure that project development and operation are consistent with the road management objectives documented in the forest transportation atlas.

5. Identify and prioritize areas (FSM 1922.52) where detailed transportation analysis is essential for achieving land and resource management direction and resource project implementation schedules.

6. Recommend to the Regional Forester annual and multi-year schedules of proposed transportation decommissioning, reconstruction, and construction projects (FSM 1922.51).

7. Involve Federal, State, local, and tribal transportation agencies in land and resource management planning to ensure coordination.

8. Document inventory and transportation analysis results.

7710.44—District Rangers. It is the responsibility of the District Ranger to approve road management objectives.

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7710.5—Definitions.

Unroaded areas. (see FSM 1920.5).

7711—Forest Transportation Atlas & Records. Prepare and keep current a forest transportation atlas for National Forest System lands as defined at section 212.1 of Title 36 of the Code of Federal Regulations (36 CFR 212.1). The atlas consists of the geospatial and tabular data showing the location of each transportation facility and additional information as necessary for Forest Service management of roads, trails, and airfields.

7711.1—Road Atlas. A critical component of the transportation atlas is the forest road atlas, which includes classified and unclassified roads on National Forest System lands. The forest road atlas serves as the official record of the Forest Development Road system referred to in the National Forest Management Act (16 U.S.C. 1608 (b)). The road atlas includes, at a minimum, the location and jurisdiction of classified roads not under Forest Service jurisdiction, the location and road management objectives for Forest Service roads and bridges, and the location of and management decisions on unclassified roads. To the extent practicable and appropriate, cite in the atlas the science-based analyses used to support decisions on roads recorded in the atlas.

Use INFRA Service-wide, the Forest Service integrated infrastructure tabular and spatial data management system, for the storage and analysis of information in the road atlas. The transportation inventory must be capable of spatial representation or mapping as appropriate at the various analysis and forest planning scales. This information also supports other resource analyses, such as water quality and habitat assessments.

7711.2—Transportation Atlas Maintenance. Maintain a current record of forest transportation facilities in the atlas as part of the ongoing real property and condition survey updates (FSM 6446). Add proposed facilities to the atlas only after a decision to construct the facility or to convert an unclassified road to a classified facility has been made by the responsible official in accordance with the National Environmental Policy Act process, including facilities covered by categorical exclusions (FSM 1952 and FSM 1922.52, No. 4). Remove existing facilities from the atlas only after anticipated decommissioning results have been achieved and verified through monitoring.

7712—Transportation Analysis and Results. Use a science-based transportation analysis process, at appropriate scales, that considers transportation facility needs and concerns. Coordinate the analysis with other ecosystem assessments and analyses.

7712.02—Objectives. Conduct transportation analysis to achieve the following:

1. Identification of opportunities,

2. Assessment of needs, funding, and associated ecosystem effects, including effects on unroaded values,

3. Achievement of management direction, and

4. Documentation of recommendations that can become part of a NEPA disclosure and line decision.

7712.03—Policy. Forest Service regulations implementing the Forest and Rangeland Renewable Resources Planning Act, as amended by the National Forest Management Act, require integration of transportation planning into an interdisciplinary effort that produces Regional guides, forest and site-specific project plans. Use the forest transportation atlas as a record of transportation facility decisions.

1. Assess economic costs and benefits along with physical and biological factors when identifying project alternatives.

2. Consider the needs of all parties when developing transportation system opportunities in areas of intermingled ownership.

3. Consider long- and short-term uses, including possible mechanized, non-mechanized, and off-highway vehicle uses, when analyzing transportation facilities.

4. Involve the public in transportation analysis.

5. Identify all classified and unclassified facilities in the forest transportation atlas.

6. Document road management objectives and project priorities.

7712.1—Scope and Levels of Transportation Analysis. Line officers must choose the appropriate geographic scale for transportation analysis and the degree of detail that is appropriate and practicable. Selecting the appropriate scale for assessing road opportunities depends on the issues being analyzed. Line officers should recognize that starting with the broader scale analysis is particularly helpful in identifying interactions between resources and roads that may only be detected at the broader level, in supporting better informed and integrated decisions across administrative boundaries, and in avoiding collection of unnecessary information.

7712.11—Multi-Forest and Ecoregion Scale Transportation Analysis. Road analysis is an integral part of an ecoregion (or sub-region) assessment. At this level, consider the following:

1. Broad scale issues, such as habitat connectivity, strongholds for aquatic and terrestrial species, sources of

drinking water, cumulative effects, and other unroaded values.

2. Integration of State, county, and local transportation systems, and multi-year transportation plans with the Forest transportation system.

3. Potential program direction for new or revised forest highways, public lands highways, and public roads under Forest Service jurisdiction.

4. Current and likely funding levels available to support transportation facility construction, reconstruction, maintenance and decommissioning.

7712.12—Forest Plan Level Transportation Analysis. Transportation analysis at the forest plan level tiers to broader scale analyses and requires close coordination with other ecosystem assessments. Consider:

1. Environmental effects, including socio-economic impacts. Consider costs and benefits of protection of unroaded values.

2. An overview of the transportation rights-of-way acquisition needs.

3. State, county and local transportation facility effects on land and forest resource management plans and resource management programs.

4. Forest Service transportation investments necessary for carrying out the planned resource program.

7712.13—Watershed and Project Level Transportation Analysis. Watershed and project level road analyses tier to broader scale analyses, where available, and include comprehensive inventory and science-based analyses of all classified and unclassified forest transportation facilities within the analysis area. Integrate watershed scale transportation analyses with other watershed scale assessments.

7712.2—Analysis Processes.

7712.21—Transportation Analysis. Perform transportation analysis at the appropriate scales to identify an environmentally sound, cost efficient (FSH 1909.17) transportation network. Tier the analysis to the Forest plan and to available ecosystem assessments. The analysis must follow a process that considers the latest science-based information on environmental benefits and effects, particularly unroaded values, such as described in the report, *Roads Analysis: Informing Decisions About Managing the National Forest Transportation System* (USDA Forest Service, 1999, Misc. Rep. FS–643). The transportation analysis shall be guided by management direction, have interdisciplinary participation, and be approved in writing by the responsible official.

In timber harvest areas, the analysis should be a joint effort of sale planners, logging engineers, biologists, and transportation planners, as well as representatives of other disciplines. Ensure that timber sale planning is coordinated with analysis of transportation needs (FSM 2431.2).

Document the transportation analysis in conjunction with policies and procedures of FSM 1950 and FSH 1909.15. Revise the forest transportation atlas (FSM 7711.2) if the formal decision necessitates any changes.

7712.22—Network Analysis. Perform a network analysis as part of transportation analysis to determine alternate route effectiveness for the management direction.

The network analysis shall establish four important types of transportation cost data:

1. Environmental effects and possible ecosystem restoration opportunities.

2. Reconstruction and improvement costs on a road system to a specified area.

3. Variable user and travel-related costs over a road system for a resource activity on a unit or output basis.

4. Cost of operating and maintaining the network.

Re-analyze networks and cost estimates as outputs, schedules, and management area locations change for different management practices.

7712.23—Economic Analysis.

* * * * *

7712.3—Road Management Objectives. Establish road management objectives for all Forest Service roads consistent with forest plan direction. Road management objectives include design criteria (FSM 7720) and operation and maintenance criteria (FSM 7730.3). The road management objectives require line officer approval and are included in the transportation atlas.

7712.4—Scheduling Projects. Develop 3-to 5-year schedules listing all proposed projects. Schedule decommissioning, reconstruction and improvement project activities in coordination with other resource and support activities in a timely manner.

* * * * *

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Friday,
March 3, 2000

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Potato Research; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Potato Research

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Special Research Grants Program, Potato Research for fiscal year (FY) 2000. Subject to the availability of funds, the anticipated amount available for support of this program in FY 2000 is $1,300,000.

This notice sets out the objectives for these projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for a Potato Research Project grant.

CSREES also is soliciting comments regarding this request for proposals from any interested party. These comments will be considered in the development of the next request for proposals for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, (AREERA).

DATES: All proposals must be received at USDA on or before April 3, 2000. Proposals not received on or before this date will not be considered for funding.

User comments are requested within six months from the issuance of the request for proposals (RFP). Comments received after that date will be considered to the extent practicable (see Part VII. G.).

ADDRESSES: Proposals should be submitted to the following mailing address: Special Research Grants Program, Potato Research; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Ave., SW; Washington DC 20250–2245.

The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Special Research Grants Program, Potato Research; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303, Aerospace Center; 901 D Street, SW; Washington DC 20024. Telephone: (202) 401–5048.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA-CSREES; STOP 2299; 1400 Independence Avenue, SW; Washington, DC 20250–2299; or via e-mail to: RFP-OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder input comments regarding this RFP, and not for requesting information or forms.)

FOR FURTHER INFORMATION CONTACT: Dr. James Parochetti; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2220; 1400 Independence Avenue, SW; Washington, DC 20250–2220; telephone: (202) 401–4354; Internet: jparochetti@reeusda.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

Part I—General Information

A. Legislative Authority
B. Definitions
C. Eligibility

Part II—Program Description

A. Purpose of the Program
B. Available Funds and Award Limitations
C. Applicant Peer Review Requirements

Part III—Content of a Proposal

A. Application for Funding (Form CSREES–661)
B. Table of Contents
C. Objectives
D. Progress Report
E. Procedures
F. Justification
G. Cooperation and Institutional Units Involved
H. Literature Review
I. Current Work
J. Facilities and Equipment
K. Project Timetable
L. Personnel Support
M. Collaborative and/or Subcontractual Arrangements
N. Budget (Form CSREES–55)
O. Budget Narrative
P. Current and Pending Support (Form CSREES–663)
Q. Assurance Statement(s) (Form CSREES–662)
R. Peer Review Certification
S. Other Certifications
T. Compliance With the National Environmental Policy Act
U. Additions to Project Description

Part IV—How to Obtain Application Materials

Part V—Submission of a Proposal

A. What To Submit
B. Where and When To Submit
C. Acknowledgment of Proposals

Part VI—CSREES Selection Process and Evaluation Criteria

A. Selection Process
B. Evaluation Criteria

Part VII—Supplementary Information

A. Access to CSREES Scientific Peer Review Information
B. Grant Awards
C. Use of Funds; Changes
D. Other Federal Statutes and Regulations That Apply
E. Confidential Aspects of Proposals and Awards
F. Regulatory Information
G. Stakeholder Input

Part I—General Information

A. Legislative Authority

The authority for this program is contained in section (c)(1)(B) of the Competitive, Special, and Facilities Research Grant Act, in section 2 of Pub. L. No. 89–106, as amended (7 U.S.C. 450i(c)(1)(B)). Only section 3400.1, Applicability of regulations, Subpart C, Peer and Merit Review Arranged by Grantees, and Subpart D, Annual Reports of the administrative regulations at 7 CFR part 3400 for Special Grants Programs awarded under the authority of section 2(c) of this Act (7 U.S.C. 450i(c)) apply to grants solicited and awarded under subsection 2(c)(1)(B).

In accordance with the statutory authority, grants awarded under this program will be for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research programs that—(i) promote excellence in research on a regional and national level; (ii) promote the development of regional research centers; (iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research efforts; and (iv) facilitate coordination and cooperation of research among States through regional research grants.

B. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service (CSREES) and any other officer or employee of the Department to whom the authority involved is delegated.

(2) *Authorized departmental officer (ADO)* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(3) *Authorized organizational representative (AOR)* means the

president, director, or chief executive officer or other designated official of the applicant organization who has the authority to commit the resources of the organization.

(4) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(5) *Department* or *USDA* means the United States Department of Agriculture.

(6) *Grantee* means the entity designated in the grant award document as the responsible legal entity to which a grant is awarded.

(7) *Peer review panel* means an assembled group of experts or consultants qualified by training and experience in particular scientific or technical fields to give expert advice on the scientific and technical merit of grant applications in those fields.

(8) *Principal Investigator/Project Director* means the single individual designated in the grant application and approved by the Secretary who is responsible for the direction and management of the project. Note that a proposal may have multiple secondary co-principal investigators/project directors but only one principal investigator/project director.

(9) *Prior approval* means written approval evidencing prior consent by an ADO as defined in (2) above.

(10) *Project* means the particular activity within the scope of the program supported by a grant award.

(11) *Project period* means the total length of time that is approved by the Administrator for conducting the research project, as stated in the award document, during which Federal sponsorship begins and ends.

(12) *Scientific peer review* means an evaluation of a proposed project for technical quality and relevance to regional or national goals performed by experts with the scientific knowledge and technical skills to conduct the proposed research work. Peer reviewers may be selected from an applicant organization or from outside the organization, but shall not include principals, collaborators or others involved in the preparation of the application under review.

(13) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved is delegated.

C. Eligibility

Proposals may be submitted by State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962, as amended (16 U.S.C. 582a *et seq.*), and accredited schools or colleges of veterinary medicine. The proposals must be directly related to potato varietal development/testing. Although an applicant may be eligible based on its status as one of these entities, other factors may exclude an applicant from receiving Federal assistance under this program (*e.g.,* debarment or suspension, a determination of non-responsibility based on submitted organizational management information, etc.).

Part II—Program Description

A. Purpose of the Program

Proposals are invited for competitive grant awards under the Special Research Grants Program, Potato Research for FY 2000. The purpose of this grant program is to support potato research that focuses on varietal development/testing. As used herein, varietal development/testing is research using traditional and biotechnological genetics to develop improved potato variety(ies). Aspects of evaluation, screening and testing must support or complement the development of improved varieties. This program is administered by CSREES of USDA.

B. Available Funds and Award Limitations

Funds will be awarded on a competitive basis to support regional research projects that are composed of potato research that focuses on varietal development/testing. For purposes of this program, regional research means research having application beyond the immediate State in which the awardee resides and performs the project. The anticipated amount of funds available in FY 2000 for support of this program is approximately $1,300,000. Each proposal submitted in FY 2000 shall request funding for a period not to exceed one year. Funding for additional years will depend upon the availability of funds and progress toward objectives. FY 2000 awardees would need to recompete in future years for additional funding.

Under this program, the Secretary may extend grant awards for the support of research projects for up to three years to further the program.

C. Applicant Peer Review Requirements

Subsection (c)(5) of the Competitive, Special, and Facilities Research Grant Act, as amended (7 U.S.C. 450i(c)(5)) requires applicants to conduct a scientific peer review of a proposed research project in accordance with regulations promulgated by the Secretary prior to the Secretary making a grant award under this authority. Regulations implementing this requirement are set forth in 7 CFR 3400.20. The regulations impose the following requirements for scientific peer review by applicants of proposed research projects:

1. Credible and independent. Review arranged by the grantee must provide for a credible and independent assessment of the proposed project. A credible review is one that provides an appraisal of technical quality and relevance sufficient for an organizational representative to make an informed judgment as to whether the proposal is appropriate for submission for Federal support. To provide for an independent review, such review may include USDA employees, but should not be conducted solely by USDA employees.

2. Notice of completion and retention of records. A notice of completion of the review shall be conveyed in writing to CSREES either as part of the submitted proposal or prior to the issuance of an award, at the option of CSREES (see Part III. Q.). The written notice constitutes certification by the applicant that a review in compliance with these regulations has occurred. Applicants are not required to submit results of the review to CSREES; however, proper documentation of the review process and results should be retained by the applicant.

3. Renewal and supplemental grants. Review by the grantee is not automatically required for renewal or supplemental grants as defined in 7 CFR 3400.6. A subsequent grant award will require a new review if, according to CSREES, either the funded project has changed significantly, other scientific discoveries have affected the project, or the need for the project has changed. Note that a new review is necessary when applying for another standard or continuation grant after expiration of the grant term.

Part III—Content of a Proposal

All proposals must contain the following forms and narrative information to assist CSREES personnel during the review and award processes:

A. Application for Funding (Form CSREES–661)

Each copy of each grant proposal must contain an Application for Funding, (Form CSREES–661). One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing principal investigator(s)/project director(s) and the AOR who possesses the necessary

authority to commit the organization's time and other relevant resources to the project. Any proposed principal investigator or co-principal investigator whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the Application for Funding form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

1. Title of Project (Block 6). The title of the project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as ''investigation of'' or ''research on'' should not be used.

2. Program to Which You Are Applying (Block 7). ''Special Research Grants Program, Potato Research'' should be inserted in this block. You may ignore the reference to a **Federal Register** announcement.

3. Program Area and Number (Block 8). The name of the program area, ''Potato Research,'' should be inserted in this block. You should ignore references to the program number and the **Federal Register** announcement.

4. Type of Request (Block 13). If the project being proposed is a renewal of a grant that has been supported under the same program at any time during the previous five fiscal years, it is important that you show the latest grant number assigned to the project by CSREES.

5. Principal Investigator(s)/Project Director(s) (Block 15). The designation of excessive numbers of co-principal investigators creates problems during final review and award processes. Listing multiple co-principal investigators, beyond those required for genuine collaboration, is therefore discouraged.

6. Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box ''03'' should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

7. Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES program manager as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

B. Table of Contents

For consistency and ease of locating information, each proposal submitted should contain a Table of Contents.

C. Objectives

Clear, concise, complete, and logically arranged statement(s) of the specific aims of the proposed effort must be included in all proposals. For renewal applications, a restatement of the objectives outlined in the active grant also should be provided.

D. Progress Report

If the proposal is a renewal of an existing project supported under the same program, include a clearly identified summary progress report describing the results to date. The progress report should contain the following information:

1. A comparison of actual accomplishments with the goals established for the active grant;

2. The reasons for slippage if established goals were not met; and

3. Other pertinent information, including, when appropriate, cost analysis and explanation of cost overruns or unexpectedly high unit costs.

E. Procedures

The procedures or methodology to be applied to the proposed effort should be explicitly stated. This section should include but not necessarily be limited to:

1. A description of the proposed investigations and/or experiments in the sequence in which it is planned to carry them out;

2. Techniques to be employed, including their feasibility;

3. Kinds of results expected;

4. Means by which data will be analyzed or interpreted;

5. Pitfalls which might be encountered; and

6. Limitations to proposed procedures.

F. Justification

This section should include in-depth information on the following, when applicable:

1. Estimates of the magnitude of the problem and its relevance to ongoing State-Federal food and agricultural research programs;

2. Importance of starting the work during the current fiscal year; and

3. Reasons for having the work performed by the proposing institution.

G. Cooperation and Institutional Units Involved

Cooperative and multi-state applications are encouraged. Identify each institutional unit contributing to the project. Identify each State in a multiple-state proposal and designate the lead State. When appropriate, the project should be coordinated with the efforts of other State and/or national programs. Clearly define the roles and responsibilities of each institutional unit of the project team, if applicable.

H. Literature Review

A summary of pertinent publications with emphasis on their relationship to the effort being proposed should be provided and should include all important and recent publications from other institutions, as well as those from the applicant institution. The citations themselves should be accurate, complete, and written in an acceptable journal format.

I. Current Work

Current unpublished institutional activities to date in the program area under which the proposal is being submitted should be described.

J. Facilities and Equipment

All facilities which are available for use or assignment to the project during the requested period of support should be reported and described briefly. Any potentially hazardous materials, procedures, situations, or activities, whether or not directly related to a particular phase of the effort, must be explained fully, along with an outline of precautions to be exercised. Examples include work with toxic chemicals and experiments that may put human subjects or animals at risk.

All items of major instrumentation available for use or assignment to the proposed project also should be itemized. In addition, items of nonexpendable equipment needed to conduct and bring the project to a successful conclusion should be listed,

including dollar amounts and, if funds are requested for their acquisition, justified.

K. Project Timetable

The proposal should outline all important phases as a function of time, year by year, for the entire project, including periods beyond the grant funding period.

L. Personnel Support

All senior personnel who are expected to be involved in the effort must be clearly identified. For each person, the following should be included:

1. An estimate of the time commitment involved;

2. Vitae of the principal investigator(s), senior associate(s), and other professional personnel. This section should include vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. Each vita should be limited to two (2) pages each in length, excluding publications listings; and

3. A chronological listing of the most representative publications during the past five years. This listing must be provided for each professional project member for whom a vita appears. Authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

M. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with other individuals or organizations, such arrangements should be fully explained and justified. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements should be explained and justified in this section. A proposed statement of work, a budget, and a budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (*e.g.,* requests for outside laboratory analyses) are excluded from this requirement.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from 7 CFR part 3019 Sections 40–48 (Procurement Standards) and Appendix A (Contract Provisions) should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension. This latter requirement is explained further under subsection Q. of these guidelines.

N. Budget (Form CSREES–55)

Each proposal must contain a detailed budget (Form CSREES–55) for up to 12 months of support. Funds may be requested under any of the categories listed on the budget form, provided that the item or service for which support is sought is allowable under the enabling legislation and the applicable Federal cost principles and can be identified as necessary and reasonable for the successful conduct of the project.

The following guidelines should be used in developing your proposal budget:

1. Salaries and Wages. Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution and with OMB Circular No. A–21, Cost Principles for Educational Institutions. Administrative and Clerical salaries are normally classified as indirect costs. (See Item 9. below.) However, if requested under A.2.e., they must be fully justified.

Note: In accordance with Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended, 7 U.S.C. 3319, tuition remission is not an allowable cost under Section 2(c)(1)(B) projects, and no funds will be approved for this purpose.

2. Fringe Benefits. Funds may be requested for fringe benefit costs if the usual accounting practices of your institution provide that institutional contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project. See OMB Circular No. A–21, Cost Principles for Educational Institutions, for further guidance in this area.

3. Nonexpendable Equipment. Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, consistent with recipient policy, lower limits may be established. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

Note: For projects awarded under the authority of Sec. 2(c)(1)(B), no funds will be awarded for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

4. Materials and Supplies. The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs.

5. Travel. The type and extent of travel and its relationship to project objectives should be specified. Funds may be requested for field work or for travel to professional meetings. In the budget narrative, for both domestic and foreign travel, provide the purpose, the destination, method of travel, number of persons traveling, number of days, and estimated cost for each trip. If details of each trip are not known at the time of proposal submission, provide the basis for determining the amount requested.

Travel and subsistence should be in accordance with organizational policy. Irrespective of the organizational policy, allowances for airfare will not normally exceed round trip jet economy air accommodations. Please note that 7 CFR Part 3015.205 is applicable to air travel.

6. Publication Costs/Page Charges. Anticipated costs of preparing and publishing results of the research being proposed (including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints)

may be estimated and charged against the grant.

7. Computer (ADPE) Costs. Reimbursement for the costs of using specialized facilities (such as a university- or department-controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

8. All Other Direct Costs. Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified on a separate sheet of paper attached to Form CSREES–55. This applies to revised budgets as well, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, charges for consulting services, telephone, facsimile, e-mail, shipping costs, and fees for necessary laboratory analyses. You are encouraged to consult the ''Instructions for Completing Form CSREES–55, Budget,'' of the Application Kit for detailed guidance relating to this budget category.

9. Indirect Costs. Pursuant to Section 1473 of the National Agriculture Research, Extension, and Teaching Policy Act of 1977, as amended, 7 U.S.C. 3319, indirect costs are not allowable costs under Section 2(c)(1)(B) projects, and no funds will be approved for this purpose. Further, costs that are a part of an institution's indirect cost pool (*e.g.,* administrative or clerical salaries) may not be reclassified as direct costs for the purpose of making them allowable.

10. Cost-sharing. Cost-sharing is encouraged; however, cost-sharing is not required nor will it be a direct factor in the awarding of any grant.

O. Budget Narrative

All budget categories for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form.

P. Current and Pending Support (Form CSREES–663)

All proposals must contain Form CSREES–663 listing this proposal and any other current or pending support to which key project personnel have committed or are expected to commit portions of their time, whether or not salary support for the person(s) involved is included in the budget for each project. This proposal should be identified in the pending section of this form.

Q. Assurance Statement(s) (Form CSREES–662)

A number of situations encountered in the conduct of projects require special assurance, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will include the following:

1. Recombinant DNA or RNA Research. As stated in 7 CFR Part 3015.205(b)(3), all key personnel identified in the proposal and all signatory officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, ''Guidelines for Research Involving Recombinant DNA Molecules,'' as revised. If your project proposes to use recombinant DNA or RNA techniques, the application must so indicate by checking the ''yes'' box in Block 19 of Form CSREES–661 (Application for Funding) and by completing Section A of Form CSREES–662 (Assurance Statement(s)). For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

2. Animal Care. Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel and all signatory officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1966, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR Parts 1, 2, 3 and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals or activities, you must check the ''yes'' box in Block 20 of Form CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

3. Protection of Human Subjects. Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L. No. 93–348, as amended, and implementing regulations established by the Department under 7 CFR part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the ''yes'' box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

R. Peer Review Certification

By signing the Application for Funding form, the AOR of the applicant institution is providing the required certification that the full proposal has received a credible and independent peer review arranged by the institution (see Part II. C.).

S. Other Certifications

Note that by signing the Application for Funding form the applicant is providing the required certifications set forth in 7 CFR Part 3017, regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The certification forms are included in this application package for informational purposes only. These forms should not be submitted with your proposal since by signing the Form CSREES–661 your organization is providing the required certifications.

If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a Form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

T. Compliance With the National Environmental Policy Act

As outlined in 7 CFR part 3407 (CSREES's implementing regulations of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*)), environmental data or documentation for the proposed project is to be provided to CSREES in order to assist CSREES in carrying out its responsibilities under NEPA. These responsibilities include determining whether the project requires an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) or whether it can be excluded from this requirement on the basis of several categorical exclusions listed in 7 CFR 3407.6. To assist CSREES in this determination, the applicant should review the categories defined for exclusion to ascertain whether the

proposed project may fall within one of the exclusions.

Form CSREES–1234, NEPA Exclusions Form (copy in Application Kit), indicating the applicant's opinion of whether or not the project falls within one or more categorical exclusions, along with supporting documentation, must be included in the proposal. The information submitted in association with NEPA compliance should be identified in the Table of Contents as ''NEPA Considerations'' and Form CSREES–1234 and supporting documentation should be placed after the Form CSREES–661, Application for Funding, in the proposal.

Even though the applicant considers that a proposed project may fall within a categorical exclusion, CSREES may determine that an EA or an EIS is necessary for an activity if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present that may cause such activity to have a significant environmental effect.

U. Additions to Project Description

Each project description is expected to be complete in itself. However, in those instances in which the inclusion of additional information is necessary, the number of copies submitted should match the number of copies of the application requested in Part V.A. below. Each set of such materials must be identified with the title of the project and the name(s) of the principal investigator(s)/project director(s) as they appear on the ''Application for Funding.'' Examples of additional materials include photographs that do not reproduce well, reprints, and other pertinent materials which are deemed to be unsuitable for inclusion in the body of the proposal.

Part IV—How To Obtain Application Materials

Copies of this request for proposals and the Application Kit may be obtained by writing to the address or calling the telephone number which follows: Proposal Services Unit, Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Ave., SW; Washington DC 20250–2245; Telephone: (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting forms for the Special Research Grants Program, Potato Research.

These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov which states that you want a copy of the application materials for the FY 2000 Special Research Grants Program, Potato Research. The materials will then be mailed to you (not e-mailed) as quickly as possible.

Part V—Submission of a Proposal

A. What To Submit

An original and 18 copies of each grant proposal must be submitted. Proposals should contain all requested information when submitted. Each proposal should be typed on 8 1/2'' x 11'' white paper, single-spaced, and on one side of the page only. Please note that the text of the proposal should be prepared using no type smaller than 12 point font size and one-inch margins. It would be helpful if the name of the submitting institution were typed at the top of each page for easy identification in the event the proposal becomes disassembled while being reviewed. Staple each copy of the proposal in the upper left-hand corner. Please do not bind copies of the proposal.

B. Where and When To Submit

Proposals must be received on or before April 3, 2000, and submitted to the following mailing address: Special Research Grants Program, Potato Research; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Ave., SW; Washington, DC 20250–2245; Telephone: (202) 401–5048.

Note: Hand-delivered proposals or those delivered by overnight express service should be brought to the following address: Special Research Grants Program, Potato Research; c/o Proposal Services Unit, Office of Extramural Programs; CSREES/USDA; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024. The telephone number is (202) 401–5048.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing or via the Internet (e-mail). Therefore, it is important to include your e-mail address on Form CSREES–712 when applicable. This acknowledgment will contain a proposal identification number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Part VI—CSREES Selection Process and Evaluation Criteria

A. Selection Process

Applicants should submit fully developed proposals that meet all the requirements set forth in this request for proposals.

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure that it meets the requirements as set forth in this request for proposals. Second, proposals that meet these requirements will be technically evaluated by a scientific peer review panel.

The individual panel members will be selected from among those persons recognized as specialists who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit of the proposals being reviewed. The individual views of the panel members will be used to determine which proposals should be recommended to the Administrator (or his designee) for final funding decisions.

There is no commitment by CSREES to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual and potential conflicts of interest among reviewers. Evaluations will be confidential to CSREES staff members, peer reviewers, and the proposed principal investigator(s), to the extent permitted by law.

B. Evaluation Criteria

1. Overall scientific and technical quality of the proposal—10 points.
2. Scientific and technical quality of the approach—10 points.
3. Relevance and importance of proposed research to solution of specific areas of inquiry, and application of expected results for States beyond the State in which the grantee resides and will perform the work—30 points.
4. Feasibility of attaining objectives; adequacy of professional training and experience, facilities and equipment; the cooperation and involvement of multiple institutions or states—50 points.

Part VII—Supplementary Information

A. Access to CSREES Scientific Peer Review Information

After final decisions have been announced, CSREES will, upon request, inform the principal investigator of the reasons for its decision on a proposal.

B. Grant Awards

1. General: Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program area and procedures set forth in this request for proposals. The date specified

by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practicable so that project goals may be attained within the funded project period. All funds granted by CSREES under this request for proposals shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (Parts 3015 and 3019, of 7 CFR).

2. Organizational Management Information: Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant if such information has not been provided previously under this or another program for which the sponsoring agency, CSREES, is responsible. Copies of forms recommended for use in fulfilling the requirements contained in this section will be provided by CSREES as part of the pre-award process.

3. Grant Award Document: The grant award document shall include at a minimum the following:

a. Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under this program;

b. Title of Project;

c. Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

d. Grant identification number assigned by the Department;

e. Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

f. Total amount of Departmental financial assistance approved by the Administrator during the project period;

g. Legal authority(ies) under which the grant is awarded;

h. Approved budget plan for categorizing project funds to accomplish the stated purpose of the grant award; and

i. Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

4. Notice of Grant Award: The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

5. CSREES will award standard grants to carry out this program. A standard grant is a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without any guarantee of additional support at a future date.

c. Use of Funds; Changes

Unless otherwise stipulated in the terms and conditions of the grant award, the following provisions apply:

1. Delegation of Fiscal Responsibility: The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

2. Changes in Project Plans:

a. The permissible changes by the grantee, principal investigator(s), or other key project personnel in the approved research project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the ADO for a final determination.

b. Changes in approved goals, or objectives, shall be requested by the grantee and approved in writing by the ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

c. Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

D. Other Federal Statutes and Regulations That Apply

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include but are not limited to:

7 CFR 1.1—USDA implementation of the Freedom of Information Act.

7 CFR Part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—Uniform Federal Assistance Regulations, implementing OMB directives (*i.e.*, Circular Nos. A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. No. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR Part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Nonprofit Organizations.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794, section 504 of the Rehabilitation Act of 1973, and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

E. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of CSREES's transactions, available to the public upon specific request. Information that the Secretary determines to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal.

The original copy of a proposal that does not result in a grant will be retained by CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to

the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

G. Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. In your comments, please include the name of the program and the fiscal year of the request for proposals to which you are responding. These comments will be considered in the development of the next request for proposals for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of AREERA, 7 U.S.C. 7613(c). Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this Notice.

Done at Washington, D.C., this 28th day of February, 2000.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–5123 Filed 3–2–00; 8:45 am]

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Federal Register

Friday,
March 3, 2000

Part V

Department of Agriculture

Agricultural Research Service
Cooperative State Research, Education, and Extension Service
Biology Risk Assessment Research Grants Program for Fiscal Year 2000; Proposals and Input Request; Notice

DEPARTMENT OF AGRICULTURE

Agricultural Research Service Cooperative State Research, Education, and Extension Service

Biotechnology Risk Assessment Research Grants Program for Fiscal Year 2000; Request for Proposals and Request for Input

AGENCY: Agricultural Research Service; Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Agricultural Research Service (ARS) and the Cooperative State Research, Education, and Extension Service (CSREES) are announcing the Biotechnology Risk Assessment Research Grants Program (the ''Program'') for fiscal year (FY) 2000. Proposals are hereby requested from eligible institutions as identified herein for competitive consideration of Biotechnology Risk Assessment Grant awards. The authority for the Program is contained in section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921). The Program is administered by CSREES and ARS of the U.S. Department of Agriculture.

CSREES also is soliciting comments regarding this request for proposals from any interested party. These comments will be considered in the development of the next request for proposals for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA).

DATES: All proposals must be received at USDA on or before April 10, 2000. Proposals not received on or before this date will not be considered for funding.

User comments are requested within six months from the issuance of the request for proposals. Comments received after that date will be considered to the extent practicable (see Part VII.C.).

ADDRESSES: Proposals must be submitted to the following mailing address: Biotechnology Risk Assessment Research Grants; Proposal Services Unit, Office of Extramural Programs, c/o Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Ave., SW, Washington, DC 20250–2245.

The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Biotechnology Risk Assessment Research Grants, c/o Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 303, Aerospace Center, 901 D Street, SW, Washington, DC 20024, telephone: (202) 401–5048.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff, Office of Extramural Programs, USDA–CSREES, STOP 2299, 1400 Independence Avenue, SW, Washington, DC 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder input comments regarding this RFP, and not for requesting information or forms.)

FOR FURTHER INFORMATION CONTACT:

Dr. Deborah Sheely, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Stop 2241, 1400 Independence Avenue, SW, Washington, DC 20250–2241; telephone: (202) 401–1924, e-mail: dsheely@reeusda.gov; or

Dr. Robert M. Faust, Agricultural Research Service, U.S. Department of Agriculture, Room 338, Building 005, BARC–West, Beltsville, MD 20705; telephone: (301) 504–6918, e-mail: rmf@ars.usda.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

Part I. General Information
A. Legislative Authority
B. Applicant Eligibility
Part II. Program Description
A. Purpose of the Program
B. Available Funding
C. Areas of Research to be Supported
Part III. Content of a Proposal
Part IV. How to Obtain Application Materials
Part V. Submission of a Proposal
A. What to Submit
B. Where and When to Submit
C. Acknowledgment of Proposals
Part VI. Proposal Evaluation
Part VII. Supplementary Information
A. Applicable Regulations
B. Programmatic Contact
C. Stakeholder Input
D. Additional Information

Part I. General Information

A. Legislative Authority

The authority for the Program is contained in section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921). The administrative regulations for this program are found at 7 CFR part 3415.

B. Applicant Eligibility

Proposals may be submitted by any United States public or private research or educational institution or organization.

Part II. Program Description

CSREES and ARS will competitively award research grants to support science-based biotechnology regulation, thereby helping to address concerns about the effects of introducing genetically modified organisms into the environment and helping regulators to develop policies regarding such introduction.

The Program's emphasis is on risk assessment, which is defined as the science-based evaluation and interpretation of factual information in which a given hazard, if any, is identified, and the consequences associated with the hazard are explored. Research funded through this program will be relevant to risk assessment and the regulatory process. When evaluating transgenic organisms, regulators must answer the following four general questions: (1) Is there a hazard (potential hazard identification)? (2) How likely is the hazard to occur (quantifying the probability of occurrence)? (3) What is the severity and extent of the hazard if it occurs (quantifying the effects)? and (4) Is there an effect above and beyond what might occur with an organism, with similar traits, developed using other technologies?

Although investigators are not required to perform actual risk assessments in the research they propose, they should design studies that will provide information useful to regulators for making science-based decisions in their assessments of genetically-modified organisms. Accordingly, program applicants are encouraged to address the following questions in their proposals: (1) What is the relevance of this research to the evaluation of transgenic organisms? (2) What information will be provided by this research to help regulators adequately assess transgenic organisms? and (3) How does this research model appropriate studies necessary to identify and/or characterize hazards associated with introducing genetically-modified organisms into the environment?

The Program does not support risk management research, which is defined to include either: (1) Research aimed primarily at reducing effects of specific biotechnology-derived agents; or (2) a policy and decision-making process that uses risk assessment data in deciding how to avoid or mitigate the consequences identified in a risk assessment. Proposals must be relevant to risk assessment to be eligible for this Program.

In addition to addressing the questions posed above, proposals must include a statement describing the relevance of the proposed project to one or more of the research topics requested in this request for proposals. In addition, proposals should include detailed descriptions of the experimental design and appropriate statistical analyses to be done.

Awards will not be made for clinical trials, commercial product development, product marketing strategies, or other research deemed not appropriate to risk assessment.

A. Purpose of the Program

The purpose of the Program is to assist Federal regulatory agencies in making science-based decisions about the effects of introducing into the environment genetically modified organisms, including plants, microorganisms (including fungi, bacteria, and viruses), arthropods, fish, birds, mammals and other animals excluding humans. Investigations of effects on both managed and natural environments are relevant. The Program accomplishes this purpose by providing scientific information derived from the risk assessment research that it funds. Research proposals submitted to the Program must be applicable to the purpose of the Program to be considered.

B. Available Funding

Subject to the availability of funds, the anticipated amount available for support of the Program in FY 2000 is $1.5 million. The agency intends to award these funds for project proposals in the targeted areas with no more than two awards for conference proposals.

CSREES is prohibited from paying indirect costs exceeding 19 percent of the total Federal funds provided under each award on competitively awarded research grants (7 U.S.C. 3310; Pub. L. No. 106–78, sec. 711).

C. Areas of Research To Be Supported

Proposals addressing the following topics are requested:

1. Research relevant to assessing the effects of the introduction into the environment of genetically engineered organisms. Potential subject areas include but are not limited to:

(a) Research on the potential for recombination between plant viruses and plant-encoded viral transgenes;

(b) Research on the potential for non-target effects of introduced foreign gene products expressed in genetically modified plant-associated microorganisms (*e.g.,* compounds in phyllosphere or rhizosphere-inhabiting bacteria) or in plants (*e.g., Bacillus thuringiensis* delta-endotoxin), especially in regard to persistence of the organisms and material in the environment, including their impact on beneficial or soil organisms;

(c) Changes in ecosystem or agro-ecosystem function and composition;

(d) Research on gene flow from transgenic crops to related plants and exploration of factors influencing gene transfer rates. Gene flow experiments on crops with a high potential for gene introgression into wild or weedy relatives (*e.g.,* those with high rates of outcrossing and with overlapping habitats are of particular interest);

(e) Research on the role that insects and/or pathogens play in limiting populations of crops and weeds as this relates to acquisition of transgenic pest protection by crops and/or weeds; and

(f) Research on how transgenic plants, especially grasses, that are resistant or tolerant to environmental stresses (such as drought or salt) affect land use practices (new habitats or tillage), water use (irrigation) patterns, and species displacement.

The data collected may include: survival; reproductive fitness; genetic stability (*e.g.,* transgene retained during backcrossing); genetic recombination; horizontal gene transfer; loss of genetic diversity; or enhanced competitiveness. As long as the data gathered are relevant to the assessment of the effects of genetically modified organisms, the experiments need not utilize transgenic organisms. When feasible, measures of risk should include estimates of expected frequency and impact, and address the availability of effective mitigation measures to reduce or avoid impacts.

2. Research on large-scale deployment of genetically engineered organisms, especially commercial uses of such organisms, with special reference to considerations that may not be revealed through small-scale evaluations and tests and may address cumulative effect concerns. Studies should attempt to project impacts over as large a spatial and temporal scale as feasible. Potential focus areas include but are not limited to:

(a) Studies of insects and viruses that have developed resistance to plants possessing transgenic protection from them. This may be done by monitoring locations where such plants are grown on a commercial scale or in large scale production. The analysis of resistant viral strains should include analyzing whether the strain arose via recombination between viral transgenes and the viral genome and an analysis of how the resistance was effected (*e.g.,* changed coat protein with increased seed or insect vector transmissibility). The potential for transcapsidation in transgenic plants to alter seed transmission can be evaluated by comparing the levels of infected seed from transgenic plants inoculated with a virus, that could be transcapsidated, with seed from nontransgenic plants inoculated in a similar manner. Analysis should include the presence of satellite RNA (satRNA) which may replicate with the help of a suitable helper virus. Such projects should survey the production sites for two to three years.

(b) Studies to assess the impact of transgenic plants, especially insect resistant or herbicide tolerant plants, on biodiversity of agro-ecosystems. This could include changes in population dynamics and species diversity of nontarget arthropods (particularly beneficial predators, parasites, and pollinators), plants, mammals, avian or microbial species (including both pathogenic or beneficial fungi or bacteria associated with the crop plant). These studies should be conducted in such a way as to compare the impacts of transgenic plants to nontransgenic cultivars with otherwise similar phenotypes using the commonly recommended or adopted practices for tillage, irrigation, and control of pests or weeds. Also, effects of these plants on soil erosion or water quality could be included. Extensive documentation of agricultural practices will be a necessary component.

(c) Monitoring for the occurrence of individual or stacked resistance traits in wild/weedy relatives of commercialized transgenic crops, and subsequently, any effects of such genes on fitness, competitiveness, and weediness.

3. Research to assess the effects of transgenes in wild relatives of crop species. This research could evaluate the potential for unexpected fitness effects by comparing fitness characteristics in hybrids or introgressants between a transgenic line and the wild relative to hybrids or introgressants between the nontransgenic line and the wild relatives, or could evaluate fitness effects of the introduced trait by evaluating survival or reproductive success under natural conditions, or through planned competition experiments. Crop species could include those with compatible wild relatives in the U.S. which have been deregulated (*e.g.,* rice, rapeseed, melon, and squash) or are being developed (*e.g.,* sunflower, turfgrasses, strawberry). Introduced traits could include those

that have potential effects on fitness (*e.g.,* pest or disease resistance), or that have potential physiological or metabolic effects.

4. Research to assess the effects of genetically engineered plants with ''stacked'' resistance genes or genes that confer broad resistance to insects or diseases. These genes may give recipient plants a greater selective advantage and lead to less predictable ecological consequences. Possible areas of research include, but are not limited to: (a) The impact of gene stacking on non-target species; (b) the effects of stacked genes on pest populations; (c) transmission and establishment of multiple resistance genes into weedy relatives; (d) influence of genetic factors such as linkage on the transmission and establishment of multiple genes; and (e) ecological importance in weedy hosts of pest complexes sufficiently variable as to require broad resistance or stacked genes for their control.

5. Research to develop statistical methodology and quantitative measures of risks associated with field testing of genetically modified organisms.

6. The Program will, subject to resource availability, provide partial funding to organize a conference that brings together scientists, regulators, and others to review the science-based data relevant to risk assessment of genetically modified organisms released into the environment. The steering committee for the conference should include representatives from a variety of relevant scientific disciplines, such as ecology, population biology, pathology, production and resource management science, as well as educators, extension specialists and others, as appropriate. The goals of such a conference may include sharing of scientific information and identification of gaps in knowledge, and/or public education and outreach, among others. Publication of the proceedings will be required. The Program will fund a maximum of two conference proposals.

Part III. Content of a Proposal

The format guidelines for full research proposals, found in the administrative provisions for the Program at 7 CFR 3415.4(d), should be followed for the preparation of proposals under the Program in FY 2000. In addition, please note the following items: (1) The Department elects not to solicit preproposals in FY 2000; (2) a proposal's project summary may not exceed one single- or double-spaced page. Include on this page the proposal title, as well as names and institutions of each investigator; and (3) a separate conflict of interest list must be submitted with the proposal for each investigator for whom a curriculum vita (C.V.) is required. This list is necessary to assist program staff in excluding from proposal review those individuals who have conflicts of interest with the project personnel in the grant proposal.

For each investigator (as described in the proposal project description), list alphabetically the full names of only the individuals in the following categories. It is not necessary to list individuals in each category separately; rather, a single alphabetized list for each investigator is preferred. Additional pages may be used as necessary. A conflict of interest list must be submitted before a proposal is considered complete. Inclusion of a C.V. or publication list in lieu of a conflict of interest list is not sufficient. Other investigators working in the applicant's specific research area are not in conflict of interest with the applicant unless those investigators fall within one of the categories listed below:

(A) All collaborators on research projects within the past four years, including current and planned collaborations;

(B) All co-authors on publications within the past four years, including pending publications and submissions;

(C) All persons in your field with whom you have had a consulting or financial arrangement within the past four years; and

(D) All thesis or postdoctoral advisees/advisors within the past four years.

Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR part 3407 and 7 CFR part 520 (the CSREES and ARS regulations implementing the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*)), environmental data or documentation for the proposed project is to be provided to CSREES and ARS in order to assist CSREES and ARS in carrying out their responsibilities under NEPA. These responsibilities include determining whether the project requires an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) or whether it can be excluded from this requirement on the basis of the categorical exclusions listed in 7 CFR 3407.6. To assist CSREES and ARS in this determination, the applicant should review the categories defined for exclusion to ascertain whether the proposed project may fall within one of the exclusions.

Form CSREES–1234, NEPA Exclusions Form (copy in Application Kit), indicating the applicant's opinion of whether or not the project falls within one or more categorical exclusions, along with supporting documentation, must be included in the proposal. The information submitted in association with NEPA compliance should be identified in the Table of Contents as ''NEPA Considerations'' and Form CSREES–1234 and supporting documentation should be placed after the Form CSREES–661, Application for Funding, in the proposal.

Even though the applicant considers that a proposed project may fall within a categorical exclusion, CSREES and ARS may determine that an EA or an EIS is necessary for an activity if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present that may cause such activity to have a significant environmental effect.

Part IV. How To Obtain Application Materials

Copies of this request for proposals, the administrative provisions for the Program (7 CFR part 3415), and the Application Kit, which contains required forms, certifications, and instructions for preparing and submitting applications for funding, may be obtained by contacting: Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, SW, Washington, DC 20250–2245; telephone Number: (202) 401–5048.

Application materials also may be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov which states that you wish to receive a copy of the application materials for the FY 2000 Biotechnology Risk Assessment Research Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible.

This request for proposals and other application information and materials also are available at the Program's website (http://www.reeusda.gov/crgam/biotechrisk/biotech.htm).

Part V. Submission of a Proposal

A. What to Submit

An original and 14 copies of a proposal must be submitted. Proposals should be typed on 8½″ x 11″ white paper, single- or double-spaced, and one side of the page only. The text of the proposal should be prepared using no type smaller than 12 point font size and one-inch margins. Each copy of each

proposal must be stapled securely in the upper lefthand corner. (DO NOT BIND.) All copies of the proposal must be submitted in one package.

B. Where and When To Submit

Hand-delivered proposals (brought in person by the applicant or through a courier service) must be received on or before April 10, 2000, at the following address: Biotechnology Risk Assessment Research Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture, Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024. The telephone number is (202) 401–5048. Proposals transmitted via a facsimile (fax) machine will not be accepted.

Proposals submitted through the U.S. mail must be received on or before April 10, 2000. Proposals submitted through the U.S. mail should be sent to the following address: Biotechnology Risk Assessment Research Grants Program; Proposal Services Unit; Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing or via the Internet (e-mail). Therefore, it is important to include your e-mail address on Form CSREES–661 when applicable. This acknowledgment will contain a proposal identification number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Part VI. Proposal Evaluation

Proposals will be evaluated by the Administrators of ARS and CSREES assisted by a peer panel of scientists for scientific merit, qualifications of project personnel, adequacy of facilities, and relevance to both risk assessment research and regulation of agricultural biotechnology. Proposals for funding a scientific research conference grant will be evaluated on the following criteria: choice of topics and selection of speakers; general format of the conference, especially with regard to its appropriateness for fostering scientific exchange and/or public understanding; provisions for wide participation from the scientific and regulatory community and others as appropriate; qualifications of the organizing committee and appropriateness of invited speakers to the topic areas being covered; and appropriateness of the budget requested and qualifications of the project personnel. All proposals are considered together in making award decisions. However, no more than two conference grants will be awarded.

Part VII. Supplementary Information

A. Applicable Regulations

This Program is subject to the administrative provisions found in 7 CFR part 3415, which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, the awarding of grants, and post-award administration of such grants. Several other Federal statutes and regulations apply to grant proposals considered for review or to grants awarded under this Program. These include but are not limited to: 7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations.

B. Programmatic Contact

For additional information on the Program, please contact:

Dr. Deborah Sheely, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Stop 2241; 1400 Independence Avenue, SW; Washington, DC 20250–2241; Telephone: (202) 401–1924; e-mail: dsheely@reeusda.gov; or

Dr. Robert M. Faust; Agricultural Research Service; U.S. Department of Agriculture; Room 338, Building 005, BARC–West; Beltsville, MD 20705; telephone: (301) 504–6918, e-mail: rmf@ars.usda.gov.

C. Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. In your comments, please include the name of the program and the fiscal year of the request for proposals to which you are responding. These comments will be considered in the development of the next request for proposals for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2)). Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this notice.

D. Additional Information

The Biotechnology Risk Assessment Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.219. For reasons set forth in the final rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, on this 28th day of February, 2000.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

Edward B. Knipling,

Acting Administrator, Agricultural Research Service.

[FR Doc. 00–5174 Filed 3–2–00; 8:45 am]

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Federal Register

Friday,
March 3, 2000

Part VI

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Special Research Grants Program—Pest Management Alternatives Research: Special Program Addressing Food Quality Protection Act Issues for Fiscal Year 2000; Request for Proposals; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Special Research Grants Program—Pest Management Alternatives Research: Special Program Addressing Food Quality Protection Act Issues for Fiscal Year 2000; Request for Proposals

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) requests proposals for competitive grant awards under the Special Research Grants Program titled ''Pest Management Alternatives Program: Addressing Food Quality Protection Act Issues for Fiscal Year 2000.'' This program addresses anticipated changes in pest management on food, feed, livestock, and ornamental commodities resulting from implementation of the Food Quality Protection Act of 1996 (FQPA) and related regulatory actions.

The goals of this program are to develop, test, and implement pest management alternatives and possible mitigation strategies to ensure that crop producers have reliable methods of managing pests considered a high priority under the Food Quality Protection Act (FQPA) and related regulatory actions.

By this notice, CSREES additionally solicits stakeholder input from any interested party. These comments will be considered in the development of the next request for proposals for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998.

DATES: Proposals must be received on or before April 17, 2000.

User comments are requested within six months from the issuance of the request for proposals. Comments received after that date will be considered to the extent practicable (see Section VII. C.).

ADDRESSES: Proposals submitted through the U.S. mail should be sent to the following address: Special Research Grants Program—Pest Management Alternatives Research; + Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

Hand-delivered proposals (brought in person by the applicant or through a courier service) must be delivered to the following address: Special Research Grants Program—Pest Management Alternatives Research; '' Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024. The telephone number is (202) 401–5048. Proposals transmitted via a facsimile (fax) machine will not be accepted.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA-CSREES; STOP 2299; 1400 Independence Avenue, SW; Washington, DC 20250–2299; or via e-mail to: RFP-OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder comments regarding this RFP, and not for requesting information or forms.)

FOR FURTHER INFORMATION CONTACT: Steve Yaninek, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2220; 1400 Independence Avenue, SW; Washington, DC 20250–2220. Telephone: (202) 401–6702; fax number: (202) 401–6869; e-mail address: syaninek@reeusda.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

Part I. General Information
A. Legislative Authority
B. Eligibility
C. Applicant Peer Review Requirements
Part II. Program Description
A. Purpose of the Program
B. Available Funding
C. Program Description
Part III. Proposal Format
A. Application for Funding (Form CSREES–661)
B. Table of Contents
C. Executive Summary
D. Problem Statement
E. Objectives
F. Research, Education, and Technology Transfer Plan
G. Literature Cited
H. User Involvement
I. Facilities and Equipment
J. Collaborative Arrangements
K. Personnel Support
L. Budget
M. Additions to Project Description
N. Current and Pending Support
O. Assurance Statement(s)
P. Peer Review Certification
Q. Other Cerifications
R. Compliance with the National Environmental Policy Act
Part IV. How to Obtain Application Materials
Part V. Submission of a Proposal
A. What to Submit
B. Where and When to Submit
C. Acknowledgment of Proposals
Part VI. Selection Process and Evaluation Criteria
A. Selection Process
B. Evaluation Criteria
Part VII. Supplementary Information
A. Confidentiality
B. Other Federal Statutes and Regulations that Apply
C. Stakeholder Input
D. Additional Information

Part I. General Information

A. Legislative Authority

This program is administered by CSREES, United States Department of Agriculture (USDA). The authority is contained in section (c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act, in section 2 of Pub. L. No. 89–106, as amended (7 U.S.C. 450i(c)(1)(A)). Under this authority, subject to the availability of funds, the Secretary may make grants, for periods not to exceed three years, to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States.

B. Eligibility

Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals.

Proposals from scientists affiliated with non-United States organizations are not eligible for funding nor are scientists who are directly or indirectly engaged in the development of pest management tactics for profit; however, their collaboration with funded projects is encouraged.

C. Applicant Peer Review Requirements

Subsection (c)(5) of the Competitive, Special, and Facilities Research Grant Act, as amended (7 U.S.C. 450i(c)(5)), requires applicants to conduct a scientific peer review of a proposed research project in accordance with regulations promulgated by the Secretary prior to the Secretary making a grant award under this authority. Regulations implementing this requirement are set forth in 7 CFR 3400.20. The regulations impose the following requirements for scientific

peer review by applicants of proposed research projects:

1. Credible and independent. Review arranged by the grantee must provide for a credible and independent assessment of the proposed project. A credible review is one that provides an appraisal of technical quality and relevance sufficient for an organizational representative to make an informed judgment as to whether the proposal is appropriate for submission for Federal support. To provide for an independent review, such review may include USDA employees, but should not be conducted solely by USDA employees.

2. Notice of completion and retention of records. A notice of completion of the review shall be conveyed in writing to CSREES either as part of the submitted proposal or prior to the issuance of an award, at the option of CSREES. The written notice constitutes certification by the applicant that a review in compliance with these regulations has occurred. Applicants are not required to submit results of the review to CSREES; however, proper documentation of the review process and results should be retained by the applicant.

3. Renewal and supplemental grants. Review by the grantee is not automatically required for renewal or supplemental grants as defined in 7 CFR 3400.6. A subsequent grant award will require a new review if, according to CSREES, either the funded project has changed significantly, other scientific discoveries have affected the project, or the need for the project has changed. Note that a new review is necessary when applying for another standard or continuation grant after expiration of the grant term.

Part II. Program Description

A. Purpose of the Program

The Pest Management Alternatives Program (PMAP) was established to support the development and implementation of pest management alternatives when regulatory action by the Environmental Protection Agency (EPA) or voluntary cancellation by the registrant results in the unavailability of certain agricultural pesticides or pesticide uses. These activities pertain to pesticides identified for possible regulatory action under section 210 of the FQPA, Pub. L. No. 104–170, which amended the Federal Insecticide, Fungicide, and Rodenticide Act, or through EPA's pesticide re-registration program. The program has been developed pursuant to the Memorandum of Understanding (MOU) between USDA and EPA signed August 15, 1994, and amended April 18, 1996, which establishes a coordinated framework for these two agencies to support programs that make alternative pest management materials available to agricultural producers. In this MOU, USDA and EPA agreed to cooperate in conducting the research, technology transfer, and registration activities necessary to address pest management alternatives needed in agriculture.

B. Available Funding

The amount available for support of this program in fiscal year (FY) 2000 is approximately $1,500,000. It is anticipated that EPA will also provide support to the program. Section 711 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2000, Pub. L. No. 106–78, prohibits CSREES from paying indirect costs on competitively awarded agricultural research, education, or extension grants that exceed 19 percent of total Federal funds provided for each award.

C. Program Description

This competitive grants program supports efforts to modify existing pest management approaches or develop new methods that address needs created by the implementation of FQPA and related regulatory actions. In FY 2000, CSREES will provide funding for projects that: (1) Identify and develop replacement or mitigation technologies for pesticides with uses that may change or be eliminated through FQPA implementation or related regulatory action, (2) Demonstrate promising alternative pest management strategies in the field in close collaboration with interested growers and grower groups, and (3) Support outreach activities that promote the implementation of pest management alternatives through education and extension. Proposals that include combinations of the three objectives will also be considered.

The EPA priorities for FQPA tolerance reassessment and reregistration review should be considered in determining needed alternative pest control chemistries and practices. The EPA priorities are given in a November 18, 1999, **Federal Register** notice ''Pesticide Reregistration Performance Measures and Goals'' (64 FR 63036, Nov. 18, 1 999) available on EPA web site at: http://www.epa.gov/fedrgstr/EPAFR–CONTENTS/1999/November/Day-18/contents.htm. This notice provides the schedule for completion of regulatory review for high priority chemicals. The overall priorities for FQPA review are given on the EPA web site at: http://www.epa.gov/oppfead1/fqpa/toleran.htm.

Activities funded by the PMAP could address work needed to facilitate grower knowledge and adoption of reduced risk pesticides that are newly-registered or are candidates for registration. Recently-registered chemical pesticides are identified in annual reports on the web site of the EPA Office of Pesticide Programs at: http://www.epa.gov/pesticides. Chemical pesticides that are candidates for registration in fiscal year 2000 are named in the interim work plan of the EPA Registration Division. The interim work plan is available on the web site at: http://www.epa.gov/opprd001/workplan. Twenty-five new chemicals are included in the work plan in addition to many new uses for 64 already-registered chemicals. The work plan provides the trade name, crops, and company for each chemical and identifies those chemicals that qualified for the EPA reduced-risk status. Biopesticides that are recently-registered and those under consideration for registration are identified on the web site at: http://www.epa.gov/pesticides/biopesticides.

Updates to EPA pesticide priority review and registration lists are available at: http://www.epa.gov/pesticides. EPA also issues an electronic newsletter that will announce updates. Sign-up information for the electronic newsletter is available at: http://www.epa.gov/pesticides.

Proposals should show substantial evidence that producers, commodity groups, and other affected user groups are actively involved in some or all of the following activities: (a) Needs assessment, (b) Priority setting, (c) Project design; and that they will be supportive of the project if it is funded. Public-private partnerships and matching resources from non-Federal sources, including producer or commodity groups, are encouraged. All proposals must include an outreach component. The amount of outreach activities increases from Objective I to Objective III below. Proposals should show potential for commercialization (including product registration if necessary) of any new technologies that are developed.

The three project objectives in FY 2000 are as follows:

I. *Replacement or Mitigation Technologies:* The focus should be on modification of existing approaches or introduction of new methods, especially biologically based methods, that can be rapidly brought to bear on pest management challenges resulting from implementation of FQPA and related regulatory actions. Durability and

practicality of the proposed pest management option(s) or mitigation procedure(s), and compatibility with integrated pest management systems, are critical. Both technological and economic feasibility should be considered. Pest management alternatives or risk mitigation options identified should address various risk concerns including dietary, occupational and non-occupational exposure, ground and surface water, and other ecological risks. Applicants must document that a crop profile has been or is being developed for the crop targeted in the proposal, or provide compelling evidence otherwise as to the importance of their proposed research.

II. *Demonstration Projects:* The focus should be on technologies or mitigation strategies that have been developed and show promise, but require field demonstration.

III. *Outreach Activities:* A new objective of the program in FY 2000 is to promote the exchange of pest management information related to FQPA implementation and related regulatory actions between researchers, extension agents, growers, and any other affected parties by offering one time support for publications, website development, regional workshops or other relevant activities during the FY 2000 funding cycle. The total available funding for proposals addressing only outreach activities will be no more than 10% of the total program budget.

Note: In FY 2000, PMAP is complemented by two new FQPA-related pest management competitive grant programs administered by CSREES under the Integrated Research, Education, and Extension Competitive Grants Program, under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626). These programs are the Crops at Risk (CAR) from FQPA Implementation program and the FQPA Risk Mitigation for Major Food Crop Systems program (RAMP). Both programs extend the horizon for successful development of alternatives from generally less than 2 years in the case of PMAP to between 2 to 4 years for CAR, and up to 5 years for RAMP. CAR will support intermediate-term research and implementation that provides a transition for the most vulnerable crops or cropping systems at risk because of FQPA, while RAMP will support multi-state, long-term, biointensive research to enhance stability and sustainability of pest management systems of major food crop systems also at risk because of FQPA. Also note that the development of replacements for methyl bromide is supported by the Methyl Bromide Transitions Program, another new program under the Integrated Research, Education, and Extension Competitive Grants Program. That program is designed to support the discovery and implementation of practical pest management alternatives for commodities affected by the methyl bromide phase-out. PMAP will not consider proposals that are better suited for one of these new programs. Contact Steve Yaninek (telephone: (202) 401–6702; fax: (202) 401–6869; e-mail address: syaninek@reeusda.gov) if you have questions about which program is most appropriate for your proposal.

Part III. Proposal Format

Each project description shall be complete in itself. The administrative provisions governing the Special Research Grants Program, 7 CFR Part 3400, set forth instructions for the preparation of grant proposals. The following requirements deviate from those contained in section 3400.4(c). The following provisions of this solicitation shall apply. Proposals should adhere to the format requirements for the specific objective addressed by the proposal format below. Sections A. through F. should be no more than 12 pages in length, numbered, and single-spaced with text on one side of the page using a 12 point (10 cpi) type font size and one-inch margins.

A. Application for Funding (Form CSREES–661)

All proposals must contain an Application for Funding (Form CSREES–661), which must be signed by the proposed principal investigator(s) and by the cognizant Authorized Organizational Representative (AOR) who possesses the necessary authority to commit the applicant's time and other relevant resources. Principal investigators who do not sign the proposal cover sheet will not be listed on the grant document in the event an award is made. The title of the proposal must be brief (80-character maximum), yet represent the major emphasis of the project. Because this title will be used to provide information to those who may not be familiar with the proposed project, highly technical words or phraseology should be avoided where possible. In addition, phrases such as ''investigation of'' or ''research on'' should not be used.

B. Table of Contents

For ease in locating information, each proposal must contain a detailed table of contents just after the proposal cover page. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Table of Contents.

C. Executive Summary

Describe the project in terms that can be understood by a diverse audience of university personnel, producers, various public and private groups, budget staff, and the general public. This should be on a separate page, no more than one page in length and have the following format: Name(s) of principal investigator(s) and institutional affiliation, project title, key words, and project summary.

D. Problem Statement

Identify the pest management problem addressed, its significance, and options for solution. Identify the commodity(ies) and the pesticides that will be addressed by the proposed project. EPA has published in the **Federal Register** several lists of pesticides they consider priorities (see Part II.C. for details). Proposals that address pesticides on these lists will have priority (see Part VI.A.). Describe the production area addressed (including acreage), frequency and severity of losses to pests controlled with priority pesticides, and the potential applicability to other production regions. As appropriate, proposals should address issues as they relate to current integrated pest management and crop production practices, technologic and economic feasibility of potential new practices, and their potential durability.

E. Objectives

Provide clear, concise, complete, and logically arranged statements of the specific aims of the proposed effort.

F. Research, Education, and Technology Transfer Plan

This section is needed only if the proposed project includes development of replacement or mitigation technologies (Objective I.). Proposals should provide a credible detailed plan for the research, education, and technology transfer required for implementation within the next two to four years of the alternative solution in the field, and should identify milestones.

G. Literature Cited

A concise list of key references cited in the proposal should be included in this section.

H. User Involvement

Describe the role of producers, commodity groups, and other end-users in identifying the need for the work being proposed, and their anticipated involvement in the project if funded. Competitive proposals will demonstrate involvement of affected user groups in project design, implementation, and funding.

I. Facilities and Equipment

All facilities and major items of equipment that are available for use or assignment to the proposed research project during the requested period of support should be described. In addition, items of nonexpendable equipment not currently accessible and necessary to conduct and successfully complete the proposed project should be listed with the amount and justification for each item.

J. Collaborative Arrangements

If the nature of the proposed project requires collaboration or subcontractual arrangements with other research scientists, corporations, organizations, agencies, or entities, the applicant must identify the collaborator(s) and provide a full explanation of the nature of the collaboration. Funding contributions by collaborators that will be used to accomplish the stated objectives should be identified. Evidence (*i.e.*, letters of intent) should be provided to assure peer reviewers that the collaborators involved have agreed to render this service. In addition, the proposal must indicate whether or not such a collaborative arrangement(s) has the potential for conflict(s) of interest.

K. Personnel Support

To assist peer reviewers in assessing the competence and experience of the proposed project staff, key personnel who will be involved in the proposed project must be clearly identified. For each principal investigator involved, and for all senior associates and other professional personnel who are expected to work on the project, whether or not funds are sought for their support, the following should be included:

(i) An estimate of the time commitments necessary.

(ii) Curriculum vitae. The curriculum vitae should be limited to a presentation of academic and research credentials, or commodity production knowledge or experience with that commodity (*e.g.*, educational, employment and professional history, and honors and awards). Unless pertinent to the project, to personal status, or to the status of the organization, meetings attended, seminars given, or personal data such as birth date, marital status, or community activities should not be included. Each vita shall be no more than two pages in length, excluding the publication lists.

(iii) Publication list(s). A chronological list of all publications in refereed journals during the past four years, including those in press, must be provided for each professional project member for whom a curriculum vitae is provided. Authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these items usually appear in journals.

L. Budget

A detailed budget is required for each year of requested support. In addition, a summary budget is required detailing requested support for the overall project period. A copy of the form which must be used for this purpose (Form CSREES–55), along with instructions for completion, is included in the Application Kit and may be reproduced as needed by applicants. Funds may be requested under any of the categories listed, provided that the item or service for which support is requested may be identified as necessary for successful conduct of the proposed project, is allowable under applicable Federal cost principles, and is not prohibited under any applicable Federal statute. However, the recovery of indirect costs under this program may not exceed the lesser of the grantee institution's official negotiated indirect cost rate or the equivalent of 19 percent of total Federal funds awarded. This limitation also applies to the recovery of indirect costs by any sub-awardee or subcontractor, and should be reflected in the sub-recipient budget. Successful PIs, or their designated representative, and an end-user/beneficiary of the proposed activities will be required to participate in one regional outreach activity, *i.e.* workshop, field day, or growers meeting, approved by the CSREES program manager during the course of the project. Participation in regional workshops supported by this program should be given priority when planning outreach commitments. Travel support for two individuals per project to meet this requirement should be included in the budget. Proposals that request more than 10% of the total program budget (*see* Part II.B.) are required to provide additional justification and will be strictly scrutinized during the review process.

Note: For projects awarded under the authority of Sec. 2(c)(1)(A), no funds will be awarded for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

M. Additions to Project Description

The Administrator of CSREES, the members of peer review groups, and the relevant program staff expect each project description to be complete given the page limit established in this section (Proposal Format). However, if the inclusion of additional information is necessary to ensure the equitable evaluation of the proposal (e.g., photographs that do not reproduce well, reprints, and other pertinent materials that are deemed to be unsuitable for inclusion in the text of the proposal), then 20 copies of the materials should be submitted. Each set of such materials must be identified with the name of the submitting organization, and the name(s) of the principal investigator(s). Information may not be appended to a proposal to circumvent page limitations prescribed for the project description. Extraneous materials will not be used during the peer review process.

Note: Specific organizational management information relating to an applicant shall be submitted on a one-time basis prior to the award of a grant for this program if such information has not been provided previously under this or another program for which the sponsoring agency is responsible. If necessary, USDA will contact an applicant to request organizational management information once a proposal has been recommended for funding.

N. Current and Pending Support

All proposals must contain Form CSREES–663 listing this proposal and any other current public or private research support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for the person(s) involved is included in the budget for each project. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by the Administrator of CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or that will be funded) by another organization or agency will not be funded under this program.

O. Assurance Statement(s)

If it is anticipated that the research project will involve recombinant DNA or RNA research, experimental vertebrate animals, or human subjects, an Assurance Statement, Form CSREES–662, must be completed and included in the proposal. Please note that grant funds will not be released until CSREES receives and approves documentation

indicating approval by the appropriate institutional committee(s) regarding DNA or RNA research, animal care, or the protection of human subjects, as applicable.

P. Peer Review Certification

By signing the Application for Funding form, the AOR of the applicant institution is providing the required certification that the full proposal has received a credible and independent peer review arranged by the institution (see Part I.C.).

Q. Other Certifications

Note that by signing the Application for Funding form the applicant is providing the required certifications set forth in 7 CFR Part 3017, regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The certification forms are included in this application package for informational purposes only. These forms should not be submitted with your proposal since by signing the Form CSREES–661 your organization is providing the required certifications.

If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a Form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

R. Compliance With the National Environmental Policy Act

As outlined in 7 CFR part 3407 (CSREES's implementing regulations of the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*)), environmental data or documentation for the proposed project is to be provided to CSREES in order to assist CSREES in carrying out its responsibilities under NEPA. These responsibilities include determining whether the project requires an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) or whether it can be excluded from this requirement on the basis of one or more of the categorical exclusions listed in 7 CFR 3407.6. To assist CSREES in this determination, the applicant should review the categories defined for exclusion to ascertain whether the proposed project may fall within one of the exclusions.

Form CSREES–1234, NEPA Exclusions Form (copy in Application Kit), indicating the applicant's opinion of whether or not the project falls within one or more categorical exclusions, along with supporting documentation, must be included in the proposal. The information submitted in association with NEPA compliance should be identified in the Table of Contents as ''NEPA Considerations'' and Form CSREES–1234 and supporting documentation should be placed after the Form CSREES–661, Application for Funding, in the proposal.

Even though the applicant considers that a proposed project may fall within a categorical exclusion, CSREES may determine that an EA or an EIS is necessary for an activity if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present that may cause such activity to have a significant environmental effect.

Part IV. How To Obtain Application Materials

Copies of this solicitation, the administrative provisions for the Program (7 CFR part 3400), and the Application Kit, which contains required forms, certifications, and instructions for preparing and submitting applications for funding, may be obtained by contacting: Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; telephone: (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting forms for the Special Research Grants Program—Pest Management Alternatives Research: Special Program Addressing Food Quality Protection Act Issues.

Application materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 2000 Special Research Grants Program—Pest Management Alternatives Research: Special Program Addressing Food Quality Protection Act Issues. The materials will then be mailed to you (not e-mailed) as quickly as possible.

Part V. Submission of a Proposal

A. What To Submit

An original and 20 copies of a proposal must be submitted. Each copy must be stapled securely in the upper left-hand corner (DO NOT BIND). All copies of the proposal must be submitted in one package.

B. Where and When To Submit

Proposals must be received on or before April 17, 2000. Proposals submitted by mail must be sent to the following address: Special Research Grants—Pest Management Alternatives Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Mail STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; telephone: (202) 401–5048.

Proposals to be delivered by Express mail, courier service, or by hand must be sent to the following address: Special Research Grants—Pest Management Alternatives; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303; 901 D Street, SW; Washington, DC 20024; telephone: (202) 401–5048.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing or by e-mail, therefore applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. The acknowledgment will contain an identifying proposal number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Part VI. Selection Process and Evaluation Criteria

A. Selection Process

Priority will be given to proposals that address pesticides currently under regulatory review or being evaluated by EPA (*see* Part II.C.). Proposals will be evaluated for relevancy (Criterion 1, 30 points) by representatives from USDA, EPA, farm and commodity organizations, environmental groups, and consumer groups. Methodology and scientific rigor (Criteria 2–6, 70 points) will be evaluated by a panel with appropriate expertise. Panel members will include representatives with appropriate scientific backgrounds from land-grant universities (including IPM, IR–4, and NAPIAP), USDA, EPA, and other organizations as needed. Funding determinations will be based on, subject to the availability of funds, the proposals receiving the highest combined relevancy and scientific merit scores.

B. Evaluation Criteria

1. Relevance to Program Objectives (30 points). Factors that will be considered include: importance of the crop/pest combination (particularly agronomic and economic considerations), number of crops and

pesticides addressed, user involvement in planning and implementation, potential for rapid integration (within 3 years) into production practices, and demonstration of consideration of existing IPM programs.

2. Importance of the Problem (Problem Statement)(particularly ecological and agronomic considerations)(10 points)

3. Appropriateness of Methods in Meeting Objectives (15 points)

4. Potential to Reduce Reliance (15 points)

5. Level of User Involvement (10 points)

6. Appropriateness of the Budget (10 points)

Part VII. Supplementary Information

A. Confidentiality

CSREES receives grant proposals in confidence and will protect the confidentiality of their contents to the maximum extent permitted by law. Information contained in unfunded proposals will remain the property of the applicant. However, CSREES will retain one copy of all proposals received for a one year period; extra copies will be destroyed.

When a proposal results in a grant, it becomes a part of the public record, available to the public upon specific request under the Freedom of Information Act (FOIA). Information that the Secretary of Agriculture determines to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked by the applicant with the term ''confidential proprietary information.''

B. Other Federal Statutes and Regulations That Apply

This program is subject to the administrative provisions for the Special Research Grants Program found in 7 CFR part 3400, which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, the processes regarding the awarding of grants, and regulations relating to the post-award administration of such grants. However, where there are differences between this RFP and the administrative provisions, this RFP shall take precedence to the extent that the administrative provisions authorize such deviations. Other Federal statutes and regulations apply to grant proposals considered for review or to grants awarded under this program. These include, but are not limited to:

7 CFR part 3019—USDA Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; and

7 CFR part 3052—Audits of States, Local Governments, and Non-Profit Organizations.

C. Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. In your comments, please include the name of the program and the fiscal year request for proposals to which you are responding. These comments will be considered in the development of the next request for proposals for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c). Comments should be submitted as provided for in the ''Addresses'' and ''Dates'' portions of this Notice.

D. Additional Information

For reasons set forth in the final rule-related Notice to 7 CFR part 3015, Subpart V, (48 FR 29115, June 24, 1983) this program is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., this 28th day of February, 2000.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–5175 Filed 3–2–00; 8:45 am]

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Part VII

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Citrus Tristeza Research; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Special Research Grants Program, Citrus Tristeza Research

AGENCY: Cooperative State Research, Education, and Extension Service, Department of Agriculture.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Special Research Grants Program, Citrus Tristeza Research for fiscal year (FY) 2000. The purpose of the program is to support research that focuses on problems caused by Citrus Tristeza Virus (CTV) and the Brown Citrus Aphid. This request for proposals (RFP) sets forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals, the awarding of grants, and regulations relating to the post-award administration of such grants.

CSREES also is soliciting comments regarding this RFP from any interested party. These comments will be considered in the development of the next RFP for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998.

DATES: All proposals must be received at USDA on or by April 17, 2000. Proposals not received on or by this date will not be considered for funding.

User comments are requested within six months from the issuance of the RFP. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Proposals should be submitted to the following mailing address: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024. Telephone: (202) 401–5048.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW; Washington, DC 20250–2299; or via e-mail to: RFP-OEP@reeusda.gov.

FOR FURTHER INFORMATION CONTACT: Dr. Robin Huettel; Manager, Citrus Tristeza Research Program; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2220; 1400 Independence Avenue, SW; Washington, DC 20250–2220; telephone (202) 401–5804; fax (202) 401–6869; internet: rhuettel@reeusda.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

Part I—General Information
A. Legislative Authority
B. Definitions
C. Eligibility
Part II—Program Description
A. Purpose and Scope of the Program
B. Available Funds and Award Limitations
C. Applicant Peer Review Requirements
Part III—Preparation of a Proposal
A. Program Application Materials
B. Content of a Proposal
Part IV—Submission of a Proposal
A. What to Submit
B. Where and When to Submit
C. Acknowledgment of Proposals
Part V—Selection Process and Evaluation Criteria
A. Selection Process
B. Evaluation Criteria
Part VI—Supplementary Information
A. Access to Review Information
B. Grant Awards
C. Use of Funds; Changes
D. Applicable Federal Statutes and Regulations
E. Confidential Aspects of Proposals and Awards
F. Regulatory Information
G. Stakeholder Input

Part I—General Information

A. Legislative Authority

The authority for this program is contained in section (c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act, section 2 of Pub. L. 89–106, as amended (7 U.S.C. 450i(c)(1)(A)). This program is subject to the administrative regulations found in 7 CFR Part 3400.

In accordance with the statutory authority, the Secretary may make grants for the purpose of conducting research to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States.

B. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service and any other officer or employee of the Department to whom the authority involved may be delegated.

(2) *Authorized departmental officer* or *awarding official* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(3) *Authorized organizational representative* means the president, director, chief executive officer, or other designated official of the applicant organization who has the authority to commit the resources of the organization.

(4) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(5) *Department* or *USDA* means the United States Department of Agriculture.

(6) *Grantee* means the organization or entity designated in the grant award document as the responsible legal entity to which a grant is awarded.

(7) *Peer review panel* or *group* means an assembled group of experts or consultants qualified by training and experience in particular scientific or technical fields to give expert advice on the scientific and technical merit of grant applications in those fields. The panel members will evaluate eligible proposals submitted to this program in their personal and professional area(s) of expertise.

(8) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (2) above.

(9) *Project* means the particular activity within the scope of the program supported by a grant award.

(10) *Principal Investigator* means the single individual designated by the grantee in the grant application and approved by the Administrator who is responsible for the scientific and technical direction of the project.

(11) *Project period* means the total length of time that is approved by the Administrator for conducting the research project as outlined in an approved grant application.

(12) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

C. Eligibility

Proposals may be submitted by State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals. Although an applicant may be eligible based on its status as one of these entities, other factors may exclude an applicant from receiving Federal assistance under this program (*e.g.,* debarment or suspension, a determination of non-responsibility based on submitted organizational management information).

Part II—Program Description

A. Purpose and Scope of the Program

Proposals are invited for competitive grant awards under the Special Research Grants Program, Citrus Tristeza Research for fiscal year (FY) 2000. The purpose of this grant program is to support research that focuses on problems caused by CTV and the Brown Citrus Aphid. This research should aim to facilitate promising breakthroughs in this important area of the food and agricultural sciences.

CTV is a pathogen of citrus vectored by several aphid species. This disease has been found in all the citrus producing regions of the United States and is of world-wide importance. The virus strain complex can cause a variety of symptoms, from mild to severe, depending upon the host and its environment. Recently, in Florida, a new aphid vector, the Brown Citrus Aphid was introduced. This vector is capable of transmitting a severe stem-pitting form of the virus. The Brown Citrus Aphid also occurs in Central America and the Caribbean Basin and thus poses a threat to citrus in other citrus producing areas in the United States (*e.g.*, Louisiana, Texas, Arizona, and California).

The research priority areas that have been identified are (1) Characterization and detection of CTV strains; (2) biology and control of the Brown Citrus Aphid; (3) host plant resistance; (4) epidemiology and crop loss assessment; and (5) development of cross-protecting CTV strains.

B. Available Funds and Award Limitations

Funds will be awarded on a competitive basis to support research projects that focus on solving problems caused by the CTV and Brown Citrus Aphid. The total amount of funds available in FY 2000 for support of this program is approximately $595,000. Each proposal submitted in FY 2000 shall request funding for a period not to exceed two years. FY 2000 awardees would need to recompete in future years for additional funding.

C. Applicant Peer Review Requirements

Subsection (c)(5) of the Competitive, Special, and Facilities Research Grant Act, as amended (7 U.S.C. 450i(c)(5)), requires applicants to conduct a scientific peer review of a proposed research project in accordance with regulations promulgated by the Secretary prior to the Secretary making a grant award under this authority. Regulations implementing this requirement are set forth in 7 CFR 3400.20. The regulations impose the following requirements for scientific peer review by applicants of proposed research projects:

1. Credible and independent. Review arranged by the grantee must provide for a credible and independent assessment of the proposed project. A credible review is one that provides an appraisal of technical quality and relevance sufficient for an organizational representative to make an informed judgment as to whether the proposal is appropriate for submission for Federal support. To provide for an independent review, such review may include USDA employees, but should not be conducted solely by USDA employees.

2. Notice of completion and retention of records. For FY 2000, CSREES requires that a notice of completion of the review be conveyed in writing to CSREES as part of the submitted proposal. The written notice constitutes certification by the applicant that a review in compliance with these regulations has occurred. Applicants are not required to submit results of the review to CSREES; however, proper documentation of the review process and results should be retained by the applicant.

3. Renewal and supplemental grants. Review by the grantee is not automatically required for renewal or supplemental grants as defined in 7 CFR 3400.6. A subsequent grant award will require a new review if, according to CSREES, either the funded project has changed significantly, other scientific discoveries have affected the project, or the need for the project has changed. Note that a new review is necessary when applying for another standard or continuation grant after expiration of the grant term.

Part III—Preparation of a Proposal

A. Program Application Materials

Program application materials will be made available to interested entities upon request. These materials include information about the purpose of the program, how the program will be conducted, and the required contents of a proposal, as well as the forms needed to prepare and submit grant applications under the program. Program application materials can be downloaded from the Internet at the following website: *http://www.reeusda.gov/ipm/funding.htm* or may be obtained by writing or calling the following office: Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; Telephone: (202) 401–5048. When contacting the Proposal Services Unit, please indicate that you are requesting application materials for the FY 2000 Special Research Grants Program, Citrus Tristeza Research. Application materials also may be requested via Internet by sending a message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 2000 Special Research Grants Program, Citrus Tristeza Research. The materials will then be mailed to you (not e-mailed) as quickly as possible.

B. Content of a Proposal

(1) General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½″ x 11″) white paper, one inch margins, typed or word processed using no type smaller than 12 point font regardless of whether it is single or double spaced. Use an easily readable font face (*e.g.*, Geneva, Helvetica, CG Times). Once accepted for review, your proposal will be read by at least three expert reviewers. Thus it is to your advantage to ensure that your proposal is not difficult to read.

(b) Each page of the proposal, including the Project Summary, budget pages, required forms, and appendices, should be numbered sequentially in the upper right-hand corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 9 copies (10 total) must be submitted in one package, along with 20 copies of the Project Summary as a separate attachment.

(2) Cover Page

Complete Form CSREES–661, Application for Funding, in its entirety. This form is to be utilized as the Cover Page. Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately.

(a) In Block 6, complete the title of the project. The project title must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as ''investigation of'' or ''research on'' should not be used.

(b) Blocks 7 and 8 should be completed to read ''Special Research Grants Program, Citrus Tristeza Research.''

(c) In Block 13, the Type of Award Request is ''new.''

(d) In Block 14., note the total amount of Federal dollars being requested.

(e) In Block 15, designate Principal Investigator(s)/Project Directors(s) (PI/PD). Listing multiple co-PIs beyond those required for genuine collaboration is discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(f) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box ''03'' should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

(g) In Block 22 list the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or will be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES program manager as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

(h) The original copy of the Application for Funding form must contain the pen-and-ink signatures of the PI/PD(s) and authorized organizational representative for the applicant organization.

(i) Note that by signing the Application for Funding form, the applicant is providing the required certifications set forth in 7 CFR Part 3017, regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The three certification forms are included in this application package for informational purposes only. It is not necessary to sign and submit the forms to USDA as part of the proposal.

(3) Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the Cover Page. The Table of Contents should include page numbers for each component of the proposal. Page numbers, shown in the upper right-hand corner, should begin with the first page of the Project Summary.

(4) Project Summary

The proposal must contain a Project Summary of 250 words or less on a separate page. The summary must be self-contained and describe the overall goals and relevance of the project. The summary should also contain a listing of the major organizations participating in the project. The Project Summary should immediately follow the Table of Contents. In addition to the summary, this page must include the title of the project, the name of the applicant organization, the authorized organizational representative, and the PI(s), followed by the summary.

(5) Project Narrative

Note: The Project Narrative shall not exceed 10 pages. To ensure fair and equitable competition, reviewers are instructed that they need to read only the first 10 pages of the Project Narrative and to ignore information on additional pages. The Project Narrative should contain the following items:

(a) Objectives—Clear, concise, complete, and logically arranged statement(s) of the specific aims of the proposed effort must be included in all proposals.

(b) Procedures—The procedures or methodology to be applied to the proposed effort should be explicitly stated. This section should include but not necessarily be limited to a description of the proposed investigations and/or experiments in the sequence in which it is planned to carry them out; techniques to be employed, including their feasibility; kinds of results expected; means by which data will be analyzed or interpreted; pitfalls which might be encountered; and limitations to proposed procedures.

(c) Justification—This section should include in-depth information on the magnitude of the problem and its relevance to ongoing food and agricultural research programs; the importance of starting the work during the current fiscal year, and reasons for having the work performed by the proposing institution.

(d) Cooperation and Institutional Units Involved— Cooperative and multi-State applications are encouraged. Identify each institutional unit contributing to the project. Identify each State in a multiple-State proposal and designate the lead State. When appropriate, the project should be coordinated with the efforts of other State and/or national programs. Clearly define the roles and responsibilities of each institutional unit of the project team, if applicable.

If it will be necessary to enter into formal consulting or collaborative arrangements with other individuals or organizations, such arrangements should be fully explained and justified. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work, budget, and budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (*e.g.,* requests for outside laboratory analyses) are excluded from this requirement. If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subcontractors. In addition, when applicable, required clauses from 7 CFR 3019.40 through 3019.48 (''Procurement Standards'') and Appendix A (''Contract Provisions'') should be included in final contractual documents, and it is necessary for the subcontractor to make a certification relating to debarment/suspension.

(e) Literature Review—A summary of pertinent publications with emphasis on their relationship to the effort being proposed should be provided and should include all important and recent publications from other institutions, as well as those from the applicant institution. The citations themselves should be accurate, complete, and written in an acceptable journal format.

(f) Current Work—Current unpublished institutional activities to date in the program area under which the proposal is being submitted should be described.

(g) Facilities and Equipment—All facilities which are available for use or assignment to

the project during the requested period of support should be reported and described briefly. Any potentially hazardous materials, procedures, situations, or activities, whether or not directly related to a particular phase of the effort, must be explained fully, along with an outline of precautions to be exercised. Examples include work with toxic chemicals and experiments that may put human subjects or animals at risk.

All items of major instrumentation available for use or assignment to the proposed project should be itemized. In addition, items of nonexpendable equipment not currently accessible and needed to conduct and bring the project to a successful conclusion should be listed, including dollar amounts and, if funds are requested for their acquisition, justified.

(h) Project Timetable—The proposal should outline all important phases as a function of time, year by year, for the entire project, including periods beyond the grant funding period.

(6) Key Personnel

All senior personnel who are expected to be involved in the effort must be clearly identified. For each person, the following should be included:

(a) An estimate of the time commitment involved; and

(b) Vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. Each vitae should be limited to two (2) pages in length, excluding publications listings. A chronological list of the most representative publications during the past five (5) years must be provided for each professional project member for whom a vitae appears. Authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

(7) Conflict-of-Interest List

A separate Conflict-of Interest List form (Form CSREES–1233) must be submitted for each investigator for whom a curriculum vitae is required. This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the project personnel in the grant proposal. The Program Manager must be informed of additional conflicts-of-interest that arise after the proposal has been submitted.

(8) Budget

A detailed budget for each year of requested support must be submitted. In addition, a cumulative budget is required detailing requested support for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a budget narrative to explain and justify their budgets. The following guidelines should be used in developing the proposal budget(s):

(a) Salaries and Wages—Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution and with the applicable OMB Cost Principles. Administrative and clerical salaries are normally classified as indirect costs. (See Item i. below.) However, if requested under A.2.e., they must be fully justified.

(b) Fringe Benefits—Funds may be requested for fringe benefit costs if the usual accounting practices of your institution provide that institutional contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project. See, *e.g.,* OMB Circular No. A–21, Cost Principles for Educational Institutions, for further guidance in this area.

(c) Nonexpendable Equipment—Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. (However, institutions may establish lower limits.) As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the budget narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

Note: For projects awarded under the authority of subsection (c)(1)(A) of the Competitive, Special, and Facilities Research Grant Act, no funds will be awarded for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(d) Materials and Supplies—The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the budget narrative.

(e) Travel—The type and extent of travel and its relationship to project objectives should be described briefly and justified. If travel is proposed, provide the purpose, the destination, method of travel, number of persons traveling, number of days, and estimated cost for each trip. If details of a trip are not known at the time of proposal submission, provide a basis for determining the amount requested. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR 3015.205(b)(4) for further guidance.

(f) Publication Costs/Page Charges—Anticipated costs of preparing and publishing results of the research being proposed (including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) may be estimated and charged against the grant.

(g) Computer (ADPE) Costs—Reimbursement for the costs of using specialized facilities (such as a university or department-controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

(h) All Other Direct Costs—Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the budget narrative. This applies to revised budgets as well, as the item(s) and dollar amount(s) may change. Examples include space rental at remote locations, subcontractual costs, charges for consulting services, telephone, facsimile, e-mail, shipping costs, and fees for necessary laboratory analyses. You are encouraged to consult the ''Instructions for Completing Form CSREES–55, Budget,'' of the Application Kit for detailed guidance relating to this budget category.

(i) Indirect Costs—The recovery of indirect costs under this program may not exceed the lesser of the grantee institution's official negotiated indirect cost rate or the equivalent of 19 percent of total Federal funds awarded. This limitation also applies to any subcontractor, and should be reflected in the subcontractor's budget.

(j) Cost-sharing—Cost-sharing is encouraged; however, cost-sharing is not required.

(9) Budget Narrative

All budget categories for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form.

(10) Current and Pending Support

All proposals must list any other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget for each project. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by the Administrator for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or that will be funded) by another organization or agency will not be funded under this program. The application material includes Form CSREES–663, Current and Pending Support, which should be used for listing current and pending support. Note that the project being proposed should be included in the pending section of the form.

(11) Assurance Statement(s) (Form CSREES–662)

A number of situations encountered in the conduct of projects require special assurance, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will include the following:

(a) Recombinant DNA or RNA Research. As stated in 7 CFR 3015.205(b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, ''Guidelines for Research Involving Recombinant DNA Molecules,'' as revised. If your project proposes to use recombinant DNA or RNA techniques, the application must so indicate by checking the ''yes'' box in Block 19 of Form CSREES–661 and by completing Section A of Form CSREES–662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

(b) Animal Care. Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals or activities, you must check the ''yes'' box in Block 20 of Form CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

(c) Protection of Human Subjects. Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L. 93-348, as amended, and implementing regulations established by the Department under 7 CFR part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the ''yes'' box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

(12) Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, based on previously funded projects, the preparation of environmental data is not usually required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, NEPA Exclusions Form, must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefor. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be the last page of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect. However, this rarely occurs.

Part IV—Submission of a Proposal

A. What To Submit

An original and nine copies of the complete proposal must be submitted. Each copy of the proposal must be stapled in the upper left-hand corner. DO NOT BIND. In addition, submit 20 copies of the proposal's Project Summary. All copies of the proposal and Project Summary must be submitted in one package.

B. Where and When To Submit

Proposals must be received on or before April 17, 2000. Proposals that are hand-delivered, delivered by courier, or sent via overnight delivery services must be sent or delivered to: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Office of Extramural Programs; USDA/CSREES; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024; Telephone: (202)401–5048.

Note: Applicants are strongly encouraged to submit their completed proposals via overnight mail or delivery services to ensure timely receipt by the USDA.

Proposals sent via the U.S. Postal Service must be sent to the following address: Special Research Grants Program, Citrus Tristeza Research; c/o Proposal Services Unit; Office of

Extramural Programs; USDA/CSREES; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245; Telephone: (202) 401–5048.

C. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged in writing or by e-mail, therefore applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. The acknowledgment will contain an identifying proposal number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Part V—Selection Process and Evaluation Criteria

A. Selection Process

Applicants should submit fully developed proposals that meet all the requirements set forth in this RFP.

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the requirements as set forth in this RFP. Proposals not meeting the requirements as set forth in this RFP will not be considered for funding. However, USDA retains the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary. Second, each proposal that meets the requirements will be technically evaluated by a peer review panel.

The individual peer panel members will be selected from among those recognized as specialists who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit of proposals being reviewed. The individual reviews of the panel members will be used to determine which proposals should be recommended to the Administrator (or his designee) for final funding decisions.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and/or the appearance of conflicts of interest among reviewers. Evaluations will be confidential to USDA staff members, peer reviewers, and the principal investigator(s), to the extent permitted by law.

The specificity of these organisms and their host limits the areas in which relevant research can be carried out. The brown citrus aphid has recently been introduced into the citrus growing areas of Florida. Research on both the virus/aphid and on field biology of the aphid is largely conducted in the areas of Florida and Puerto Rico where it is established. CSREES anticipates that the expertise necessary to review proposals will be found at organizations in these geographic areas. Therefore, conflict-of-interest rules will be amended to allow reviewers to evaluate submitted proposals from their own university as long as the applicant and reviewer do not work on the same campus. Thus, for this program, the scientists from the University of Florida but from other campuses (*i.e.,* Research and Education Centers) are not considered to be in conflict.

B. Evaluation Criteria

The evaluation of proposals will be based on the following criteria, weighted relative to each other as noted in the parentheses following each criterion listed.

(1) Overall scientific and technical quality of the proposal (15 points);

(2) Scientific and technical quality of the approach (10 points);

(3) Relevance and importance of proposed research to solution of specific areas of inquiry, and application of expected results for States in which the grantee resides and will perform the work (30 points);

(4) Feasibility of attaining objectives; adequacy of professional training and experience, facilities and equipment (40 points);

(5) The appropriateness of the level of funding requested (5 points).

Part VI—Supplementary Information

A. Access To Review Information

Copies of summary reviews will be sent to the applicant principle investigator automatically, as soon as possible after the review process has been completed. The identity of the individual peer reviewers will not be provided.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30 of the Federal fiscal year in which the project is approved for support and funds are appropriated for such purpose, unless otherwise permitted by law. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this part if such information has not been provided previously under this or another program for which the sponsoring agency is responsible. Copies of forms recommended for use in fulfilling the requirements contained in this section will be provided by the sponsoring agency as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

CSREES will award standard grants to carry out this program. A standard grant

is a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, principal investigator(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

D. Applicable Federal Statutes and Regulations

This program is subject to the administrative provisions for the Special Research Grants Program found in 7 CFR part 3400, which set forth procedures to be followed when submitting grant proposals, the processes regarding the awarding of grants, and regulations relating to the post-award administration of such grants. However, where there are differences between this RFP and the administrative provisions, this RFP shall take precedence to the extent that the administrative provisions authorize such deviations.

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include but are not limited to:

7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

E. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a privileged nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as privileged should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal. The original copy of a proposal that does not result in a grant will be retained by the Agency for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

G. Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding. These comments will be considered in the development of the next RFP for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2)). Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this Notice.

Done at Washington, D.C., this 28th day of February 2000.

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–5176 Filed 3–2–00; 8:45 am]

BILLING CODE 3410–22–P

Federal Register

Friday,
March 3, 2000

Part VIII

Department of Education

Office of Educational Research and Improvement, Eisenhower Regional Mathematics and Science Education Consortia Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

DEPARTMENT OF EDUCATION

[CFDA No.: 84.319A]

Office of Educational Research and Improvement, Eisenhower Regional Mathematics and Science Education Consortia Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Purpose of the Program: The Eisenhower Regional Mathematics and Science Education Consortia Program provides a regional and national technical assistance and dissemination system that focuses on mathematics and science education to help build the capacity of States and schools to implement school reform programs; coordinate Federal, State, and local education plans and activities; and adopt, adapt, and implement promising and proven practices for improving teaching and learning. This competition supports 10 regional consortia projects that will provide these services in their respective multi-state regions.

Eligible Applicants: Eligible applicants are a private nonprofit organization of demonstrated effectiveness; an institution of higher education; an elementary or secondary school; a state or local education agency; a regional educational laboratory in consortium with the research and development center established under section 931(c)(1)(B)(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994; or any combination of these entities.

Applications Available: March 3, 2000.

Deadline for Transmitting Applications: April 17, 2000.

Deadline for Intergovernmental Review: June 16, 2000.

Estimated Available Funds: Up to $14,750,000.

Estimated Maximum Award: $1,470,000 for the first budget year and $1,475,000 for each of years 2–5.

Estimated Average Size of Awards: $1,470,000 for the first budget year and $1,475,000 for each of years 2–5.

Maximum Award: We will reject any application that proposes funding in excess of the estimated maximum award in a given year.

Estimated Number of Awards: 10.

Budget Period: 12 Months.

Project Period: 60 Months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99.

Priorities: This competition focuses on projects designed to meet priorities that we have chosen from allowable activities specified in the program statute (*see* 34 CFR 75.105(b)(2)(v) and section 13302 of the Improving America's Schools Act of 1994 (20 U.S.C. 8672)).

Absolute Priority 1. Projects must propose activities that assist, train, and provide technical assistance to classroom teachers, administrators, and other educators to identify, implement, assess, or adapt mathematics and science education instructional materials, teaching methods, and assessment tools.

Absolute Priority 2. Projects must propose activities that implement programs and activities designed to meet the needs of groups that are underrepresented in, and underserved by, mathematics and science education.

Under 34 CFR 75.105(c)(3) we consider only applications that meet all of the priorities.

For Applications Contact: Judy Collins, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502, Washington, DC, 20208–5645. Telephone: (202) 219–2116. Email: judy__collins@ed.gov. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

FOR FURTHER INFORMATION CONTACT: Jill Edwards Staton, U.S. Department of Education, 555 New Jersey Avenue, NW., room 502b, Washington, DC 20208–5645. Telephone: (202) 219–1669. Email: jill__edwards@ed.gov. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.** Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Application Procedures

Note: Some of the procedures in this notice for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

The U.S. Department of Education (we) are conducting a limited pilot project of electronic submission of discretionary grant applications for selected programs. Eisenhower Regional Mathematics and Science Education Consortia Program (CFDA No. 84.319A) is one of the programs included in the pilot project. If you are an applicant under Eisenhower Regional Mathematics and Science Education Consortia Program, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in the e-GAPS pilot project. By participating, you will have an opportunity to have input into the overall design and approach of e-GAPS. At the conclusion of the pilot project, we will evaluate its success and solicit suggestions for improvements.

If you participate as a grant applicant in an e-GAPS pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information-Non-Construction Programs (ED Form No. 524), and all necessary assurances and certifications. We may request that you give us original signatures on forms at a later date.

You may access the electronic grant application for Eisenhower Regional Mathematics and Science Education Consortia Program at: http://e-grants.ed.gov.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either

of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area, at (202) 512–1530.

Note: The official version of this document is the version published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 8671–8678.

Dated: February 29, 2000.

C. Kent McGuire,

Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 00–5253 Filed 3–2–00; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Friday,
March 3, 2000

Part IX

The President

Proclamation 7279—Irish-American Heritage Month, 2000

Federal Register
Vol. 65, No. 43
Friday, March 3, 2000

Presidential Documents

Title 3—

The President

Proclamation 7279 of March 1, 2000

Irish-American Heritage Month, 2000

By the President of the United States of America

A Proclamation

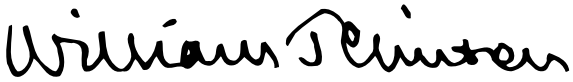
More than two centuries ago, our founders envisioned a new Nation, a land free from tyranny and filled with opportunity, prosperity, and liberty for all. Many Irish people, faced with severe hardship in their homeland, embraced the dream of a more promising future and left behind Ireland's shores, their families, and their friends for a new beginning in America. Each year during the month of March, we celebrate these courageous men and women of Ireland and remember with pride their many contributions to our Nation.

With strength, courage, wit, and creativity, Irish Americans have flourished in our diverse Nation of immigrants. Writers such as Flannery O'Connor and Eugene O'Neill have transformed our literature; entrepreneurs like Henry Ford helped revolutionize American industry; performers such as Gregory Peck and Helen Hayes have enriched the arts; patriots such as Audie Murphy, our most decorated soldier of World War II, redefined the meaning of courage; and social reformers such as suffragist Leonora Barry and labor organizer Mary Kenney O'Sullivan fought for the rights of others. Generations of Irish Americans have worked alongside their fellow Americans to build a more perfect Union, and America is a stronger Nation because of them.

During his visit to Ireland in 1963, President Kennedy reminded us that ''our two nations, divided by distance, have been united by history.'' Today, people on both sides of the Atlantic are united not only by history, but also once again by a dream of a better way of life. In the spring of 1998, the people of Ireland and Northern Ireland sought to make that dream a reality at home when they voted overwhelmingly in support of the Good Friday Accord. America remains committed to the Irish people as they continue working to forge a brighter future in their own land. The road ahead is long, but the promise of peace is still within reach, and its rewards are great. This month, as we celebrate Saint Patrick's Day and our shared heritage with Ireland, we remember as well our common love of liberty, commitment to progress, and quest for lasting peace, and we look toward a future as proud as our past.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2000 as Irish-American Heritage Month. I call upon all the people of the United States to observe this month with appropriate ceremonies, programs, and activities.

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



[FR Doc. 00–5456
Filed 3–2–00; 11:01 am]
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Federal Register

Vol. 65, No. 43

Friday, March 3, 2000

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Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
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FEDERAL REGISTER PAGES AND DATE, MARCH

10931–11196 1
11197–11454 2
11455–11734 3

CFR PARTS AFFECTED DURING MARCH

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

7276 11197
7277 11199
7278 11455
7279 11733

Executive Orders:

13146 11201

Administrative Orders:

Presidential Determinations: 10931
No. 2005-15 of February 24, 2000 10931

7 CFR

301 11203
457 11457
1464 10933
1721 10933
Proposed Rules:
20 11483
27 10979
28 10979
1140 10981

9 CFR

Proposed Rules:
71 11485
77 11485
78 11485
590 11486

10 CFR

72 11458
170 11204
Proposed Rules:
21 11488
50 11488
52 11488
54 11488
100 11488
431 10984

12 CFR

724 10933
745 10933
Proposed Rules:
709 11250
716 10988
741 10988

14 CFR

39 ..... 10934, 10937, 10938, 11204, 11459
71 ..... 11369, 11461
Proposed Rules:
39 ..... 11006, 11505
255 11009

16 CFR

Proposed Rules:
313 11174

17 CFR

4 10939
Proposed Rules:
4 11253
228 11507
229 11507
230 11507
232 11507
239 11507
240 11507
249 11507
250 11507
259 11507
260 11507
269 11507
270 11507
274 11507

18 CFR

157 11461

21 CFR

101 11205
868 11464
870 11465

24 CFR

Proposed Rules:
990 11525

26 CFR

1 ..... 11205, 11467
301 ..... 11211, 11215
602 ..... 11205, 11211, 11215
Proposed Rules:
1 ..... 11012, 11269
301 ..... 11271, 11272

29 CFR

Proposed Rules:
1614 11019

30 CFR

202 11467
206 11467

33 CFR

127 10943
154 10943
155 10943
159 10943
164 10943
183 10943
Proposed Rules:
100 11274
175 11410
177 11410
179 11410

181 11410
183 11410

36 CFR

Proposed Rules:
212 11680
261 11680
295 11680

39 CFR

Proposed Rules:
20 11023

40 CFR

51 11222
52 ....10944, 11468
63 11231
141 11372
180 ....10946, 11234, 11243
Proposed Rules:
51 11024
52 ....11027, 11275, 11524
63 11278
141 11372
503 11278

43 CFR

3500 11475

46 CFR

28 10943
30 10943
32 10943
34 10943
35 10943
38 10943
39 10943
54 10943
56 10943
58 10943
61 10943
63 10943
76 10943
77 10943
78 10943
92 10943
95 10943
96 10943
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110 10943
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125 10943
151 10943
153 10943
154 10943
160 10943
161 10943
162 10943
163 10943
164 10943
170 10943
174 10943
175 10943
182 10943
190 10943
193 10943
195 10943
199 10943
Proposed Rules:
2 11410
10 11410
15 11410
24 11410
25 11410
26 11410
28 11410
30 11410
70 11410
90 11410
114 11410
169 11410
175 11410
188 11410
199 11410

47 CFR

73 ....11476, 11477
Proposed Rules:
73 ....11537, 11538, 11539, 11540, 11541

48 CFR

Ch. 5 11246

49 CFR

193 10950
572 10961
Proposed Rules:
Ch I. 11541
171 11028
172 11028
173 11028
174 11028
175 11028
176 11028
177 11028
178 11028
179 11028
180 11028

50 CFR

648 11478
660 11480
679 ....10978, 11247, 11481
Proposed Rules:
216 11542
622 11028
648 11029

REMINDERS

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 MARCH 3, 2000

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Almonds grown in—
California; published 2-2-00

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:
California; published 2-2-00
Illinois; published 1-3-00
Montana; published 1-3-00

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:
Commercial mobile radio services—
Wireless services compatibility with enhanced 911 services; published 11-4-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:
Cardiovascular devices—
Stainless steel vascular tunnelers of single unit construction; premarket notification exemption; published 3-3-00
Gastroenterology-urology devices—
Penile rigidity implant; reclassification; published 2-2-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Bell; published 2-17-00
Fairchild; published 1-11-00
Pilatus Aircraft Ltd.; published 1-12-00

Jet routes; correction; published 3-3-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

User fees:
Veterinary services—
Pet food facility inspection and approval fees; comments due by 3-6-00; published 1-5-00

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:
Figs, pears, walnuts, almonds, prunes, table grapes, peaches, plums, apples, and stonefruit; comments due by 3-9-00; published 2-8-00

AGRICULTURE DEPARTMENT

Forest Service

Land uses:
Special use authorizations; costs recovery for processing applications and monitoring compliance; comments due by 3-9-00; published 2-25-00

AGRICULTURE DEPARTMENT

Farm Service Agency

Farm marketing quotas, acreage allotments, and production adjustments:
Commodity programs; farm reconstitutions; comments due by 3-6-00; published 2-4-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:
Marine and anadromous species—
West Coast steelhead; West Coast salmonids, evolutionarily significant units; and salmonids, take prohibitions; comments due by 3-6-00; published 2-14-00

Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands groundfish; comments due by 3-6-00; published 2-18-00
Western Alaska Community Development Quota Program; comments due by 3-9-00; published 2-23-00
Northeastern United States fisheries—
Atlantic sea scallop and deep-sea red crab; comments due by 3-6-00; published 2-11-00

Marine mammals:
North Atlantic whale protection; whale watching vessels; operational procedures; comments due by 3-6-00; published 1-4-00

DEFENSE DEPARTMENT

Air Force Department

Sales and services:
Visual information documentation program; comments due by 3-6-00; published 1-5-00

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):
Government property; comments due by 3-10-00; published 1-10-00

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric utilities (Federal Power Act), natural gas companies (Natural Gas Act), and oil pipelines:
Records preservation; comments due by 3-10-00; published 1-10-00

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:
Pulp and paper production; comments due by 3-10-00; published 1-25-00

Air programs; approval and promulgation; State plans for designated facilities and pollutants:
New Hampshire; comments due by 3-9-00; published 2-8-00

Air quality implementation plans; approval and promulgation; various States:
California; comments due by 3-6-00; published 2-4-00
Maryland; comments due by 3-6-00; published 2-3-00
South Dakota; comments due by 3-6-00; published 2-3-00

Hazardous waste:
Identification and listing—
Exclusions; comments due by 3-8-00; published 1-20-00

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
Azoxystrobin; comments due by 3-6-00; published 1-5-00

FARM CREDIT ADMINISTRATION

Farm credit system:
Organization—
Termination of FCS charter to become financial institution under another Federal or State chartering authority; exit fee calculation; comments due by 3-6-00; published 2-3-00

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:
Massachusetts; comments due by 3-8-00; published 1-27-00
Nebraska; comments due by 3-6-00; published 2-1-00
New Mexico; comments due by 3-6-00; published 2-1-00
Oklahoma; comments due by 3-6-00; published 1-27-00
Texas; comments due by 3-6-00; published 1-27-00

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:
Appropriate present-value factors associated with payments made to Resolution Funding Corporation; comments due by 3-6-00; published 2-4-00

Organization, functions, and authority delegations:
Finance Office; issuance of consolidated obligations on which Federal home loan banks are jointly and severally liable; comments due by 3-6-00; published 1-4-00

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulations (FAR):
Government property; comments due by 3-10-00; published 1-10-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Enterprise Oversight Office

Risk-based capital:
Stress test; House Price Index (HPI) use and benchmark credit loss experience determination; comments due by 3-10-00; published 10-19-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Alabama sturgeon; comments due by 3-8-00; published 2-7-00

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

Oil value for royalty due on Indian leases; establishment; comments due by 3-6-00; published 1-5-00

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Acquisition regulations:

Unclassified information technology resources; security requirements; comments due by 3-6-00; published 1-5-00

Federal Acquisition Regulations (FAR):

Government property; comments due by 3-10-00; published 1-10-00

TRANSPORTATION DEPARTMENT

Coast Guard

Bulk dangerous cargoes:

Barges carrying liquid hazardous material; comments due by 3-7-00; published 9-9-99

Drawbridge operations:

Massachusetts; comments due by 3-7-00; published 1-7-00

Ports and waterways safety:

Monongahela River, PA; regulated navigation area terminated; comments due by 3-7-00; published 1-7-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air traffic operating and flight rules, etc.:

Grand Canyon National Park, AZ—

Special flight rules in vicinity (SFAR No. 50-2); comments due by 3-6-00; published 2-3-00

Airline employees; occupational safety and health issues; meeting; comments due by 3-8-00; published 10-19-99

Airworthiness directives:

Agusta S.p.A.; comments due by 3-6-00; published 1-5-00

Airbus; comments due by 3-8-00; published 2-7-00

Boeing; comments due by 3-7-00; published 1-7-00

Eurocopter France; comments due by 3-10-00; published 1-10-00

Fokker; comments due by 3-6-00; published 2-4-00

General Electric Co.; comments due by 3-6-00; published 1-6-00

Class E airspace; comments due by 3-6-00; published 1-21-00

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. 1451/P.L. 106–173

Abraham Lincoln Bicentennial Commission Act (Feb. 25, 2000; 114 Stat. 14)

S. 632/P.L. 106–174

Poison Control Center Enhancement and Awareness Act (Feb. 25, 2000; 114 Stat. 18)

Last List February 23, 2000

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