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Presidential Documents

Title 3—

The President

Proclamation 7304 of May 5, 2000

Global Science and Technology Week, 2000

By the President of the United States of America

A Proclamation

At its core, science is an international endeavor. The fundamental workings of nature—the function of a gene, the quantum behavior of matter and energy, the chemistry of the atmosphere—are not the sole province of any one nation. At the same time, many of the greatest challenges our Nation faces are of global concern. Issues such as poverty, disease, pollution, and sustainable energy production transcend national boundaries, and their solutions require international collaboration. With the advent of the Internet and the revolution in communications technology, such cooperation is more achievable—and more productive—than ever before.

In recent years, America has participated in numerous scientific endeavors that illustrate the feasibility and the benefits of international cooperation. For example, as one of 16 participating nations, we are advancing the frontiers of space exploration through a partnership to build the International Space Station. Working together in the unique environment of space, we will strive to solve crucial problems in medicine and ecology and lay the foundations for developing space-based commerce.

We are also participating in an international scientific effort to map and sequence all human chromosomes. With the completion of the Human Genome Project, we will have unprecedented knowledge about the cause of such genetic diseases as muscular dystrophy and Alzheimer's and greater hope of preventing them in the future.

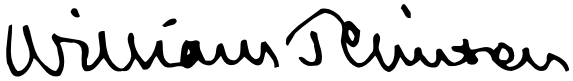
Since the 1980s, under the auspices of the United Nations Environment Program and the World Meteorological Organization, American scientists have been working with hundreds of scientists around the world to identify, understand, and raise public awareness about the threat to our planet's ozone layer. Our collaborative efforts have led to an international agreement to eliminate nearly all production of offending chemicals in industrialized countries and to work to reduce their production in developing countries.

Our Nation continues to reap rewards from these and other important international scientific efforts. We benefit enormously from the large and growing international scientific community within our borders. For generations, the world's brightest scientists have come to our country to study and conduct research, and many choose to remain here permanently. From Albert Einstein to four of this year's Nobel laureates, foreign-born scientists in America have made extraordinary contributions to science and technology and have played a vital role in the unprecedented prosperity and economic growth we have experienced in recent years.

The great French scientist Louis Pasteur noted more than a century ago that ''science knows no country, because knowledge belongs to humanity, and is the torch which illuminates the world.'' During Global Science and Technology Week, America joins the world community in celebrating the immeasurable benefits we have enjoyed from international scientific collaboration and looks forward to a future of even greater achievements.

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 May 7 to May 13, 2000, as Global Science and Technology Week. I call upon students, educators, and all the people of the United States to learn more about the international nature of science and technology and the contributions that international scientists have made to our Nation's progress and prosperity.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, 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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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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–078–2]

Imported Fire Ant; Quarantined Areas and Treatment Dosage

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the imported fire ant regulations by designating as quarantined areas portions of two counties in California. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States. The interim rule also amended the treatment provisions in the appendix to the imported fire ant regulations by lowering the dosage rate of bifenthrin wettable powder for the treatment of containerized nursery plants.

EFFECTIVE DATE: The interim rule became effective on November 5, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald P. Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on November 5, 1999 (64 FR 60333–60335, Docket No. 99–078–1), we amended the imported fire ant (IFA) regulations in 7 CFR part 301 by designating as quarantined areas portions of Los Angeles and Riverside Counties in California. We also amended the treatment provisions in the appendix to the IFA regulations by lowering the dosage rate of bifenthrin wettable powder for the treatment of containerized nursery plants.

Comments on the interim rule were required to be received on or before January 4, 2000. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This action affirms an interim rule that amended the IFA regulations by designating as quarantined areas portions of Los Angeles and Riverside Counties in California. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

The following analysis addresses the economic effect of this rule on small entities, as required by the Regulatory Flexibility Act.

There are approximately 1,219 agricultural entities in the newly regulated areas with annual sales totaling almost $1.29 billion. We have identified approximately 706 affected entities in the newly regulated areas, including wholesale nurseries producing bedding plants and woody ornamentals, wholesale nurseries producing woody ornamentals and turf, retail nurseries, soil moving contracting companies, and landscaping and yard maintenance companies. The majority of these entities would be considered small businesses. In 1997, the market value of nursery crop sales for the affected entities was $243,738,000. We do not know how many of the affected entities move regulated articles interstate; however, the availability of various IFA treatments, which permit the interstate movement of regulated articles with only a small additional cost, minimizes any adverse economic effects due to the interim rule. The average cost for treating a 1 gallon container, which contains one nursery plant, is 2 cents. The average treatment cost for a standard shipment of 10,000 nursery plants, worth anywhere between $10,000 and $250,000, is $200. Entities that do not move regulated articles interstate remain unaffected by the interim rule.

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 64 FR 60333–60335.

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 4th day of May 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11829 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–007–1]

Imported Fire Ant; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the imported fire ant regulations by designating as quarantined areas all or portions of 2 counties in Arkansas, 14

counties in North Carolina, and 19 counties in Tennessee. As a result of this action, the interstate movement of regulated articles from those areas will be restricted. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States. We are also removing the references to the Imported Fire Ant Program Manual in the appendix to the imported fire ant regulations because there is no relevant information in the Imported Fire Ant Program Manual that is not also in the appendix.

DATES: This interim rule is effective May 11, 2000. We invite you to comment on this docket. We will consider all comments that we receive by July 10, 2000.

ADDRESSES: Please send your comment and three copies to:

Docket No. 00–007–1, 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. 00–007–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Ron Milberg, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant regulations (contained in 7 CFR 301.81 through 301.81–10, and referred to below as the regulations) quarantine infested States or infested areas within States and restrict the interstate movement of regulated articles to prevent the artificial spread of the imported fire ant.

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure and even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. The imported fire ant is not native to the United States. The regulations are intended to prevent the imported fire ant from spreading throughout its ecological range within the country.

The regulations in § 301.81–3 provide that the Administrator of the Animal and Plant Health Inspection Service (APHIS) will list as a quarantined area each State, or each portion of a State, that is infested with the imported fire ant. The Administrator will designate less than an entire State as a quarantined area only under the following conditions: (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles listed in § 301.81–2 that are equivalent to the interstate movement restrictions imposed by the regulations; and (2) designating less than the entire State will prevent the spread of the imported fire ant. The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or its inseparability from an infested locality for quarantine purposes.

In §§ 301.81–3, paragraph (e) lists quarantined areas. We are amending § 301.81–3(e) by adding portions of Clark and Hot Springs Counties in Arkansas; Bertie, Camden, Chatham, Chowan, Currituck, Edgecombe, Gaston, Greene, Martin, Mecklenburg, Pasquotank, Perquimans, Wake, and Wayne Counties in North Carolina; and Decatur, Fayette, Franklin, Giles, Haywood, Henderson, Lewis, Lawrence, Lincoln, Madison, Marion, Marshall, McMinn, Meigs, Monroe, Moore, Perry, Rhea, and Shelby Counties in Tennessee. We are taking this action because recent surveys conducted by APHIS and State and county agencies reveal that the imported fire ant has spread to these areas. See the rule portion of this document for specific descriptions of the new quarantined areas. Interested parties may also view a map showing the imported fire ant infested areas in the continental United States on the Internet at http://www.aphis.usda.gov/oa/antmap.html.

We are also removing the references to the Imported Fire Ant Program Manual in the appendix to Subpart—Imported Fire Ant. Currently, in the appendix, under III. A., ''Instructions to Inspectors'' (at the beginning of the appendix), inspectors are instructed to know and follow instructions in the Imported Fire Ant Program Manual (relevant portions of which constitute the appendix), the PPQ Treatment Manual, the pesticide label, and exemptions for the treatment or other procedures used to authorize the movement of regulated articles. There is no relevant information in the Imported Fire Ant Program Manual that is not also in these other materials.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this rule without prior opportunity for public comment. Immediate action is necessary to prevent the artificial spread of the imported fire ant into noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

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

This action amends the imported fire ant regulations by designating as quarantined areas all or portions of 2 counties in Arkansas, 14 counties in North Carolina, and 19 counties in Tennessee. This action is necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with

State and local officials. (See 7 CFR Part 3015, subpart V.)

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The assessment provides a basis for the conclusion that the methods employed to regulate the imported fire ant will not significantly affect the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301 DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.81–3, paragraph (e), the list of quarantined areas is amended as follows:

a. By removing the entries for Hot Springs County, Arkansas; Bertie, Chowan, Greene, Martin, Mecklenburg, Perquimans, and Wayne Counties, North Carolina; and Decatur, Fayette, Franklin, Giles, Henderson, Lawrence, Lincoln, Madison, Marion, McMinn, and Shelby Counties, Tennessee.

b. By adding, in alphabetical order, entries for Clark and Hot Springs Counties, Arkansas; Bertie, Camden, Chatham, Chowan, Currituck, Edgecombe, Gaston, Greene, Martin, Mecklenburg, Pasquotank, Perquimans, Wake, and Wayne Counties, North Carolina; and Decatur, Fayette, Franklin, Giles, Haywood, Henderson, Lawrence, Lewis, Lincoln, Madison, Marion, Marshall, McMinn, Meigs, Monroe, Moore, Perry, Rhea, and Shelby Counties, Tennessee, to read as follows:

§ 301.81–3 Quarantined areas.

* * * * *

(e) * * *

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Arkansas

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Clark County. The entire county.

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Hot Springs County. The entire county.

* * * * *

North Carolina

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Bertie County. That portion of the county bounded by a line beginning at the intersection of State Highway 11/42 and the Hertford/Bertie County line; then east along the Hertford/Bertie County line to the Bertie/Chowan County line; then south along the Bertie/Chowan County line to the Bertie/Martin County line; then west along the Bertie/Martin County line to State Highway 11/42; then north along State Highway 11/42 to the point of beginning.

* * * * *

Camden County. That portion of the county bounded by a line beginning at the intersection of State Road 1112 and State Highway 343; then east along State Highway 343 to State Road 1107; then south along State Road 1107 to the Camden/Pasquotank County line; then north along the Camden/Pasquotank County line to State Road 1112; then north along State Road 1112 to the point of beginning.

* * * * *

Chatham County. That portion of the county bounded by a line beginning at the intersection of the Chatham/Randolph County line and U.S. Highway 64; then east along U.S. Highway 64 to the Chatham/Wake County line; then south along the Chatham/Wake County line to the Chatham/Harnett County line; then south along the Chatham/Harnett County line to the Chatham/Lee County line; then west along the Chatham/Lee County line to the Chatham/Moore County line; then west along the Chatham/Moore County line to the Chatham/Randolph County line; then north along the Chatham/Randolph County line to the point of beginning.

Chowan County. That portion of the county bounded by a line beginning at the intersection of the Chowan/Gates County line and State Highway 32; then south along State Highway 32 to State Highway 37; then east along State Highway 37 to the Chowan/Perquimans County line; then south along the Chowan/Perquimans County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Chowan/Bertie County line; then north along the Chowan/Bertie County line to the Chowan/Hertford County line; then north along the Chowan/Hertford County line to the Chowan/Gates County line; then east along the Chowan/Gates County line to the point of beginning.

* * * * *

Currituck County. That portion of the county bounded by a line beginning at the intersection of the Currituck/Camden County line and State Road 1112; then east along State Road 1112 to U.S. Highway 158; then south along U.S. Highway 158 to State Road 1111; then east along State Road 1111 to the shoreline of the Atlantic Ocean; then south along the shoreline of the Atlantic Ocean to the Currituck/Duck County line; then south and west along the Currituck/Duck County line to the Currituck/Camden County line; then north along the Currituck/Camden County line to the point of beginning.

* * * * *

Edgecombe County. That portion of the county bounded by a line beginning at the intersection of State Highway 33

and State Highway 111; then east along State Highway 111 to State Highway 142; then east along State Highway 142 to the Edgecombe/Martin County line; then south along the Edgecombe/Martin County line to the Edgecombe/Pitt County line; then west along the Edgecombe/Pitt County line to State Highway 33; then north along State Highway 33 to the point of beginning.

Gaston County. That portion of the county bounded by a line beginning at the intersection of the Gaston/Cleveland County line and Interstate Highway 85; then north and east along Interstate Highway 85 to the Gaston/Mecklenburg County line; then south along the Gaston/Mecklenburg County line to the North Carolina/South Carolina State line; then west along the North Carolina/South Caroline State line to the Gaston/Cleveland County line; then north along the Gaston/Cleveland County line to the point of beginning.

Greene County. The entire county.

* * * * *

Martin County. That portion of the county bounded by a line beginning at the intersection of the Martin/Edgecombe County line and State Highway 142; then east along State Highway 142 to State Highway 125; then north along State Highway 125 to State Road 1429; then east along State Road 1429 to the Martin/Bertie County line; then south along the Martin/Bertie County line to the Martin/Washington County line; then south along the Martin/Washington County line to the Martin/Beaufort County line; then west along the Martin/Beaufort County line to the Martin/Pitt County line; then north along the Martin/Pitt County line to the Martin/Edgecombe County line; then north along the Martin/Edgecombe County line to the point of beginning.

Mecklenburg County. The entire county.

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Pasquotank County. That portion of the county bounded by a line beginning at the intersection of the Pasquotank/Perquimans County line and U.S. Highway 17; then east along U.S. Highway 17 to the Pasquotank/Camden County line; then south along the Pasquotank/Camden County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Pasquotank/Perquimans County line; then north along the Pasquotank/Perquimans County line to the point of beginning.

* * * * *

Perquimans County. That portion of the county bounded by a line beginning at the intersection of the Perquimans/Chowan County line and State Road 1118; then east along State Road 1118 to State Road 1200; then north along State Road 1200 to State Road 1213; then east along State Road 1213 to State Road 1214; then southeast along State Road 1214 to State Road 1221; then northeast along State Road 1221 to the Perquimans/Pasquotank County line; then south along the Perquimans/Pasquotank County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Perquimans/Chowan County line; then north along the Perquimans/Chowan County line to the point of beginning.

* * * * *

Wake County. That portion of the county bounded by a line beginning at the intersection of State Highway 55 and the Wake/Durham County line; then south along the Wake/Durham County line to U.S. Highway 1; then north along U.S. Highway 1 to U.S. Highway 70; then north along U.S. Highway 70 to the Wake/Durham County line; then south and west along the Wake/Durham County line to the point of beginning.

* * * * *

Wayne County. That portion of the county bounded by a line beginning at the intersection of the Wayne/Johnston County line and U.S. Highway 70; then east along U.S. Highway 70 to State Highway 111; then north along State Highway 111 to State Road 1572; then southeast along State Road 1572 to U.S. Highway 13; then east along U.S. Highway 13 to the Wayne/Greene County line; then south along the Wayne/Greene County line to the Wayne/Lenoir County line; then south along the Wayne/Lenoir County line to the Wayne/Duplin County line; then west along the Wayne/Duplin County line to the Wayne/Sampson County line; then west along the Wayne/Sampson County line to the Wayne/Johnston County line; then north along the Wayne/Johnston County line to the point of beginning.

* * * * *

Tennessee

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Decatur County. That portion of the county bounded by a line beginning at the intersection of the Decatur/Henderson County line and Interstate Highway 40; then east along Interstate Highway 40 to the Decatur/Benton County line; then southeast along the Decatur/Benton County line to the Decatur/Perry County line; then south along the Decatur/Perry County line to the Decatur/Wayne County line; then south along the Decatur/Wayne County line to the Decatur/Hardin County line; then west along the Decatur/Hardin County line to the Decatur/Henderson County line; then north along the Decatur/Henderson County line to the point of beginning.

Fayette County. The entire county.

Franklin County. That portion of the county bounded by a line beginning at the intersection of the Franklin/Moore County line and State Highway 50; then east along State Highway 50 to U.S. Highway 64 going east to U.S. Highway Alternate 41 to the Grundy/Marion County line; then south along the Franklin/Marion County line to the Tennessee/Alabama State line; then west along the Tennessee/Alabama State line to the Franklin/Lincoln County line; then north along the Franklin/Lincoln County line to the Franklin/Moore County line; then north along the Franklin/Moore County line to the point of beginning.

Giles County. That portion of the county bounded by a line beginning at the intersection of the Giles/Lawrence County line and U.S. Highway 64; then east along U.S. Highway 64 to U.S. Highway 31; then north along U.S. Highway 31 to State Highway 129; then east along State Highway 129 to the Giles/Marshall County line; then south along the Giles/Marshall County line to the Giles/Lincoln County line; then south along the Giles/Lincoln County line to the Tennessee/Alabama State line; then west along the Tennessee/Alabama State line to the Giles/Lawrence County line; then north along the Giles/Lawrence county line to the point of beginning.

* * * * *

Haywood County. That portion of the county bounded by a line beginning at the intersection of the Haywood/Fayette County line and Interstate Highway 40; then east along Interstate Highway 40 to the Haywood/Madison County line; then south along the Haywood/Madison County line to the Haywood/Hardeman County line; then west along the Haywood/Hardeman County line to the Haywood/Fayette County line; then west along the Haywood/Fayette county line to the point of beginning.

Henderson County. That portion of the county bounded by a line beginning at the intersection of the Henderson/Madison County line and Interstate Highway 40; then east along Interstate Highway 40 to the Henderson/Decatur County line; then south along the Henderson/Decatur County line to the Henderson/Hardin County line; then west along the Henderson/Hardin County line to the Henderson/Chester County line; then north along the Henderson/Chester County line to the

Henderson/Madison County line; then north along the Henderson/Madison County line to the point of beginning.

Lawrence County. The entire county.

Lewis County. That portion of the county bounded by a line beginning at the intersection of the Lewis/Perry County line and State Highway 48; then east along State Highway 48 to State Highway 20; then southeast along State Highway 20 to the Lewis/Lawrence County line; then west along the Lewis/Lawrence County line to the Lewis/Wayne County line; then north along the Lewis/Wayne County line to the Lewis/Perry County line; then north along the Lewis/Perry County line to the point of beginning.

Lincoln County. That portion of the county bounded by a line beginning at the intersection of the Lincoln/Marshall County line and State Highway 50; then east along State Highway 50 to the Lincoln/Moore County line; then south along the Lincoln/Moore County line to the Lincoln/Franklin County line; then south along the Lincoln/Franklin County line to the Tennessee/Alabama State Line; then west along the Tennessee/Alabama State line to the Lincoln/Giles County line; then north along the Lincoln/Giles County line to the point of beginning.

Madison County. The entire county.

Marion County. The entire county.

Marshall County. That portion of the county bounded by a line beginning at the intersection of the Marshall/Giles County line and State Highway 129; then east along State Highway 129 to U.S. Highway Alternate 31; then north along U.S. Highway Alternate 31 to State Highway 50; then southeast along State Highway 50 to the Marshall/Lincoln County line; then west along the Marshall/Lincoln County line to the Marshall/Giles County line; then north along the Marshall/Giles County line to the point of beginning.

McMinn County. The entire county.

* * * * *

Meigs County. The entire county.

Monroe County. That portion of the county bounded by a line beginning at the intersection of the Monroe/McMinn County line and State Highway 68 (including the entire city limits of Tellico Plains); then south along State Highway 68 to the Monroe/Polk County line; then west along the Monroe/Polk County line to the Monroe/McMinn County line; then north along the Monroe/McMinn County line to the point of beginning.

Moore County. That portion of the county bounded by a line beginning at the intersection of the Moore/Lincoln County line and State Highway 50; then east along State Highway 50 to the Moore/Franklin County line; then south along the Moore/Franklin County line to the Moore/Lincoln County line; then west and north along the Moore/Lincoln County line to the point of beginning.

Perry County. That portion of the county lying south of latitude 35°45′.

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Rhea County. The entire county.

Shelby County. The entire county.

* * * * *

3. In part 301, Subpart—Imported Fire Ant (§§ 301.81–301.81–10), the appendix is amended as follows:

a. By revising the title of the appendix and removing footnote 8.

b. Under III. A., by revising the first paragraph.

c. Under III. C. 4. *Exclusion, Bifenthrin,* by revising paragraph (b).

d. Under III. C. 4. *Enforcement,* by revising the second, third, and sixth paragraphs.

Appendix to Subpart ''Imported Fire Ant''

III. Regulatory Procedures

A. *Instructions to Inspectors.* Inspectors must know and follow instructions in the PPQ Treatment Manual, the pesticide label, and exemptions (Section 18 or 24 (c) of FIFRA) for the treatment or other procedures used to authorize the movement of regulated articles. These will serve as a basis for explaining such procedures to persons interested in moving articles affected by the quarantine. Inspectors shall furnish completed information to anyone interested in moving regulated articles.

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C. *Approved Treatments.*

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4. Imported-Fire-Ant-Free Nursery—Containerized Plants Only

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Exclusion

Bifenthrin

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(b) Treated with bifenthrin drench upon delivery in accordance with this appendix (III.C.3.b), and within 180 days be either:

* * * * *

Enforcement

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If imported fire ants are detected in nursery stock during an inspection by a Federal or State inspector, issuance of certificates for movement shall be suspended until necessary treatments are applied and the plants and nursery premises are determined to be free of the imported fire ant. A Federal or State inspector may declare a nursery to be free of the imported fire ant upon reinspection of the premises. This inspection must be conducted no sooner than 30 days after treatment to ensure its effectiveness. During this period, certification may be based upon the drench or immersion treatment provided in paragraph III.C.3. of this appendix, titled ''Plants—Balled or in Containers.''

Upon notification by the department of agriculture in any State of destination that a confirmed imported fire ant infestation was found on a shipment from a nursery considered free of the imported fire ant, the department of agriculture in the State of origin shall cease its certification of shipments from that nursery. An investigation by Federal or State inspectors will commence immediately to determine the probable source of the problem and to ensure that the problem is resolved. If the problem is an infestation, issuance of certification for movement on the basis of imported-fire-ant-free premises will be suspended until treatment and elimination of the infestation is completed. Reinstatement into the program will be granted upon determination that the nursery premises are free of the imported fire ant, and that all other provisions of this subpart are being followed.

* * * * *

This imported-fire-ant-free nursery program is not mandatory for movement of regulated articles. Plants, balled or in containers, may otherwise be certified for movement using the chlorpyrifos, bifenthrin, or tefluthrin treatments described in paragraph III.C.3 of this appendix, titled ''Plants, Balled or in Containers.'' However, certification for movement under the imported-fire-ant-free nursery program will be granted only if all of the provisions of this subpart are followed.

* * * * *

Done in Washington, DC, this 4th day of May 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11830 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV–00–985–2 FR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule reduces the number of regions established for issuing additional allotment base to new producers from three regions to two regions and revises the procedure used for determining the distribution of

additional allotment base to new producers. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule to provide a more equitable distribution of allotment base to new producers.

EFFECTIVE DATE: May 12, 2000.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326–2724, Fax: (503) 326–7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, D.C. 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The spearmint oil order is a volume control program that authorizes the regulation of spearmint oil produced in the Far West through annual allotment percentages and salable quantities for Class 1 (Scotch) and Class 3 (Native) spearmint oils. The salable quantity limits the quantity of each class of spearmint oil that may be marketed from each season's crop. Each producer is allotted a share of the salable quantity by applying the allotment percentage to that producer's allotment base for the applicable class of spearmint oil. Handlers may not purchase spearmint oil in excess of a producer's annual allotment, or from producers who have not been issued an allotment base under the order.

Section 985.53(d)(1) requires the Committee to annually make additional allotment base available in an amount not greater than 1 percent of the total allotment base for each class of spearmint oil. The order specifies that 50 percent of the additional allotment base be made available for new producers and 50 percent be made available for existing producers. A new producer is any person who has never been issued allotment base for a class of oil, and an existing producer is any person who has been issued allotment base for a class of oil. Provision is made in the order for new producers to apply to the Committee for the annually available additional allotment base, which in turn is issued to applicants in each oil class by lottery. The additional allotment base being made available to existing producers is distributed equally among all existing producers who apply.

Section 985.53(d)(3) of the order provides authority for the establishment of rules governing the annual distribution of additional allotment base. Accordingly, on October 6, 1999, the Committee unanimously recommended revising § 985.153 of the order's rules and regulations to provide a more equitable distribution of allotment base to new producers. Section 985.153 provides regulations for the issuance of additional allotment base to new and existing producers. This final rule: (1) Reduces the number of regions established for issuing additional allotment base to new producers from three regions to two regions; and (2) revises the procedure used for determining the distribution of additional allotment base to new producers to take into account the reduced number of regions.

Currently, § 985.153(c) establishes the regions for issuing additional allotment base as follows:

(A) Region 1—The State of Oregon and those portions of Utah and Nevada included in the production area.

(B) Region 2—The State of Idaho.

(C) Region 3—The State of Washington.

Under the current provisions, the names of all eligible new producers were placed in separate lots per class of oil and region. Names are then drawn based on the amount of additional allotment base available and the Committee's determination of the minimum economic enterprise required to produce each class of oil. These procedures result in three new Scotch spearmint oil producers (one from each region) receiving approximately 3,100 pounds of allotment base each, and three new Native spearmint oil producers (one from each region) receiving approximately 3,400 pounds of allotment base each.

This rule replaces the three regions with the following two regions:

(A) Region A—The State of Washington.

(B) Region B—All areas of the production area outside the State of Washington.

Additionally, this rule modifies the method used to draw names by specifying that the names of all eligible new producers are placed in separate lots based on two regions rather than three regions. For each class of oil, separate drawings will be held from a list of all applicants from Region A, from a list of all applicants from Region B, and from a list of all remaining applicants from Regions A and B combined. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base will be issued to two eligible new producers whose names are selected by drawing from a lot containing the names of all remaining eligible new producers from the other region for that class of oil. Thus, depending upon the amount of additional base available and the minimum economic enterprise needed for oil production, three new producers of each class of oil will receive equal portions of the additional base made available each year.

The Committee made this recommendation after its analysis of statistics relating to current spearmint oil production and the number of requests received each year for additional allotment base from the various States included in the production area. The following tables show the number of actual applications for additional Scotch and Native spearmint oil base over the most recent ten-year period:

APPLICATIONS FOR ADDITIONAL SCOTCH SPEARMINT OIL BASE

	WA	ID	OR	UT	NV
1991	99	42	17	3	0
1992	90	47	16	3	0
1993	40	21	4	1	0
1994	27	22	5	1	0
1995	42	21	3	0	0
1996	31	19	3	0	0
1997	35	16	2	0	0
1998	32	26	1	0	0
1999	25	22	0	1	0
2000	21	9	0	0	0

APPLICATIONS FOR ADDITIONAL NATIVE SPEARMINT OIL BASE

	WA	ID	OR	UT	NV
1991	112	27	16	5	0
1992	100	49	19	5	0
1993	47	28	5	2	0
1994	44	24	8	3	0
1995	56	21	8	2	0
1996	44	19	3	0	0
1997	43	19	2	1	0
1998	39	23	2	0	0
1999	31	23	0	0	1
2000	26	15	2	0	0

As shown in the above tables, there has consistently been few applications received from new producers in the States of Oregon, Utah, and Nevada, while the number of applications from new producers in Washington, followed to a lesser extent by the number of applications from new producers in Idaho, has consistently been much higher. Committee records also show that the number of producers, as well as the amount of allotment base held by those producers, is greatest in Washington followed in decreasing order by Idaho, Oregon, Utah, and Nevada. Therefore, reducing the number of regions from 3 to 2, and changing the procedures used in distributing the base will result in a more equitable distribution of allotment base to new producers. The changes will also make the additional allotment base available to new producers from the States which have historically requested the most base.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are 7 spearmint oil handlers subject to regulation under the order, and approximately 119 producers of Class 1 (Scotch) spearmint oil and approximately 105 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than $500,000.

Based on the SBA's definition of small entities, the Committee estimates that 2 of the 7 handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 25 of the 119 Scotch spearmint oil producers and 7 of the 105 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. A normal spearmint oil producing operation would have enough acreage for rotation such that the total acreage required to produce the crop would be about one-third spearmint and two-thirds rotational crops. An average spearmint oil producing farm would thus have to have considerably more acreage than would be planted to spearmint during any given season. To remain economically viable with the added costs associated with spearmint oil production, most spearmint oil producing farms would fall into the SBA category of large businesses.

Small spearmint oil producers generally are not extensively diversified

and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation. The order has contributed to the stabilization of producer prices.

Section 985.53 of the order provides that each year the Committee make available additional allotment base for each class of oil in the amount of no more than 1 percent of the total allotment base for that class of oil. This affords an orderly method for new spearmint oil producers to enter into business and existing producers the ability to expand their operations as the spearmint oil market and individual conditions warrant. One-half of the 1 percent increase is issued annually by lot to eligible new producers for each class of oil. To be eligible, a producer must never have been issued allotment base for the class of spearmint oil such producer is making application for, and have the ability to produce such spearmint oil. The ability to produce spearmint oil is generally demonstrated when a producer has experience at farming, and owns or rents the equipment and land necessary to successfully produce spearmint oil.

This rule: (1) Reduces the number of regions established for issuing additional allotment base to new producers from three regions to two regions; and (2) revises the procedure used for determining the distribution of additional allotment base to new producers to take into account the reduced number of regions. The Committee recommended this rule to provide for a more equitable distribution of allotment base to new producers.

During its deliberations, the Committee considered alternatives to their recommendation. The first option discussed would have left § 985.153(c) unchanged. This was rejected because of the need to develop a more equitable method of issuing additional base given the light application record from some of the States within the production area. The Committee also discussed eliminating the use of different regions in its additional allotment base issuance procedure and having one drawing for the calculated number of recipients per class of oil for the entire production area. This option was also rejected because it would not ensure geographic distribution of the additional base.

The Committee made its recommendation after careful consideration of available information, including the aforementioned alternative recommendations, the minimum economic enterprise required for spearmint oil production, historical statistics relating to the locations of the producers applying for the annual additional allotment base, and other factors such as number of producers by State and the amount of allotment base held by such producers. Based on its review, the Committee believes that the action recommended is the best option available to ensure that the objectives sought will be achieved.

The information collection requirements contained in the section of the order's rules and regulations being amended by this rule have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB No. 0581–0065. This action will not impose any additional reporting or record keeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule was published in the **Federal Register** on February 17, 2000 (65 FR 8069). A 60-day comment period was provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. A copy of the proposed rule was faxed and mailed to the Committee office, which in turn notified Committee members and spearmint oil producers and handlers of the proposed action. In addition, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. A copy of the proposal was also made available on the Internet by the U.S. Government Printing Office. No comments were received. Accordingly, no changes are made to the rule as proposed.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following web site: http://www.ams.usda.gov/fv/moab.html. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In § 985.153, paragraph (c) is revised to read as follows:

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) *Issuance—(1) New producers.* (i) *Regions:* For the purpose of issuing additional allotment base to new producers, the production area is divided into the following regions:

(A) *Region A.* The State of Washington.

(B) *Region B.* All areas of the production area outside the State of Washington.

(ii) Each year, the Committee shall determine the size of the minimum economic enterprise required to produce each class of oil. The Committee shall thereafter calculate the number of new producers who will receive allotment base under this section for each class of oil. The Committee shall include that information in its announcements to new producers in each region informing them when to submit requests for allotment base. The Committee shall

determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers from each region shall be placed in separate lots per class of oil. For each class of oil, separate drawings shall be held from a list of all applicants from Region A, from a list of all applicants from Region B, and from a list of all remaining applicants from Regions A and B combined. If, in any marketing year, there are no requests in a class of oil from eligible new producers in a region, such unused allotment base shall be issued to two eligible new producers whose names are selected by drawing from a lot containing the names of all remaining eligible new producers from the other region for that class of oil. The Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate amount.

* * * * *

Dated: May 5, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–11836 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1436

RIN 0560–AG00

Farm Storage Facility Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule implements the Commodity Credit Corporation's (CCC's) Farm Storage Facility Loan program utilizing authority in the CCC Charter Act. The program will provide financing for producers to build or upgrade farm storage and handling facilities.

DATES: This rule is effective May 11, 2000. Comments concerning this rule should be received on or before June 12, 2000 to be assured consideration. Comments on the information collections in this rule must be received by July 10, 2000 to be assured consideration.

ADDRESSES: Comments must be submitted to Grady Bilberry, Director, Price Support Division, Farm Service Agency, 1400 Independence Avenue, S.W., STOP 0512, Washington, DC 20250–0512.

FOR FURTHER INFORMATION CONTACT: Chris Kyer, (202) 720–7935 or e-mail chris_kyer@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule is issued in conformance with Executive Order 12866 and has been determined to be economically significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Farm Service Agency is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an Environmental Evaluation that this program, as a whole, will have no significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement for the program is needed. However, because it is possible that individual projects may have limited impacts on the local environment, environmental evaluations for each project will be conducted to determine the need for environmental assessment and/or mitigation.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any legal action may be brought regarding determinations of this rule, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3014, subpart V, published at 48 FR 29115 (June 24, 1983).

The Unfunded Mandates Reform Act of 1995

This rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act of 1995

A Notice with request for comments on the information collection is part of this proposed rule. An emergency information collection package has been sent to OMB for review.

In accordance with the Paperwork Reduction Act of 1995, this notice announces the Commodity Credit Corporation's (CCC) request for approval of a new information collection in support of the Farm Storage Facility Loan Program.

Title: 7 CFR 1436, Farm Storage Facility Loan Program Regulations.

OMB Control Number: 0506–NEW.

Type of Request: Approval of an information collection.

Abstract: This information is needed to administer the CCC's Farm Storage Facility Loan Program. The information will be gathered from producers needing additional on-farm grain storage and handling capacity to determine whether they are eligible for loans.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 22 minutes per producer.

Respondents: Eligible producers: 200.000.

Estimated Number of Respondents: 50,000.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 47,250 hours.

Proposed topics for comments are: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology.

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Chris Kyer, USDA—Farm Service Agency—Price Support Division, 1400 Independence Avenue, SW., STOP 0512, Washington, DC 20250–0512; Telephone (202) 720–7935 or e-mail chris_kyer@wdc,fsa.usda.gov. Copies

of the information collection may be obtained from Chris Kyer at the above address.

All responses to this notice will be summarized. All comments will also become a matter of public record.

Executive Order 12612

It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Immediate Effectiveness of This Rule

It has been determined that this rule should be issued as an interim rule, without prior comment, but subject to modification on the consideration of those comments that are timely received. It has been determined that to delay the implementation of the rule pending comment would be impracticable and contrary to the public interest. That finding is based on the current shortage of available storage, rapidly changing market needs that are forcing producers to consider new storage arrangement on their farms, and the lack of material adverse effect on other parties. With respect to storage availability, recent data indicates a critical shortage of storage that continues to deteriorate. The Deputy Administrator for Commodity Operations, Farm Service Agency, recently completed an analysis of on-farm and commercial grain storage utilization, which showed that the utilization of both on-farm and commercial storage had increased from 79 percent utilization in 1996 to 95 percent utilization in 1999. At the time of the review, eleven key grain producing states were utilizing over one hundred percent of available storage capacity when including temporary and emergency storage. Four other states were at ninety percent of storage capacity. The fifteen states identified with ninety percent or above utilization of grain storage capacity are: Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. In 1998 the requests by warehouse operators with CCC Uniform Grain Storage Agreements for emergency (on the ground) storage were at a level of 192.3 million bushels; for 1999, that level increased to 238.1 million bushels.

Also, in the meantime, changing market needs are putting pressure on producers to build new facilities since some buyers of grain seek to limit purchases to specialty grains that are not genetically modified or to segregate either specialty crops or grains that are not genetically modified. To meet those demands, while utilizing the benefits of genetically modified grains for other markets, the producer may find it necessary to grow different kinds of grain in which case they may need separate storage facilities in order to guarantee the proper identity of the grains. Many producers, however, will not be able to meet that need without the assistance provided for in this rule and will not be able to do so in a timely manner for this crop year unless this rule is made effective immediately. In addition, a delay in implementing this rule could also mean that producers, who otherwise might be helped and who are the most in need, will be unable to take full advantage of CCC's nonrecourse marketing assistance loan program for the current marketing year. For those producers who cannot store their crops, the only program option available is the loan deficiency payment available at the time of harvest, thus denying those producers the ability to delay marketings until a more favorable market situation might arise. Moreover, the lack of adequate facilities can mean that the producer also loses out on the other guarantees and assistance that a marketing loan can afford the producer such as the special benefits that can inure to a producer as a result of a marketing loan when the producer has reached the maximum limitation on the amount of payments that the producer can receive in the form of loan deficiency payments or marketing loan gains.

Storage conditions have not improved materially in the last few months so as to relieve the shortage of storage and, therefore, there is a critical need to act as quickly as possible. The public interest in this respect has been established by the Congressional direction contained in Section 4(h) of the CCC Charter Act (15 U.S.C. 714b(h)), which requires a storage program whenever it is determined that there is a shortage of a storage. Furthermore, while the need for immediate assistance is critical, the potential harm to other parties, by issuance of this rule as an interim rule, is expected to be minimal by comparison. In addition, the rule is flexible enough so that, in the event that any comments are received that would dictate a reason to suspend the program, a suspension could be imposed before the response to the comments is published. Even after the interim rule is issued, it will take some time to complete loan applications. As a result, a delay in the start-up of the program until comments could be received would put availability of the program beyond the time in which many producers in need of storage could obtain relief for the current crop year. This could be damaging not only to the producers themselves but also to the effort to increase the marketability in all markets of U.S.-produced grains.

Accordingly, for all the foregoing reasons, it has been determined that the provisions of this rule should be made effective immediately.

The Small Business Regulatory Enforcement Fairness Act

The finding made above, that this rule should be made effective immediately, applies for all purposes including, but not limited, to the provisions of 5 U.S.C. 808 of the Small Business regulatory Enforcement Fairness Act (SBREFA), which provides that a rule may, without regard to certain special Congressional oversight measures provided for in SBREFA, take effect at such time as the agency may determine if the agency finds for good cause that public notice is impracticable, unnecessary, or contrary to the public interest. For the reasons set out, it has been determined that delay would be contrary to the public interest and that the rule should be made effective immediately.

Cost Benefit Analysis Summary

U.S. grain storage capacity steadily declined from 1987 to 1997. Storage capacity has increased modestly since its low in 1997, but increases have not been sufficient to keep pace with growing production. Despite persistent harvest-time storage capacity shortfalls and the advantages of on-farm storage for producers, low commodity prices and reduced farm income will limit the ability of producers to significantly expand their on-farm storage. The Farm Storage Facility Loan Program will add additional storage capacity in deficit areas and help farmers adapt to identity preserved storage and handling requirements for genetically enhanced organisms. One direct benefit to producers from the Farm Storage Facility Loan Program would be reduced financing costs on facility construction. Interest savings for a farmer on the construction of a 15,000-bushel grain bin could total as much as $3,840 under the program when compared with financing through some commercial banks. Producers would also benefit from the potential for higher

market returns on their crops because on-farm storage capacity creates pricing and hedging opportunities that can significantly increase marketing returns. The Farm Storage Facility Loan Program is expected to expand on-farm storage by more than 750 million bushels over the next 5 years.

Background

Section 5(b) of the CCC Charter Act (15 U.S.C. 714c(b)) authorizes CCC to use its general powers to make available materials and facilities required in connection with the production and marketing of agricultural commodities. Section 4(f) of the CCC Charter Act (15 U.S.C. 714b(h)) provides that the Corporation may make loans to grain producers needing storage facilities and that loans shall be made in areas in which the Secretary determines that there is a deficiency of such storage.

CCC made loans for storage facilities intermittently since 1948 and stopped making new storage facility loans in 1982 based on studies that revealed that producers had sufficient storage for their crops. Since 1995, the storage situation has changed. Storage capacity utilization rates are running extremely high and storage shortages exist in some areas. The net decrease in storage capacity from 1996 to 1998 has been about 79.5 million bushels, of nearly 1 percent of total capacity. During this same period, grain production increased by nearly 8 percent, from 14 billion bushels in 1996 to 15 billion bushels in 1998. As a result, there is insufficient capacity to allow farmers to store their grain, forcing farmers to sell at harvest when prices are usually at their lowest.

CCC's immediate intent is to use this program to address the existing shortage of grain storage. However, section 5(b) of the CCC Charter Act, gives CCC broad authority to make ''available materials and facilities required in connection with the production and marketing of agricultural commodities''. Thus, CCC will explore marking available facility loans for the storage of commodities harvested as other than grain such as silage, alternative types of storage arrangements such as ''condominium storage'', or storage facilities for other agricultural products. Since CCC has not identified shortages in storage facilities for other than whole grain or analyzed the feasibility of alternative storage arrangements, it would be improper to implement such provisions under an interim rule. CCC is seeking comments during the comment period on all of these aforementioned areas. Comments received will be given consideration for inclusion in the final rule.

On February 2, 2000, the Secretary announced the availability of financing for farm storage and handling facilities. Based upon this announcement, producers may have made commitments to construct on-farm storage facilities. The decision has been made to extend loan eligibility to those producers who took action on or after February 2, 2000 based on the Secretary's announcement.

Although a similar program was available in the past, this rule allows for a new farm storage facility loan program with terms and conditions that differ from the previous program. The rule calls for eligible producers to apply for farm storage facility loans at their FSA administrative county office. Producers requesting loans must provide information regarding the need for farm storage capacity and the storage facility they propose to construct. They must also establish that they are eligible for the program, and that the site proposed for a storage structure does not adversely impact the environment.

Specific eligibility requirements for applicants are a satisfactory credit rating as determined by CCC; no delinquent Federal debt as defined by the Debt Collection Improvement Act of 1996; production of facility loan commodities; proof of crop insurance from FCIC or a private company; compliance with USDA provisions for highly erodible land and wetlands; ability to repay the debt resulting from the program; compliance with any applicable local zoning, land use and building codes for the applicable farm storage facility structures; and need for new or additional farm grain storage or handling capacity. This information is needed by CCC to make loans where there is a bonafide need, and to make loans that will be repaid on time.

County offices will use existing office records to determine if the producer is in compliance with highly erodible land and wetlands provisions. The county office will utilize a government wide system to identify if the applicant is delinquent on any Federal debt. The applicant's credit history will be obtained using existing credit reporting agencies that are contracted to FSA. Proof of crop insurance must be provided by the applicant in the form of an approved crop insurance application or statement of coverage for the current crop year. Applicants must provide copies of local building permits, if applicable, to demonstrate compliance with local land use laws.

Applicants will be required to file requests for farm storage facility loans on form CCC–185, Loan Application for Farm Storage Facility and Drying Equipment Loan Program. The applicant must provide information that is generally unavailable to CCC from other sources, such as, name, address, tax identification number and phone number of the person applying for the loan; the purpose of the loan and the amount of the loan requested; and details about the type and cost of the storage structure, and related handling systems, or drying systems the applicant proposes to install. This information becomes the basis for the net cost of eligible components which determines the amount of the loan. Producers must also provide specific commodity production data that supports the determination the producer requires storage or that existing facility loan commodity storage capacity is not adequate. This will help insure that CCC is not lending funds on capacity that is not needed. The applicant must provide information regarding whether the facility equipment has been purchased, delivered, or installed.

The applicant must sign CCC–185 when it is complete and will be provided a copy. Information to support the applicant's request will also be necessary. Financial information will be obtained from the applicant to determine if the applicant has the means to provide the required down payment and to make future loan installments. The applicant will be asked to verify debts and assets in order to prepare an accurate balance sheet and cash flow statement. The applicant will be asked to sign the form authorizing financial institutions and creditors to release asset and debt information to CCC. The applicant will be required to sign a UCC–1 Financing Statement and other forms as needed to grant CCC a security interest in the proposed structure and equipment. Upon acceptance of a complete application, a CCC representative will conduct a lien search as needed.

Borrowers must maintain the collateral in good condition; pay loan installments and real estate taxes on time, and maintain all peril structural, and if applicable, flood insurance policies. FSA will conduct annual collateral checks. If installments are not paid during each due and payable period, collection activity will proceed according to standard CCC policy.

List of Subjects in 7 CFR Part 1436

Applicability, administration, definitions, availability of loans, eligible borrowers, eligible storage facilities, term of loan, security of loan, amount of loan and loan application approvals, downpayment, interest, repayment of loan, taxes, maintenance,

disbursements, sale or conveyance, environmental compliance.

Accordingly, for the reasons set forth in the preamble, the Commodity Credit Corporation adds 7 CFR part 1436 to read as follows:

PART 1436—FARM STORAGE FACILITY LOAN PROGRAM REGULATIONS

Sec.
1436.1 Applicability.
1436.2 Administration.
1436.3 Definitions.
1436.4 Availability of loans.
1436.5 Eligible borrowers.
1436.6 Eligible storage facilities or handling equipment.
1436.7 Term of loans.
1436.8 Security for loan.
1436.9 Loan amount and loan application approvals.
1436.10 Down payment.
1436.11 Disbursements.
1436.12 Interest.
1436.13 Repayment of loan.
1436.14 Taxes.
1436.15 Maintenance.
1436.16 Sale or conveyance.
1436.17 Environmental compliance.

Authority: 15 U.S.C. 714 *et seq.*

PART 1436—FARM STORAGE FACILITY LOAN PROGRAM REGULATIONS

§ 1436.1 Applicability.

The regulations of this part provide the terms and conditions under which CCC may provide low-cost financing for producers to build or upgrade on-farm storage and handling facilities. Because liens and security interests related to this activity may be governed by state law, CCC may adapt certain procedures relating to those issues that may vary between states.

§ 1436.2 Administration.

(a) The Farm Storage Facility Loan Program shall be administered under the general supervision of the Executive Vice President, CCC or designee and shall be carried out in the field by State FSA committees, county FSA committees and FSA employees.

(b) State FSA committees, county FSA committees and FSA employees, do not have the authority to modify or waive any of the provisions of the regulations of this part.

(c) The State FSA committee shall take any action required by these regulations that has not been taken by the county committee. The State FSA committee shall also:

(1) Correct, or require the county FSA committee to correct, any action taken by such county FSA committee that is not in accordance with the regulations of this part; and

(2) Require the county FSA committee to withhold taking any action that is not in accordance with the regulations of this part.

(d) No provision or delegation herein to a State or county FSA committee shall preclude the Executive Vice President, CCC, or a designee, or the Administrator, FSA, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by the State or county FSA committee.

(e) The Deputy Administrator, Farm Programs, FSA, may authorize State and county FSA committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not adversely affect the operation of the Farm Storage Facility Loan Program.

(f) A representative of CCC may execute Farm Storage Facility Loan Program applications and related documents only under the terms and conditions determined and announced by CCC. Any such document that is not executed in accordance with such terms and conditions, including any purported execution prior to the date authorized by CCC, shall be null and void.

(g) The Deputy Administrator may suspend this program at any time when it appears that there is no shortage of storage that needs to be addressed or where some other reason shall arise for which it appears that the program goals can be achieved more efficiently in a manner different from that provided for this part.

§ 1436.3 Definitions.

The following definitions shall be applicable to the program authorized by this part and will be used in all aspects of administering this program:

Aggregate outstanding balance means the sum of the outstanding balances of all loans disbursed to the applicant.

Assumption means the act or agreement by which one borrower takes over or assumes the mortgage debt of another borrower.

Collateral means the storage structure, drying equipment or handling equipment securing the loan.

Consent, disclaimer, severance, or subordination agreement means an agreement under which a party may consent to the security interest of another in property, disclaim security interest in property, or subordinate security interest in property to the interest of another party.

Facility loan commodity means wheat, rice, soybeans, sunflower seed, canola, rapeseed, safflower, flaxseed, mustard seed, crambe, other oilseeds as determined and announced by CCC, corn, grain sorghum, oats, or barley harvested as whole grain.

Financing statement. means a document that gives legal notice of a lien on chattel property when properly filed or recorded.

Non-movable or non-salable collateral means either collateral the county committee determines cannot be sold and moved to a new location because of the type of construction or collateral that has deteriorated to the point that it has no sale recovery value.

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, or other business enterprise, or other legal entity who is, or whose members are, a citizen or citizens of, or legal resident alien in the United States.

Uniform Commercial Code means the multi-state code of laws covering commercial transactions such as sales, negotiable instruments, and secured transactions.

§ 1436.4 Availability of loans.

(a) An application for a loan shall be submitted to the administrative county office that maintains the records of the farm or farms to which the application applies. Upon request, the applicant shall furnish information and documents as the state or county committee deems reasonably necessary to support the application. This may include financial statements, receipted bills, invoices, purchase orders, specifications, drawings, plats, or written authorization of ingress and egress.

(b) Producers who authorize actions without an approved loan, do so at their own risk and without creating any liability on behalf of CCC except for producers who between February 2, 2000 and May 11, 2000 took action based on the announcement of the program. Such action may include, but is not limited to, entering into purchase contracts, purchases of materials, taking delivery of parts, site preparation, and construction.

§ 1436.5 Eligible borrowers.

(a) The term ''eligible borrower'' means any person who, as landowner, landlord, operator, producer, tenant, leaseholder, or sharecropper:

(1) Has a satisfactory credit history, and demonstrates an ability to repay the debt arising under this program;

(2) Has no delinquent Federal debt defined by the Debt Collection Improvement Act of 1996;

(3) Is a producer of a facility loan commodity;

(4) Demonstrates a need for increased storage capacity;

(5) Provides proof of crop insurance from FCIC or a private company;

(6) Is in compliance with USDA provisions for highly erodible land and wetlands conservation according to 7 CFR part 12;

(7) Demonstrates compliance with any applicable local zoning, land use, and building codes for the applicable farm storage facility structures;

(8) Provides proof of flood insurance if CCC determines such insurance is necessary to protect the interests of CCC, and proof of all peril structural insurance, to CCC annually; and

(9) Demonstrates compliance with the National Environmental Policy Act regulations at 40 CFR, parts 1500 through 1508.

(b) [Reserved]

§ 1436.6 Eligible storage facilities for handing equipment.

(a) Loans may be made only for the purchase and installation of eligible storage facilities and permanently affixed drying and handling equipment, or for the remodeling of existing storage facilities or permanently affixed drying and handling equipment as provided in this section. Eligible storage and handling facilities shall include the following:

(1) New conventional-type cribs or bins designed and engineered for whole grain storage and having a useful life of at least 10 years;

(2) Oxygen-limiting and other upright silo-type structures designed for whole grain storage and having a useful life of at least 10 years; and

(3) Flat-type storage structures for which the primary use is to store whole grain.

(b) The calculation of the loan amount may include costs associated with building or improving an eligible storage and handling facility, including:

(1) Permanently affixed grain handling equipment and grain drying equipment, including perforated floors considered to be essential to the proper functioning of the grain storage system;

(2) Safety equipment such as lighting, inside and outside ladders;

(3) Equipment to improve, maintain, or monitor the quality of stored grain, such as cleaners, moisture testers, and heat detectors;

(4) Electrical equipment, including labor and materials for installation, such as lighting, motors, and wiring integral to the proper operation of the grain storage and handling equipment; and

(5) Concrete foundations, aprons, pits, and pads (including site preparation, labor and materials) essential to the proper operation of the grain storage and handling equipment.

(c) Ineligible storage and handling equipment with respect to which no loans for installation or related costs shall be disbursed under this part include:

(1) Portable grain drying equipment and portable augers;

(2) Structures of a temporary nature that require the weight or bulk of the stored commodity to maintain its shape (such as fences or bags);

(3) Structures that are bunker-type, horizontal, or open silos;

(4) Structures that are not suitable for storing the facility loan commodities for which a need is determined; and

(5) Storage structures to be used for commercial purposes. Commercial purpose is defined as the storage and handling of grain, whether paid or unpaid, for persons other than the loan applicant. State FSA committees may allow, subject to the approval of the Deputy Administrator, Farm Programs, FSA, exceptions to this requirement if an applicant is otherwise eligible and the intent and purpose of the Farm Storage Facility Loan program is being met. Any facility that is in working proximity to any commercial storage operation, shall be considered to be part of a commercial storage operation.

(d) Loans may be approved for financing additions to more modifications of an existing storage facility to increase storage capacity if the county FSA committee determines that the modification is necessary to increase the storage capacity of the unit and is not for maintenance, repair, or replacement of items such as motors, fans, or wiring.

§ 1436.7 Term of loan.

The maximum term of the loan shall be 7 years from the date of execution of a promissory note and security agreement. No extensions of the loan term will be granted.

§ 1436.8 Security for loan.

(a) All loans shall be secured by a promissory note and security agreement covering the farm storage facility. The promissory note and security agreement shall grant CCC a security interest in the collateral and shall be perfected in the manner specified in accordance with applicable state law. CCC's security interest in the collateral shall constitute the sole security interest in such collateral except for prior liens on the underlying realty that by operation of law attaches to the collateral if it is or becomes a fixture. If any such prior lien on the realty will attach to the collateral, a waiver, severance, or subordination of such lien must be obtained in writing from each person having an interest in the real estate on which the collateral is to be located. No additional liens or encumbrances may be placed on the storage facility after the loan is approved unless CCC approves otherwise in writing.

(b) A lien on the real estate on which the farm storage facility is located will be required on all loans in the form of a real estate mortgage, deed of trust, or other security instrument approved by the CCC. For loan amounts exceeding $50,000, CCC's interest in the real estate shall be superior to all other lien holders. If the real estate is covered by a prior lien, a lien may be obtained by means of a subordination agreement prescribed by CCC. CCC will not require such an agreement from any agency of the Department of Agriculture.

(c) Real estate liens may cover an acreage of land separate from the collateral if a lien on the underlying real estate is not feasible and if:

(1) The borrower owns the separate acreage; and

(2) The acreage is large and valuable enough, in the approving authority's opinion, to insure repayment of the loan.

(d) Notwithstanding paragraphs (a), (b) and (c) of this section, a borrower, in lieu of such liens as are otherwise required by those paragraphs, may provide a letter of credit, bond, or other form of security, as approved by CCC.

(e) If an existing structure is remodeled and an addition becomes an attached, integral part of the existing storage structure, CCC's security interest shall include the existing storage structure.

(f) The cost of filing and recording all real estate liens and later subordinations will be paid by the borrower. CCC shall pay such costs relating to filing and recording financing statements.

§ 1436.9 Loan amount and loan application approvals.

(a) The cost on which the loan shall be based is the net cost of the eligible facility, accessories, and services to the applicant after discounts and rebates, not to exceed a maximum per-bushel cost established by the State FSA committee.

(b) The net cost for storage and handling equipment may include purchase price, sales tax, shipping, and delivery charges. The net cost shall not include secondhand material or any

other item that is determined by the approving authority to be ineligible for loan.

(c) The principal amount of any farm storage facility loan shall be 75 percent of the net cost of the applicant's needed storage or handling equipment not to exceed $100,000. Borrowers are limited to obtaining one loan per fiscal year under this part.

(d) The aggregate outstanding balance of all facility loans for any one borrower may not exceed $100,000.

(e) When a storage structure has a larger capacity than the applicant's needed capacity, as determined by CCC, the net cost eligible for a loan shall be prorated. Only costs associated with the applicant's needed storage capacity will be loan-eligible.

(f) The county FSA committee may approve applications, if loan funds are available, up to the maximum approval amount unless the State FSA committee establishes a lower limit for country FSA committee approval authority.

(g) Loan approvals will expire four months after the date of approval unless extended in writing for an additional four months by the State FSA committee.

§ 1436.10 Down payment.

(a) A minimum down payment representing the difference between the net cost of the storage facility and the amount of the loan determined in accordance with § 1436.9 shall be made by the loan applicant to the supplier or contractor before the loan is disbursed.

(b) The down payment shall be in cash unless some other form of payment is approved by CCC.

(c) The down payment may not include any trade-in, discount, rebate, credit, deferred payment, post-dated check, or promissory note to the supplier or contractor.

§ 1436.11 Disbursement.

(a) Disbursement of the loan by CCC will be made when the farm storage facility has been delivered, erected, constructed, assembled, or installed and a CCC representative has inspected and approved such facility.

(b) Disbursement will be made only if the borrower furnishes satisfactory evidence of the total cost of the facility and payment of all debts on the facility in excess of the amount of the loan.

(c) Disbursement may be made jointly to the borrower and the contractor or supplier, except disbursement may be made to the borrower if CCC determines the borrower has paid the contractor or supplier all amounts that are due and owing with respect to the facility.

§ 1436.12 Interest.

(a) Loans shall bear interest at the rate equivalent to the rate of interest charged on Treasury securities of comparable maturity on the date the loan is approved.

(b) The interest rate for each loan will remain in effect for the term of the loan.

(c) The loan applicant shall pay a non-refundable application fee of at least $45 to CCC

§ 1436.13 Payment of loan.

(a) Equal installments of principal plus interest will be amortized over the loan term. Installments are due and payable by no later than the last day of each 12 month period of the loan, until the principal plus interest has been paid in full.

(b) The payment of each installment may be by cash, money order, wire transfer, or by personal, certified, or cashier's check. Repayment shall be applied first to accrued interest and then to principal.

(c) A claim will be established in accordance with 7 CFR part 1403 for the principal and accrued interest amount due and late payment interest for any installment that is not paid within 30 days after the due and payable date.

(d) Loan amounts outstanding, whether or not overdue, may be collected from payments that the borrower may otherwise be due to receive as marketing loan gains or other payments under 7 CFR part 1421 or 7 CFR part 1427. In the even that a claim is established against a borrower for any amount due under this part, the provisions of 7 CFR part 1403 may be used to recover the debt from other Federal payments or loans.

(e) CCC may declare the entire indebtedness immediately due and payable if the borrower violates any of the terms and conditions of this part, fails to pay any installment on time, or breaches any of the terms and conditions of any of the instruments executed in connection with the loan, or if the collateral is used in connection with any unauthorized commercial operation including, but not limited to, elevators, warehouses, dryers or processing plants, during the life of the loan.

(f) The loan may be paid in full or in part at any time before maturity.

(g) Upon payment of a loan, CCC shall release CCC's security interest in the collateral.

§ 1436.14 Taxes.

The borrower must pay all real and personal property taxes that may affect CCC's security interest in all collateral securing the note evidencing the loan. To protect its interests, CCC may pay any unpaid taxes with respect to the collateral securing a loan made in accordance with this part, and if CCC does so, the borrower shall reimburse CCC for such payment, and if unpaid by the borrower, such debt shall become part of the current installment due.

§ 1436.15 Maintenance.

(a) The borrower must maintain the loan collateral in a condition suitable for the storage of one or more of the facility loan commodities.

(b) Until the loan has been repaid, the borrower shall be liable for all damages to or destruction of the collateral. CCC shall not assume any loss of the loan collateral.

(c) CCC shall conduct annual collateral checks to insure compliance with this section.

(d) Structures must be insured against all perils in all cases and must also be insured against flooding if the structure is located in a flood plain, as determined by CCC. Proof of flood insurance, if required, and proof of all peril structural insurance, must be provided to CCC annually. CCC must be listed as a loss payee on all peril and flood insurance policies.

(e) CCC shall have rights in ingress and egress where the facility is located. Failure of the borrower to secure such access will render a borrower ineligible for the loan and, if a loan has already been made shall constitute a loan violation for which the remaining balance of the loan shall became due immediately.

§ 1436.16 Sale or conveyance.

(a) The collateral or land securing a loan may be sold by CCC whenever CCC has declared the entire indebtedness immediately due and owing under this part or when the borrower voluntarily conveys the collateral to CCC before repaying the loan. Before a borrower sells or conveys the facilities or other property securing a loan without repaying the loan in full, the borrower shall obtain approval for the sale or conveyance from the county FSA committee.

(b) Assumption of a farm storage facility loan is permitted.

§ 1436.17 Environmental compliance.

(a) Except as otherwise specified in this section, prior to approval of any farm storage facility loan, an environmental evaluation will be completed to determine if the proposed action will have any adverse impacts on the environmental and cultural resources.

(b) If it is determined that a proposed action or group of proposed actions will

not result in any adverse impact, the action will be considered as being categorically excluded for the purpose of compliance with the National Environmental Policy Act (NEPA), 40 CFR parts 1500 through 1508.

(c)(1) If adverse environmental impacts, either direct or indirect, are identified, an environmental assessment will be completed in accordance with the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA to the extent required by law.

(2) The environmental assessment will be used to develop an action that results in no significant environmental impact on the human environment or cultural resources.

(3) No action will be approved that has been determined to have significant impacts on the human environment or cultural resources.

(d)(1) In order to minimize the exposure to environmental liabilities from the presence of contamination on real estate collateral, an evaluation will be made of the economic and environmental risks to the real estate collateral posted by the presence of hazardous substances and petroleum products.

(2) If the evaluation made under paragraph (d)(1) of this section reveals that the collateral is or may be contaminated, then the applicant will be notified and given an option of offering as collateral other real estate that is free from contamination or remediating the contamination on the original site offered as collateral.

Signed at Washington, D.C., on May 8, 2000.

Keith Kelly,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 00–11833 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–05–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: Federal Trade Commission amends its Appliance Labeling Rule by publishing new ranges of comparability to be used on required labels for clothes washers. These ranges of comparability supersede the ranges published on March 27, 2000, 65 FR 16132, which become effective July 14, 2000; however, manufacturers are not required to use those March 27, 2000 ranges.

EFFECTIVE DATE: September 18, 2000.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580 (202–326–3035).

SUPPLEMENTARY INFORMATION: The Appliance Labeling Rule (''Rule'') was issued by the Commission in 1979, 44 FR 66466 (Nov. 19, 1979), in response to a directive in the Energy Policy and Conservation Act of 1975.[1] The Rule covers eight categories of major household appliances. Clothes washers are among those categories. The Rule also covers pool heaters, 59 FR 49556 (Sept. 28, 1994), and contains requirements that pertain to fluorescent lamp ballasts, 54 FR 28031 (July 5, 1989), certain plumbing products, 58 FR 54955 ((Oct. 25, 1993), and certain lighting products, 59 FR 25176 (May 13, 1994, eff. May 15, 1995).

The Rule requires manufacturers of all covered appliances and pool heaters to disclose specific energy consumption or efficiency information (derived from the DOE test procedures) at the point of sale in the form of an ''EnergyGuide'' label and in catalogs. It also requires manufacturers of furnaces, central air conditioners, and heat pumps either to provide fact sheets showing additional cost information, or to be listed in an industry directory showing the cost information for their products. The Rule requires manufacturers to include, on labels and fact sheets, an energy consumption or efficiency figure and a ''range of comparability.'' This range shows the highest and lowest energy consumption or efficiencies for all comparable appliance models so consumers can compare the energy consumption or efficiency of other models (perhaps competing brands) similar to the labeled model. The Rule also requires manufacturers to include, on labels for some products, a secondary energy usage disclosure in the form of an estimated annual operating cost based on a specified DOE national average cost for the fuel the appliance uses.

Section 305.8(b) of the Rule requires manufacturers, after filing an initial report, to report certain information annually to the Commission by specified dates for each product type.[2] These reports, which are to assist the Commission in preparing the ranges of comparability, contain the estimated annual energy consumption or energy efficiency ratings for the appliances derived from tests performed pursuant to the DOE test procedures. Because manufacturers regularly add new models to their lines, improve existing models, and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information consistent with these changes, under Section 305.10 of the Rule the Commission will publish new ranges if an analysis of the new information indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission will publish a statement that the prior ranges remain in effect for the next year.

Manufacturers of clothes washers have made the required 2000 submissions of data for this product category. In analyzing the data, the Commission has grouped the figures in accordance with the revisions to Appendix F (Clothes Washers) published on March 27, 2000, 65 FR 16132, which eliminated the top-loading and front-loading categories for clothes washers.

Accordingly, the Commission is publishing these new 2000 ranges of comparability in the format of the revised Appendix for the clothes washer category. Today's ranges of comparability supersede the ranges (which were based on 1999 submissions) that were published along with the March 27, 2000 amendment eliminating the top-loading and front-loading categories, which have an effective date of July 14, 2000; however, manufacturers are not required to use those ranges.

In consideration of the foregoing, the Commission revises Appendix F of its Appliance Labeling Rule by publishing the following ranges of comparability for use in required disclosures (including labeling) for clothes washers manufactured on or after September 18, 2000. In addition, as of September 18, 2000, manufactured must base the disclosures of estimated annual operating cost required at the bottom of the EnergyGuide for clothes washers on the 2000 Representative Average Unit Costs of Energy for electricity (8.03 cents per kilo Watt-hour) and natural gas (68.8 cents per therm) that were published by DOE on February 7, 2000

[1] 42 U.S.C. 6294. The statute also requires the Department of Energy (''DOE'') to develop test procedures that measure how much energy the appliances use, and to determine the representative average cost a consumer pays for the different types of energy available.

[2] Reports for clothes washers are due March 1.

(65 FR 5860), and by the Commission on April 17, 2000, 65 FR 20352.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the amendments do no impose any new obligations on entities regulated by the Appliance Labeling Rule. Thus, the amendments will not have a ''significant economic impact on a substantial number of small entities'' (5 U.S.C. 605). The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the amendments announced today will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501 *et seq.,* requires government agencies, before promulgating rules or other regulations that require ''collections of information'' (*i.e.,* recordkeeping, reporting, or third-party disclosure requirements), to obtain approval from the Office of Management and Budget (''OMB''), 44 U.S.C. 3502. The Commission currently has OMB clearance for the Rule's information collection requirements (OMB No. 3084–0069). The amendment will not impose any new information collection requirements. Instead, it will provide manufacturers with revised ranges of comparability to use on the EnergyGuide labels already required by the Rule.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

PART 305—[AMENDED]

1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

''Compact'' includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

''Standard'' includes all household clothes washers with a tub capacity of 1.6 cu. ft or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact ..	576	607
Standard ..	177	1298

Cost Information

When the above ranges of comparability are used on EnergyGuide labels for clothes washers, the estimated annual operating cost disclosures appearing in the box at the bottom of the labels must be derived using the 2000 Representative Average Unit Costs for electricity (8.03¢ per kilo Watt-hour) and natural gas (68.8¢ per therm), and the text below the box must identify the costs as such.

Donald S. Clark,

Secretary.

[FR Doc. 00–11605 Filed 5–10–00; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 25

[Docket No. 00N–0085]

National Environmental Policy Act; Food Contact Substance Notification System

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations on environmental impact considerations as part of the agency's implementation of the FDA Modernization Act (FDAMA) of 1997. FDAMA amended the Federal Food, Drug, and Cosmetic Act (the act) to establish a notification process for food contact substances (FCS); this process will be the primary method for authorizing new uses of food additives that are FCS, and it will largely replace the existing food additive petition process for such substances. The regulations will expand the existing categorical exclusions to include allowing a notification submitted under the act to become effective and will amend the list of those actions that require an environmental assessment (EA) to add allowing a notification under the act to become effective in cases where a categorical exclusion doesn't apply. This will allow notifiers of FCS to claim the categorical exclusions now available to sponsors of other requests for authorization of FCS. Elsewhere in this issue of the **Federal Register**, FDA is publishing a companion proposed rule, under FDA's usual procedures for notice and comment to provide a procedural framework to finalize the rule in the event the agency receives any significant adverse comment and withdraws the direct final rule.

DATES: This rule is effective August 24, 2000. Submit written comments by July 25, 2000. If FDA receives no significant adverse comments within the specified comment period, the agency intends to publish a document confirming the effective date of the final rule in the **Federal Register** within 30 days after the comment period on this direct final rule ends. If timely significant adverse comments are received, the agency will publish a document in the **Federal Register** withdrawing this direct final rule before its effective date.

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

FOR FURTHER INFORMATION CONTACT: Mitchell A. Cheeseman, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3083.

SUPPLEMENTARY INFORMATION:

I. Introduction

In 1958, Congress amended the act to require premarket approval of food additives (sections 201(s), 402(a)(2)(C), and 409 (21 U.S.C. 321(s), 342(a)(2)(C), and 348)). ''Food additive'' is defined in section 201(s) of the act as ''any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food,'' unless, among other reasons, such substance is generally recognized as safe (GRAS) by qualified experts or is prior sanctioned for its intended use. Under section 409 of the act as originally established, food additives require premarket approval by FDA and publication of a regulation authorizing their intended use. Subsequently, in 1995, FDA codified a process, the ''threshold of regulation'' process (21 CFR 170.39), by which certain food additives may be exempted from the requirement of a listing regulation if the

substance is expected to migrate to food at only negligible levels (60 FR 36582, July 17, 1995).

More recently, FDAMA amended section 409 of the act to establish a premarket notification (PMN) process as the primary method for authorizing new uses of food additives that are FCS. FDA expects most new uses of FCS that previously would have been regulated by issuance of a listing regulation in response to a food additive petition or would have been exempted from the requirement of a regulation under the threshold of regulation process will be the subject of PMN's.

As part of the agency's process of implementing FDAMA's amendments to section 409 of the act, FDA convened a public meeting on March 12, 1999, to provide interested parties with an opportunity to comment on FDA's current thinking on administration of the PMN process. As a result of the March 12, 1999, public meeting, FDA received comments on the applicability of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.* (1998)) to the notification process for food contact substances. FDA has considered those comments in developing this direct final rule and the companion proposed rule. FDA has filed copies of the transcript of the meeting and the comments received from interested parties with the Dockets Management Branch (address above) (Docket No. 99N–0235). The transcript and comments are available for public review at the Dockets Management Branch.

II. Analysis of the Applicability of NEPA to the Notification Process

As part of implementing the FDAMA amendments on food contact substances, FDA has considered the applicability of NEPA to the PMN process. As discussed in more detail in this section, FDA has concluded that agency activities under section 409(h) of the act are subject to NEPA's procedural requirements. Furthermore, as also discussed in this section, FDA currently expects that most PMN's will be subject to a categorical exclusion. (See 40 CFR 1508.4; 21 CFR 25.30 and 25.32.)

Congress enacted NEPA in 1969 to ensure that Federal Government agencies consider the environmental effects of proposed Federal actions. NEPA's purpose is to ensure that ''the Agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts.'' (*Robertson* v. *Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).) NEPA requires agencies to ''include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on * * * the environmental impact of the proposed action * * *.'' (See 42 U.S.C. 4332(2)(C).) Regulations implementing NEPA define ''major federal action'' as:

> * * * actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (40 CFR 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as Agency action (40 CFR 1508.18).

FDA has concluded that under the NEPA implementing regulations, NEPA applies to FDA's decision not to object to a PMN. Under section 409(h) of the act, if FDA does not object to an FCS notification within 120 days of filing, the notification becomes effective and the substance may legally be marketed for the notified use. As discussed in more detail, under the relevant case law, FDA has concluded that this inaction constitutes final agency action under the Administrative Procedure Act (APA). As a final agency action, FDA's decision not to object is subject to NEPA's procedural requirements.

Under the APA, unless otherwise provided by statute, only ''final Agency action'' is subject to judicial review (5 U.S.C. 704). The Supreme Court recently held that to meet the finality requirement, agency action ''must mark the consummation of the Agency's decision making process—it must not be of a merely tentative or interlocutory nature,'' and ''must be one by which rights or obligations have been determined, or from which legal consequences will flow.'' (*Bennett* v. *Spear*, 520 U.S. 154, 177 (1997).) Both conditions must be satisfied for agency action to be considered ''final.'' *Id.* Inaction under section 409(h) of the act meets both parts of this test. First, the consummation requirement is met because, by operation of law, if FDA does not object, the agency can be considered to have reached its conclusion about the safety of the substance. Second, the determination of rights and obligations requirement is met because, under section 409(h)(2)(A) of the act, the notifier may now market the FCS for the notified use in the United States. This authorization for marketing is a ''direct and appreciable'' legal consequence of the agency's decision not to object. *Id.* at 178.

FDA currently believes that a notification for a food contact substance must contain either an EA or a claim of categorical exclusion. If the environmental component of a notification is missing or deficient under 21 CFR 25.40, the agency will not accept the notification for review. In cases where the agency does not accept a notification based on deficiencies in environmental information, FDA expects to inform the notifier in writing within 30 days of receipt of the submission.

In adopting procedures to implement NEPA, Federal agencies are directed to reduce paperwork (40 CFR 1500.4 and 1500.2(b)) and to reduce delay (40 CFR 1500.5) by using several means, including the use of categorical exclusions. A categorical exclusion is a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an Environmental Impact Statement (EIS) is required (40 CFR 1508.4).

FDA has identified a number of categorical exclusions in its environmental regulations in part 25 (21 CFR part 25), including some specified uses of certain food packaging materials when approval is sought through the food additive petition process or exemption through the threshold of regulation process. For example, when the substance is a component of a coating of a finished food-packaging material or is present in such material at not greater than 5 percent-by-weight, and it is expected to remain with the finished food contact material through use by the consumer, neither an EA nor EIS is required to be submitted (§ 25.32(i)).

This direct final rule amends § 25.20(i) to add allowing a notification submitted under section 409(h) of the act to become effective to the list of those actions that require an EA. In addition this document will expand the existing categorical exclusions in § 25.32(i), (j), (k), (q), and (r) to include allowing a notification submitted under section 409(h) of the act to become effective. Any existing categorical exclusions for food additive petitions or threshold of regulation exemption requests for such food contact materials could logically be extended to cover PMN's for such materials because the effects on the environment of allowing marketing of the substances—regardless of the process of authorization—are comparable in either case. Based on FDA's experience, the agency

anticipates that a majority of PMN's will be subject to a categorical exclusion.

III. Rulemaking Action

In the **Federal Register** of November 21, 1997 (62 FR 62466), FDA described when and how it will employ direct final rulemaking. FDA believes that this rule is appropriate for direct final rulemaking because FDA views this rule as making noncontroversial amendments to an existing regulation, and FDA anticipates no significant adverse comment. Consistent with FDA's procedures on direct final rulemaking, elsewhere in this issue of the **Federal Register**, FDA is publishing a companion proposed rule to amend the existing relevant regulations in part 25. The companion proposed rule is identical to the direct final rule. The companion proposed rule provides a procedural framework within which the rule may be finalized in the event that the direct final rule is withdrawn because of any significant adverse comment. The comment period for the direct final rule runs concurrently with the comment period of the companion proposed rule. Any comments received under the companion proposed rule will be considered as comments regarding the direct final rule.

FDA is providing a comment period on the direct final rule of 75 days after May 11, 2000. If the agency receives any significant adverse comments, FDA intends to withdraw this final rule by publication of a document in the **Federal Register** within 30 days after the comment period ends. A significant adverse comment is a comment that explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without change. In determining whether a significant adverse comment is sufficient to terminate a direct final rulemaking, FDA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. Comments that are frivolous, insubstantial, or outside the scope of the rule will not be considered significant or adverse under this procedure. For example, a comment requesting an amendment of part 25 requirements for food additive petitions will not be considered a significant adverse comment because it is outside the scope of the direct final rule. On the other hand, a comment recommending an additional change to the rule may be considered a significant adverse comment if the comment explains why the rule would be ineffective without the additional change. In addition, if a significant adverse comment applies to an amendment, paragraph, or section of this rule and that provision can be severed from the remainder of the rule, FDA may adopt as final those provisions of the rule that are not the subject of a significant adverse comment.

If FDA withdraws the direct final rule, all comments received will be considered under the companion proposed rule in developing a final rule under the usual notice-and-comment procedures of the APA (5 U.S.C. 552 *et seq.*). If FDA receives no significant adverse comment during the specified comment period, FDA intends to publish a confirmation document in the **Federal Register** within 30 days after the comment period ends. Because the direct final rule grants an exemption from the requirement to file an EA, under 5 U.S.C. 553(d), the rule may be made immediately effective. Therefore, FDA intends to make the direct final rule effective on the date the confirmation document is published in the **Federal Register**.

IV. Analysis of Economic Impacts

A. Benefit-Cost Analysis

FDA has examined the economic implications of this final rule under Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select the regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of $100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered significant if it raises novel legal or policy issues. FDA has determined that this final rule is not a significant regulatory action as defined by Executive Order 12866.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4), requiring cost-benefit and other analyses, in section 1531(a) defines a significant rule as ''a Federal mandate that may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100,000,000 (adjusted annually for inflation) in any 1 year.'' FDA has determined that this final rule does not constitute a significant rule under the Unfunded Mandates Reform Act.

The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121) defines a major rule for the purpose of congressional review as having caused or being likely to cause one or more of the following: An annual effect on the economy of $100 million; a major increase in costs or prices; significant effects on competition, employment, productivity, or innovation; or significant effects on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the Small Business Regulatory Enforcement Fairness Act, FDA has determined that this final rule is not a major rule for the purpose of congressional review.

The final rule allows firms using the new notification process for food contact substances to claim the same categorical exclusions from the requirement of an EA that are currently applicable for food additive petitions and threshold of regulation exemption requests for the same uses. The rule therefore imposes no additional costs on producers or consumers.

B. Small Entity Analysis

FDA has examined the economic implications of this final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic effect on the rule on small entities. The agency certifies that this final rule will not have a significant impact on a substantial number of small entities.

This final rule will permit notifiers under the new notification process for FCS to claim the same categorical exclusions from the requirement of an EA that are currently applicable for food additive petitions and threshold of regulation exemption requests for the same uses. The final rule will not result in any additional costs to any firm. Therefore, this final rule will not have a significant impact on a substantial number of small entities.

V. Paperwork Reduction Act of 1995

This direct 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.

VI. 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.

VII. Comments

Interested persons may, on or before July 25, 2000, submit to the Dockets Management Branch (address above) written comments regarding this direct final rule. This comment period runs concurrently with the comment period for the companion proposed rule. Two copies of any comment are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. All comments received will be considered comments regarding the proposed rule and this direct final rule. In the event the direct final rule is withdrawn, all comments received regarding the companion proposed rule and the direct final rule will be considered comments on the proposed rule.

VIII. Report to Congress

For purposes of congressional review requirements under 5 U.S.C. 801–808, the report to Congress for this direct final rule will be issued when FDA confirms the effective date of this rule. Thus, no report is due at this time. If, however, a significant adverse comment is received, the agency will withdraw this direct final rule and no report will be issued to Congress.

List of Subjects in 21 CFR Part 25

Environmental impact statements, Foreign relations, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 25 is amended as follows:

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

1. The authority citation for 21 CFR part 25 continues to read as follows:

Authority: 21 U.S.C. 321–393; 42 U.S.C. 262, 263b–264; 42 U.S.C. 4321, 4332; 40 CFR parts 1500–1508; E.O. 11514, 35 FR 4247, 3 CFR, 1971 Comp., p. 531–533 as amended by E.O. 11991, 42 FR 26967, 3 CFR, 1978 Comp., p. 123–124 and E.O. 12114, 44 FR 1957, 3 CFR, 1980 Comp., p. 356–360.

2. Section 25.20 is amended by revising paragraph (i) to read as follows:

§ 25.20 Actions requiring preparation of an environmental assessment.

* * * * *

(i) Approval of food additive petitions and color additive petitions, approval of requests for exemptions for investigational use of food additives, the granting of requests for exemption from regulation as a food additive under § 170.39 of this chapter, and allowing notifications submitted under 21 U.S.C. 348(h) to become effective, unless categorically excluded in § 25.32(b), (c), (i), (j), (k), (l), (o), (q), or (r).

* * * * *

3. Section 25.32 is amended by revising paragraphs (i), (j), (k), (q), and (r) to read as follows:

§ 25.32 Foods, food additives, and color additives.

* * * * *

(i) Approval of a food additive petition or GRAS affirmation petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, when the substance is present in finished food-packaging material at not greater than 5 percent-by-weight and is expected to remain with finished food-packaging material through use by consumers or when the substance is a component of a coating of a finished food-packaging material.

(j) Approval of a food additive petition or GRAS affirmation petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, when the substance is to be used as a component of a food-contact surface of permanent or semipermanent equipment or of another food-contact article intended for repeated use.

(k) Approval of a food additive petition, color additive petition, or GRAS affirmation petition, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, for substances added directly to food that are intended to remain in food through ingestion by consumers and that are not intended to replace macronutrients in food.

* * * * *

(q) Approval of a food additive petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective for a substance registered by the Environmental Protection Agency under FIFRA for the same use requested in the petition, request for exemption, or notification.

(r) Approval of a food additive petition, color additive, GRAS affirmation petition, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective for a substance that occurs naturally in the environment, when the action does not alter significantly the concentration or distribution of the substance, its metabolites, or degradation products in the environment.

Dated: January 24, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–11749 Filed 5–10–00; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 154–0236; FRL–6587–1]

Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of revisions to the Mojave Desert Air Quality Management District portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on March 2, 2000 and concerns oxide of nitrogen (NO_x) emissions from cement kilns. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action simultaneously approves local rules that regulate these emission sources and directs California to correct rule deficiencies.

EFFECTIVE DATE: This rule is effective on June 12, 2000.

ADDRESSES: You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies of the submitted rule revisions at the following locations:

Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule

Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.
Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392–2383

FOR FURTHER INFORMATION CONTACT: Max Fantillo, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1183.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On March 2, 2000 (42 FR 11275), EPA proposed a limited approval and limited disapproval of the following rule that was submitted for incorporation into the California SIP.

Local agency	Rule #	Rule title	Adopted	Submitted
MDAQMD	1161	Portland Cement Kilns	06/28/95	06/29/95

We proposed a limited approval because we determined that this rule improves the SIP and is largely consistent with the relevant CAA requirements. We simultaneously proposed a limited disapproval because some rule provisions conflict with section 110 and part D of the Act. These provisions include the following:

1. Alternative Compliance Strategy in Section (D).
2. Exemption during start-up and shutdown in Section (G)(1)(a).
3. Referencing a rule not approved in State Implementation Plan in Section (G)(1)(c).

Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in sections 110(k)(3) and 301(a) of the Act, EPA is finalizing a limited approval of the submitted rule. This action incorporates the submitted rule into the California SIP, including those provisions identified as deficient. As authorized under section 110(k)(3), EPA is simultaneously finalizing a limited disapproval of the rule. As a result, sanctions will be imposed unless EPA approves subsequent SIP revisions that correct the rule deficiencies within 18 months of the effective date of this action. These sanctions will be imposed under section 179 of the Act as described in 59 FR 39832 (August 4, 1994). In addition, EPA must promulgate a federal implementation plan (FIP) under section 110(c) unless we approve subsequent SIP revisions that correct the rule deficiencies within 24 months. Note that the submitted rule has been adopted by the MDAQMD, and EPA's final limited disapproval does not prevent the local agency from enforcing it.

IV. 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 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.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 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.

D. Executive Order 13132

Executive Order 13121, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 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 rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order 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.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 10, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, volatile organic compounds.

Dated: April 16, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(274) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(274) New and amended regulations for the following APCD were submitted on June 29, 1995, by the Governor's designee.

(i) Incorporation by reference.

(A) Mojave Desert Air Quality Management District.

(*1*) Rule 1161, adopted on June 28, 1995.

* * * * *

[FR Doc. 00–11674 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–53–200019(a); FRL–6605–8]

Approval and Promulgation of Implementation Plans—Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Alabama State Implementation Plan (SIP) that contains the transportation conformity rule pursuant to sections 110(k) and 176 of the Clean Air Act as amended in 1990 (Act). The transportation conformity rule assures that projected emissions from transportation plans and projects in air quality nonattainment or maintenance areas stay within the motor vehicle emissions ceiling contained in the SIP. The transportation conformity SIP revision enables the State to implement and enforce the Federal transportation conformity requirements at the State level per regulations on Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. This EPA approval action streamlines the conformity process and allows direct consultation among agencies at the local level. This final approval action is limited to certain regulations on Transportation Conformity. Rationale for approving this SIP revision is provided in the **SUPPLEMENTARY INFORMATION** Section of this action.

DATES: This direct final rule is effective on July 10, 2000, without further notice, unless EPA receives adverse comment by June 12, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: All comments should be addressed to Kelly Sheckler at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, Ariel Rios Building, N.W., Washington, DC 20460.

Environmental Protection Agency, Atlanta Federal Center, Region 4 Air Planning Branch, 61 Forsyth Street S.W., Atlanta, Georgia 30303–3104. Attn: Kelly Sheckler, (404) 562–9042.

Alabama Department of Environmental Management, Post Office Box 301463, 1400 Coliseum Boulevard, Montgomery, Alabama 36130–1463.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, at 404/562–9042, E-mail: Sheckler.Kelly@epa.gov.

SUPPLEMENTARY INFORMATION: Outlined below are the contents of this document:

I. Background
A. What is a SIP?
B. What is the Federal approval process for a SIP?
C. What is transportation conformity?
D. Why must the State submit a transportation conformity SIP?
E. How does transportation conformity work?
II. Approval of the State Transportation Conformity Rule
A. What did the State submit?
B. What is EPA approving today and why?
C. How did the State satisfy the interagency consultation process (40 CFR 93.105)?
D. How does the State's submittal address the United States Court of Appeals for the District of Columbia Circuit ruling overturning the grace period for new nonattainment areas (40 CFR 93.102(d)) in the Sierra Club v. Environmental Protection Agency lawsuit?
E. What other parts of the rule are excluded?
III. Opportunity for Public Comments
IV. Administrative Requirements

I. Background

A. What Is a SIP?

The states, under section 110 of the Act, must develop air pollution regulations and control strategies to ensure that state air quality meets the National Ambient Air Quality Standards (NAAQS) established by EPA. The Act, under section 109, established these NAAQS which currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must send these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP, which protects air quality and contains emission control plans for NAAQS nonattainment areas. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

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

The states must formally adopt the regulations and control strategies consistent with state and Federal laws for incorporating the state regulations into the Federally enforceable SIP. This process generally includes a public notice, public comment period, public hearing, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state will send these provisions to EPA for inclusion in the Federally enforceable SIP. EPA must then determine the appropriate Federal action, provide public notice, and request additional public comment on the action. The possible Federal actions include: approval, disapproval, conditional approval and limited approval/disapproval. If adverse comments are received, EPA must consider and address the comments before taking final action.

EPA incorporates state regulations and supporting information (sent under section 110 of the Act) into the Federally approved SIP through the approval action. EPA maintains records of all such SIP actions in the CFR at Title 40, Part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The EPA does not reproduce the text of the Federally approved state regulations in the CFR. They are ''incorporated by reference,'' which means that the specific state regulation is cited in the CFR and is considered a part of the CFR the same as if the text were fully printed in the CFR.

C. What Is Transportation Conformity?

Conformity first appeared as a requirement in the Act's 1977 amendments (Pub. L. 95–95). Although the Act did not define conformity, it stated that no Federal department could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP which has been approved or promulgated.

The 1990 Amendments to the Act expanded the scope and content of the conformity concept by defining conformity to a SIP. Section 176(c) of the Act defines conformity as conformity to the SIP's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of

such standards. Also, the Act states that no Federal activity will: (1) Cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. The requirements of section 176(c) of the Clean Air Act apply to all departments, agencies and instrumentalities of the Federal government. Transportation conformity refers only to the conformity of transportation plans, programs and projects that are funded or approved under title 23 U.S.C. of the Federal Transit Act.

D. Why Must the State Submit a Transportation Conformity SIP?

A transportation conformity SIP is a plan which contains criteria and procedures for the Department of Transportation (DOT), Metropolitan Planning Organizations (MPOs), and other state or local agencies to assess the conformity of transportation plans, programs and projects to ensure that they do not cause or contribute to new violations of a NAAQS in the area substantially affected by the project, increase the frequency or severity of existing violations of a standard in such area or delay timely attainment. 40 CFR Part 51.390, subpart T requires states to submit a SIP that establishes criteria for conformity to EPA. 40 CFR Part 93, subpart A, provides the criteria the SIP must meet to satisfy 40 CFR Part 51.390.

EPA was required to issue criteria and procedures for determining conformity of transportation plans, programs, and projects to a SIP by section 176(c) of the Act. The Act also required the procedure to include a requirement that each state submit a revision to its SIP including conformity criteria and procedures. EPA published the first transportation conformity rule in the November 24, 1993, **Federal Register** (FR), and it was codified at 40 CFR Part 51, subpart T and 40 CFR Part 93, subpart A. EPA required the states to adopt and submit a transportation conformity SIP revision to the appropriate EPA Regional Office by November 25, 1994. The State of Alabama submitted a transportation conformity SIP to the EPA Region 4 on November 15, 1994. EPA did not take action on this SIP because the Agency was in the process of revising the transportation conformity requirements. EPA revised the transportation conformity rule on August 7, 1995 (60 FR 40098), November 14, 1995 (60 FR 57179), and August 15, 1997 (62 FR 43780), and codified the revisions under 40 CFR Part 51, subpart T and 40 CFR Part 93, subpart A—Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws (62 FR 43780). EPA's action of August 15, 1997, required the states to change their rules and submit a SIP revision to EPA by August 15, 1998. States may choose to develop in place of regulations, a memorandum of agreement (MOA) which establishes the roles and procedures for transportation conformity. The MOA includes the detailed consultation procedures developed for that particular area. The MOA's are enforceable through the signature of all the transportation and air quality agencies, including the Federal Highway Administration, Federal Transit Administration and the Environmental Protection Agency.

E. How Does Transportation Conformity Work?

The Federal or state transportation conformity rule applies to all NAAQS nonattainment and maintenance areas in the state. The Metropolitan Planning Organizations (MPO), the State Department of Transportation (DOT) (in absence of a MPO), and U.S. Department of Transportation (USDOT) make conformity determinations. These agencies make conformity determinations on programs and plans such as transportation improvement programs (TIP), transportation plans, and projects. The MPOs calculate the projected emissions that will result from implementation of the transportation plans and programs and compare those calculated emissions to the motor vehicle emissions ceiling established in the SIP. The calculated emissions must be smaller than the Federally approved motor vehicle emissions ceiling in order for USDOT to make a positive conformity determination with respect to the SIP.

II. Approval of the State Transportation Conformity Rule

A. What Did the State Submit?

The State of Alabama chose to address the transportation conformity SIP requirement through the development of an MOA. On April 3, 2000, the State of Alabama, through the Department of Environmental Management (ADEM), submitted the State's transportation conformity and consultation interagency MOA to EPA as a revision to the SIP. The Alabama Administrative Code Chapter 335–3–17 Conformity of Federal Actions to State Implementation Plans and Code of Alabama 1975, sections 22–28–14, 22–22A–5, 22–22A–6, 22–22A–8, and 41–22–9 effective April 27, 1995 and amended November 21, 1996 and March 27, 1998 adopted by the Alabama General Assembly in 1992, contains the necessary authority for the revision to the SIP. ADEM held a public hearing on December 21, 1999 and no comments from the general public were received. The MOA was developed with appropriate interagency consultation.

B. What Is EPA Approving Today and Why?

EPA is approving the Alabama transportation conformity MOA that establishes procedures for interagency consultation and adoption of Chapter 335–3–17 as amended by the state on March 27, 1998, that incorporates by reference the Environmental Protection Agency regulations in 40 CFR 93 Subpart A (July 1, 1997), and 62 FR 43780 [08/15/97; amendments] Transportation Conformity and Subpart B General Conformity, that the Director of the ADEM submitted to the Region 4 office of the EPA on April 3, 2000, except for the following sections for incorporation by reference: 40 CFR Parts 93.102(c), 93.104(d), 93.109(c)–(f), 93.118(e), 93.120(a)(2), 93.121(a)(1), and 93.124(b). The rationale for exclusion of these sections is discussed in Section II.E of this action. The ADEM Transportation Conformity MOA only contains the detailed interagency consultation procedure as required by 93.105.

EPA has evaluated this SIP revision and has determined that the State has met the requirements of Federal transportation conformity rule as described in 40 CFR Part 51, subpart T and 40 CFR Part 93, subpart A. The ADEM has satisfied the public participation and comprehensive interagency consultation requirement during development and adoption of the MOA at the local level. Therefore, EPA is approving the MOA as a revision to the Alabama SIP and Chapter 335–3–17–.01 and .02 Conformity of Federal Actions to State Implementation Plans.

C. How Did the State Satisfy the Interagency Consultation Process (40 CFR 93.105)?

EPA's rule requires the states to develop their own processes and procedures for interagency consultation among the Federal, state, and local agencies and resolution of conflicts meeting the criteria in 40 CFR 93.105. The SIP revision must include processes and procedures to be followed by the MPO, state DOT, and USDOT in

consulting with the state and local air quality agencies and EPA before making conformity determinations. The transportation conformity SIP revision must also include processes and procedures for the state and local air quality agencies and EPA to coordinate the development of applicable SIPs with MPOs, state DOTs, and USDOT.

The State of Alabama developed its consultation rule based on the elements contained in 40 CFR 93.105, and included it in the MOA, Exhibit 1. As a first step, the State worked with the existing transportation planning organization's interagency committee that included representatives from the State air quality agency, State Department of Transportation, the Birmingham Regional Planning Commission (BRPC), Birmingham Metropolitan Planning Organization (MPO), Federal Highway Administration—Alabama Division, Federal Transit Administration, Jefferson County Department of Health (JCDH), Jefferson County Transit Authority (B–JCTA), and EPA. The interagency committee met regularly and drafted the consultation rules considering elements in 40 CFR Part 93.105 and 23 CFR Part 450, and integrated the local procedures and processes into the consultation MOA. The consultation process developed in this MOA is unique to the State of Alabama. The MOA is enforceable against the parties by their consent in the MOA to allow the Attorney General for the State of Alabama to sue any or all of the agencies for specific performance or other relief on behalf of the citizens of Alabama in *paren. patrial.* We have determined that the State adequately included all elements of 40 CFR Part 93.105 and that the MOA meets the EPA SIP requirements.

D. How the State's Submittal Addresses the United States Court of Appeals for the District of Columbia Circuit Ruling Overturning the Grace Period for New Nonattainment Areas (40 CFR 93.102(d)) in Sierra Club v. Environmental Protection Agency Lawsuit?

The Sierra Club challenged this section of the second set of amendments to the transportation conformity rule arguing that allowing a 120 day grace period was unlawful under the Act. On November 4, 1997, the United States Court of Appeals for the District of Columbia Circuit held in Sierra Club v. Environmental Protection Agency, No. 96–1007, determined that EPA's grace period violates the plain terms of the Act and, therefore, is unlawful. Based on this court action, the State has excluded this section from its rule. EPA agrees with the State's action as it is consistent with the United States Court of Appeals for the District of Columbia Circuit ruling. Further, the exclusion of 40 CFR 93.102(d) will not prevent EPA from approving the State transportation conformity SIP.

E. What Other Parts of the Rule Are Excluded?

EPA promulgated the third set amendments to the transportation conformity rule on August 15, 1997. On March 2, 1999, the United States Court of Appeals for the District of Columbia Circuit issued its opinion in Environmental Defense Fund v. Environmental Protection Agency, No. 97–1637. The Court granted the environmental group's petition for review and ruled that sections 40 CFR 93.102(c)(1), 93.121(a)(1), and 93.124(b) are unlawful and remanded 40 CFR 93.118(e) and 93.120(a)(2) to EPA for revision to harmonize these provisions with the requirements of the Act for an affirmative determination that Federal actions will not cause or increase violations or delay attainment. The sections of the rule that were impacted by this decision were:

(a) 40 CFR 93.102(c)(1) which allowed certain projects for which the National Environmental Policy Act (NEPA) process has been completed by the DOT to proceed toward implementation without further conformity determinations during a conformity ''lapse''. A lapse is a situation in which the conformity determination for the transportation plan or TIP has expired, and there is no currently conforming transportation plan and TIP. As such, there are restrictions on proceeding with federally funded and regionally significant projects.

(b) 40 CFR 93.118(e) which allowed use of motor vehicle emissions budgets (budgets) in the submitted SIPs after 45 days if EPA had not declared them inadequate;

(c) 40 CFR 93.120(a)(2) which allowed use of the budgets in a disapproved SIP for 120 days after disapproval;

(d) 40 CFR 93.121(a)(1) which allowed the nonfederally funded, regionally significant projects to proceed if included in the first three years of the most recent conforming transportation plan and transportation improvement program, even if conformity status is currently lapsed; and

(e) 40 CFR 93.124(b) which allowed areas to use a submitted SIP that allocated portions of a safety margin to transportation activities for conformity purposes before EPA approval.

States were required to submit transportation conformity SIPs to satisfy the requirements for the third set of amendments to the transportation conformity rule by August 15, 1998. Many of these SIP submittals, developed prior to the March 2, 1999 Court ruling, included provisions from the transportation conformity rule verbatim. As such, the State of Alabama's SIP revision included sections which the Court ruled unlawful or remanded for consistency with the Act. Therefore, in accordance with the Court's ruling, EPA can not approve the request to incorporate by reference those portions of the Transportation conformity rule affected by the March 2, 1999 Court ruling. All other portions of the rule are incorporated by reference are approved by this.

The State of Alabama submitted additional information which has complied with the EPA requirements for a transportation conformity SIP and has adopted the Federal rules in an MOA which were in effect at the time that the transportation conformity SIP was due to the EPA. If the Court had issued its ruling before adoption and SIP submittal by the ADEM, EPA believes the ADEM would have removed these sections from its rule which incorporates 40 CFR Part 93, subparts A and B. The ADEM has expended its resources and time to prepare this SIP and meet the statutory deadline, and EPA acknowledges the agency's good faith effort in submitting the transportation conformity SIP in a timely manner.

The ADEM will be required to submit a SIP revision in the future when EPA revises its rule to comply with the Court decision. Because the Court decision has invalidated the aforementioned affected provisions, EPA believes that it is reasonable to exclude the corresponding sections of the State rules from this SIP approval action. As a result, EPA is not taking any SIP action on the following Sections of the Alabama Chapter 335–3–17 to incorporate by reference 40 CFR 93, Subpart A and B: sections 93.102(c), 93.104(d), 93.109(c)–(f), 93.118(e), 93.120(a)(2), 93.121(a)(1), and 93.124(b). The conformity determinations affected by these sections should comply with the relevant requirements of the statutory provisions of the Act underlying the Court's decision on these issues. EPA will be issuing guidance on how to implement these provisions in the interim prior to EPA's amendment of the Federal transportation conformity rule. Once this Federal rule has been revised, conformity determinations in Alabama should comply with the

requirements of the revised Federal rule until corresponding provisions of the Alabama conformity SIP have been approved by EPA.

III. Opportunity for Public Comments

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve this SIP revision if adverse comments are filed. This rule will be effective on July 10, 2000, without further notice unless EPA receives adverse comment by June 12, 2000. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Administrative Requirements

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

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

The Congressional Review Act, 5 U.S.C. section 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 action is not a ''major rule'' as defined by 5 U.S.C. section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 10, 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, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: April 28, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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

PART 52—[AMENDED]

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

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

Subpart—Alabama

2. Section 52.50 is amended by adding a new entry at the end of the table in paragraph (c) to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) EPA approved Alabama regulatory provisions.

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA

State citation	Title subject	Adoption date	EPA approval date	Federal Register notice
*	*	*	*	*
Chapter No. 335–3–17, Section 335–3–1–.01.	Transportation Conformity	March 27, 1998	May 11, 2000	65 FR 30361

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA—Continued

State citation	Title subject	Adoption date	EPA approval date	Federal Register notice
Chapter No. 335–3–17, Section 335–3–1–.02.	General Conformity	March 27, 1998	May 11, 2000	65 FR 30362
*	*	*	*	*

3. Section 52.50 is amended by adding a new entry at the end of the table in paragraph (e) to read as follows:

§ 52.50 Identification of plan.

* * * * *

(e) EPA-approved Alabama non-regulatory provisions.

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	FEDERAL REGISTER notice	Explanation
*	*	*	*	*
Alabama Interagency Transportation Conformity Memorandum of Agreement.	January 20, 2000	May 11, 2000	65 FR 30362.	

[FR Doc. 00–11813 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 991112303–0069–02; I.D. 100499A]

RIN 0648–AM01

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications for Gulf Group King and Spanish Mackerel

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

ACTION: Final rule.

SUMMARY: In accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS implements increases in the total allowable catch (TAC) and the bag limit for Gulf group Spanish mackerel and establishes a new fishing season for the Gulf group king mackerel gillnet fishery. The intended effects of this rule are to enhance the economic and social benefits from the Gulf group king and Spanish mackerel fisheries while maintaining healthy stocks.

DATES: This final rule is effective June 12, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Steve Branstetter, telephone: 727–570–5305, fax: 727–570–5583, e-mail: Steve.Branstetter@noaa.gov.

SUPPLEMENTARY INFORMATION: The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils and was approved by NMFS and implemented by regulations at 50 CFR part 622.

In accordance with the framework procedures of the FMP, the Gulf of Mexico Fishery Management Council (Council) recommended, and NMFS published, a proposed rule (64 FR 71388, December 21, 1999) to implement increases in the total allowable catch (TAC) and the bag limit for Gulf group Spanish mackerel and a new fishing season for the Gulf group king mackerel gillnet fishery. The proposed rule described the need and rationale for these measures, which are not repeated here.

Comments and Responses

Three individuals submitted comments; several of the points raised by the commenters were the same. The relevant points and NMFS' responses are presented here:

Comment 1: Two commenters opposed the delay in the opening date of the gillnet season from November 1 to the Tuesday after the Martin Luther King, Jr., holiday in January. One commenter believed that this action would shorten the season substantially and create an economic hardship on the fishery. The commenter suggested that a viable alternative would be to retain the November 1 opening date and close all weekends and holidays. The second commenter believed that altering the opening date for the gillnet fishery was discriminatory against the hook-and-line fishery and that the action was being taken without any evaluations of the sociological impacts on other commercial and charter king mackerel fishermen.

Response: NMFS can only approve, partially approve, or disapprove actions submitted by the Councils and cannot substitute alternative actions for those submitted by the Councils. Therefore, NMFS did not consider retaining the opening date of November 1 for the gillnet fishery, with all weekends and holidays closed. Nevertheless, the intent of the change in the fishing season is to avoid quota overruns due to the 3-day holiday. The change in the opening date of the gillnet season should have little overall impact on the fishery regarding its ability to meet the gillnet quota. The fishery normally does not begin to harvest fish until after January 1 and has the capacity to meet its quota in a week's time. Since 1995, all landings occurred in January or early February, except in 1998 when some landings were recorded in November and December. During this timeframe, the fishery has met its quota in 7 to 31 days.

Delaying the opening date for the gillnet sector of the fishery should not impact the other fishing sectors. The gillnet fishery has a dedicated quota that historically has been harvested during the month of January and February, with as much as 50 to 100 percent of

that quota being harvested within only 3 to 4 days. Fishing effort is unlikely to be concentrated into a shorter timeframe under the new opening date than has been demonstrated in the past, nor would this impinge on the ability of other sectors to harvest king mackerel under their allocations or quotas. On the other hand, delaying the opening date and closing weekends to fishing should enhance NMFS' ability to close the fishery when the quota is reached without allowing overruns to occur during time periods when a closure notice cannot be published in the **Federal Register**.

Comment 2: One commenter requested NMFS to reconsider its decision to continue the zero-fish bag limit for Gulf group king mackerel for the captains and crews of for-hire vessels. The commenter stated that there was no evidence to substantiate that a two-fish captain and crew bag limit contributed to overruns of the recreational allocation. The commenter pointed out that, during the 1997/1998 fishing year, the recreational allocation was exceeded by only 3 percent; in 1998/1999, the recreational allocation was not met; and based on preliminary information available from the Marine Recreational Fishing Statistics Survey (MRFSS) for king mackerel catches in the Gulf of Mexico, it appeared that the recreational allocation would not be met for the 1999/2000 fishing year.

Response: In establishing a zero-fish bag limit for captains and crews of for-hire vessels (64 FR 45457, August 20, 1999) NMFS stated that the catch attributable to this segment of the fishery contributed to overruns of the recreational allocation, led to bag limit enforcement problems, and adversely impacted fishing mortality estimates when those recreationally caught fish were subsequently sold and then counted against the commercial quota. NMFS considered the Council's proposed measure for a two-fish bag limit for captains and crew to be contrary to the goals and objectives of the FMP and the requirements of the Magnuson-Stevens Act to maintain and rebuild overfished stocks. Therefore, NMFS disapproved the measure and did not propose a rule to reinstate a two-fish bag limit for captains and crew. Further rationale for this decision is contained in the proposed rule (64 FR 71388, December 21, 1999).

NMFS acknowledges that, during the 1997/1998 and 1998/1999 fishing years, the recreational catch was either under or only slightly over the allocation. Nevertheless, since 1986, recreational catch has exceeded the allocation by an average of 37 percent, and the charterboat fishery accounts for more than half of the total recreational landings of Gulf group king mackerel. NMFS estimates that a 10- to 12-percent reduction in recreational catch of Gulf group king mackerel could be achieved from the zero-fish bag limit for the captains and crews of for-hire vessels.

Catches of Gulf group king mackerel cannot be directly calculated solely from MRFSS data for the Gulf of Mexico. During the period November 1 through March 31, Gulf group king mackerel is considered to extend northward along the Atlantic coast of Florida to the Flagler/Volusia County line. Large numbers of king mackerel are caught on the Atlantic coast during this time. Thus, any estimates of recreational catch based solely on Gulf of Mexico surveys will underestimate the total catch for Gulf group king mackerel.

Classification

This final rule has been determined to be significant for purposes of E.O. 12866.

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: May 5, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

1. The authority citation for part 622 continues to read as follows:

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

2. In § 622.34, paragraph (p) is added to read as follows:

§ 622.34 Gulf EEZ seasonal and/or area closures.

* * * * *

(p) *Closures of the Gulf group king mackerel gillnet fishery.* The gillnet fishery for Gulf group king mackerel in or from the Gulf EEZ is closed each fishing year from July 1 until 6:00 a.m. on the day after the Martin Luther King Jr. Federal holiday. The gillnet fishery also is closed during all subsequent weekends and observed Federal holidays, except for the first weekend following the Martin Luther King Jr. holiday which will remain open to the gillnet fishery provided a notification of closure of that fishery has not been filed under § 622.43(a). Weekend closures are effective from 6:00 a.m. Saturday to 6:00 a.m. Monday. Holiday closures are effective from 6:00 a.m. on the observed Federal holiday to 6:00 a.m. the following day. All times are eastern standard time. During these closures, a person aboard a vessel using or possessing a gillnet with a stretched-mesh size of 4.75 inches (12.1 cm) or larger in the southern Florida west coast subzone may not fish for or possess Gulf group king mackerel.

3. In § 622.39, paragraph (c)(1)(iv) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(iv) Gulf migratory group Spanish mackerel—15.

* * * * *

4. In § 622.42, paragraph (c)(2)(i) is revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(2) * * *

(i) *Gulf migratory group.* The quota for the Gulf migratory group of Spanish mackerel is 5.187 million lb (2.353 million kg).

* * * * *

5. In § 622.44, paragraph (a)(2)(ii)(A)(*1*) is revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(2) * * *

(ii) * * *

(A) * * *

(*1*) In the southern Florida west coast subzone, king mackerel in or from the EEZ may be possessed on board or landed from a vessel for which a commercial permit with a gillnet endorsement has been issued, as required under § 622.4(a)(2)(ii), in amounts not exceeding 25,000 lb (11,340 kg) per day, provided the gillnet fishery for Gulf group king mackerel is not closed under § 622.34(p) or § 622.43(a).

* * * * *

[FR Doc. 00–11876 Filed 5–10–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 92
Thursday, May 11, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00–003–1]

Mexican Hass Avocado Import Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Request for comments.

SUMMARY: The Government of Mexico has requested that the Animal and Plant Health Inspection Service consider amending its regulations regarding the importation of Hass avocado fruit from Mexico to expand the number of States in which the fruit may be distributed and to increase the length of the shipping season during which Hass avocados may be imported into the United States. In this notice, we are asking the public for its comments and recommendations regarding the scope of our review and are soliciting any additional data or information that may have a bearing on our review of the Mexican Government's request. We will use any information gathered through this notice as we consider the Mexican Government's request that we expand the length of the shipping season during which, and the number of approved States into which, Mexican Hass avocados may be imported into the United States.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 9, 2000.

ADDRESSES: Please send your comment and three copies to:

Docket No. 00–003–1, 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. 00–003–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Wayne D. Burnett, Senior Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart Fruits and Vegetables'' (7 CFR 319.56 through 319.56–8) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests, including fruit flies, that are new to or not widely distributed within the United States.

Under the regulations in 7 CFR 319.56–2ff, fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, may be imported into specified areas of the United States, subject to certain conditions. Currently, those regulations allow Mexican Hass avocados to be imported into the United States only during the months of November, December, January, and February. Further, the fruit may only be distributed in the following northeastern States: Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

The Government of Mexico has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations regarding the importation of Mexican Hass avocados to (1) increase the number of States into which the avocados may be imported and (2) to allow the shipping season to begin 1 month earlier (October rather than November) and end 1 month later (March rather than February).

With regard to increasing the number of approved States, Mexico has asked that we consider allowing Hass avocados to be imported into additional northern-tier States that, like the currently approved northeastern States, do not contain host material for any of the avocado-specific pests of concern identified in the regulations and that have climatic conditions that do not support the establishment of fruit flies. The Mexican Government has not yet identified the specific States that it believes might meet those criteria, and we anticipate that Mexico would seek additional information from APHIS before making such a specific request.

Studies conducted by the U.S. Department of Agriculture's Agricultural Research Service have shown that the Mexican fruit fly is less active and oviposits less at temperatures below 70 °F. Median temperatures in the Michoacan production areas during the current shipping season of November through February are consistently below 70 °F, thus the climate is not favorable to fruit fly activity during those months. In establishing the current November through February shipping season, we considered the unfavorable climate in the Michoacan production areas along with the Hass avocado's non-preferred host status and concluded that the infestation threat posed to the avocados by *Anastrepha* spp. fruit flies would be insignificant. In requesting the lengthened shipping season, the Mexican Government has stated that the median temperatures in the Michoacan production areas during October and March are consistently below 70 °F, just as is the case during the current November through February shipping season. Preliminary temperature data provided by Mexico covering the years 1990 through 1999 indicate that only once during that period did the median temperature rise above 70 °F during October or March (72.3 °F, recorded at the Comision Nacional del Agua climate monitoring station in the municipality of Periban, Michoacan, in March 1992).

In our review of the Mexican Government's request, we anticipate

that we will consider information such as the pest risk assessment and risk management analysis prepared for the rulemaking that established the current program; fruit fly trapping data and pest survey data from the growing area; fruit cutting data from both the packinghouses in Mexico and the U.S. port-of-entry inspections; temperature data for the production areas in Mexico, the currently approved States, and any States that might be added; and the results of APHIS' most recent comprehensive review of the Mexican Hass avocado program. Copies of this information may be obtained by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT.**

We are asking the public for its comments and recommendations regarding the scope of our review and are soliciting any additional data or information that may have a bearing on our review of the Mexican Government's request. We wish to emphasize the preliminary nature of our review; we are not, at this time, proposing to make any changes to the provisions of the current Mexican avocado import program found in § 319.56–2ff. We would, therefore, ask that any comments focus on the scientific, technical, or other issues that commenters believe should be considered during our review of the Mexican Government's request.

If, after completing our review of the available data and any pertinent information submitted by the public, we conclude that there are sufficient data available to support Mexico's request, APHIS will prepare a proposed rule for public comment before making any final decision to approve additional States to receive Mexican Hass avocados or to expand the shipping season to include the months of October and March.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a.

Done in Washington, DC, this 8th day of May 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11835 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–34–P

RAILROAD RETIREMENT BOARD

20 CFR Part 217

RIN 3220–AB45

Application for Annuity or Lump Sum

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board hereby proposes to amend its regulations to enable a divorced spouse who remarries the employee within six months of the divorce to use the spouse application to qualify for a divorced spouse annuity for the period prior to the remarriage. This amendment will eliminate the necessity for the spouse to file a separate application for a short period of benefits.

DATES: Comments must be received on or before July 10, 2000.

ADDRESSES: Comments may be addressed to the Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, General Attorney, Railroad Retirement Board, telephone (312) 751–4929, TTD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 217.8 of the Board's regulations describes situations where the Board will accept an application filed for one type of annuity as an application for another type of annuity. An application may be effective for the period six months prior to the date of filing. This amendment will add a provision to enable a divorced spouse who remarries the employee within six months of the divorce to use the spouse application to qualify for a divorced spouse annuity for the period after the divorce and prior to the remarriage. In such cases the requirement that a claimant be married to the employee for a period of one year prior to application for a spouse annuity, as required by § 216.54 of this part, is waived.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 217

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend chapter II of title 20 of the Code of Federal Regulations as follows:

PART 217—APPLICATION FOR ANNUITY OR LUMP SUM

1. The authority citation for part 217 continues to read as follows:

Authority: 45 U.S.C. 231d and 45 U.S.C. 231f.

2. In subpart B, § 217.8, redesignate paragraphs (m) through (u) as (n) through (v), and add a new paragraph (m) to read as follows:

§ 217.8 When one application satisfies the filing requirement for other benefits.

* * * * *

(m) A divorced spouse annuity if the spouse claimant has remarried the employee during the six-month retroactive period of the spouse annuity application.

* * * * *

Dated: May 4, 2000.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–11855 Filed 5–10–00; 8:45 am]

BILLING CODE 7905–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 25

[Docket No. 00N–0085]

National Environmental Policy Act; Food Contact Substance Notification System; Companion to Direct Final Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations on environmental impact considerations as part of the agency's implementation of the FDA Modernization Act (FDAMA) of 1997. FDAMA amended the Federal Food, Drug, and Cosmetic Act (the act) to establish a notification process for food contact substances (FCS); this process will be the primary method for authorizing new uses of food additives that are FCS, and it will largely replace the existing food additive petition process for such substances. The regulations will expand the existing categorical exclusions to include allowing a notification submitted under the act to become effective and will amend the list of those actions that require an environmental assessment (EA) to add allowing a notification under the act to become effective in cases where a categorical exclusion doesn't apply. This will allow notifiers of FCS to claim the categorical exclusions now available to sponsors of other requests for authorization of FCS. This proposed rule is a companion document to the direct final rule

published elsewhere in this issue of the **Federal Register**.

DATES: Submit written comments on this proposed rule by July 25, 2000. If FDA receives no significant adverse comment on the provisions of these regulations within the specified comment period, the agency intends to publish a document confirming the effective date of the final rule in the **Federal Register** within 30 days after the comment period in the direct final rule ends. The direct final rule will be effective August 24, 2000.

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

FOR FURTHER INFORMATION CONTACT: Mitchell A. Cheeseman, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3083.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Rulemaking

This proposed rule is a companion to the direct final rule published in the final rules section of this issue of the **Federal Register**. The direct final rule and this companion proposed rule are substantively identical. FDA is publishing the direct final rule because the rule contains noncontroversial changes, and FDA anticipates that it will receive no significant adverse comments. If no significant adverse comment is received in response to the direct final rule, no further action will be taken related to this proposed rule. Instead, FDA will publish a confirmation document within 30 days after the comment period ends confirming that the direct final rule will go into effect on August 24, 2000. Additional information about FDA's direct final rulemaking procedures is set forth in a guidance published in the **Federal Register** of November 21, 1997 (62 FR 62466).

The comment period for this companion proposed rule runs concurrently with the direct final rule's comment period. Any comments received under this companion proposed rule will also be considered as comments regarding the direct final rule. If FDA receives any significant adverse comment regarding either this proposed rule or the direct final rule, FDA will publish a document withdrawing the direct final rule within 30 days after the comment period ends and will proceed to respond to all of the comments under this companion proposed rule using customary notice-and-comment procedures. A significant adverse comment is a comment that explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. In determining whether a significant adverse comment is sufficient to terminate a direct final rulemaking, FDA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. Comments that are frivolous, insubstantial, or outside the scope of the rule will not be considered adverse under this procedure. For example, a comment recommending a rule change in addition to the rule will not be considered a significant adverse comment, unless the comment states why the rule would be ineffective without the additional change. In addition, if a significant adverse comment applies to an amendment, paragraph, or section of this rule and that provision can be severed from the remainder of the rule, FDA may adopt as final those provisions of the rule that are not the subject of a significant adverse comment.

B. Background

In 1958, Congress amended the act to require premarket approval of food additives (sections 201(s), 402(a)(2)(C), and 409 of the act (21 U.S.C. 321(s), 342(a)(2)(C), and 348)). ''Food additive'' is defined in section 201(s) of the act as ''any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food,'' unless, among other reasons, such substance is generally recognized as safe by qualified experts or is prior sanctioned for its intended use. Under section 409 of the act as originally established, food additives require premarket approval by FDA and publication of a regulation authorizing their intended use. Subsequently, in 1995, FDA codified a process, the ''threshold of regulation'' process (21 CFR 170.39), by which certain food additives may be exempted from the requirement of a listing regulation if the substance is expected to migrate to food at only negligible levels (60 FR 36582, July 17, 1995).

More recently, FDAMA amended section 409 of the act to establish a premarket notification (PMN) process as the primary method for authorizing new uses of food additives that are FCS. FDA expects most new uses of FCS that previously would have been regulated by issuance of a listing regulation in response to a food additive petition or would have been exempted from the requirement of a regulation under the threshold of regulation process will be the subject of PMN's.

As part of the agency's process of implementing FDAMA's amendments to section 409 of the act, FDA convened a public meeting on March 12, 1999, to provide interested parties with an opportunity to comment on FDA's current thinking on administration of the PMN process. As a result of the March 12, 1999, public meeting, FDA received comments on the applicability of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.* (1998)), to the notification process for food contact substances. FDA has considered those comments in developing the direct final rule and this companion proposed rule. FDA has filed copies of the transcript of the meeting and the comments received from interested parties with the Dockets Management Branch (address above) (Docket No. 99N–0235). The transcript and comments are available for public review at the Dockets Management Branch.

II. Analysis of the Applicability of NEPA to the Notification Process

As part of implementing the FDAMA amendments on food contact substances, FDA has considered the applicability of NEPA to the PMN process. As discussed in more detail below, FDA has concluded that agency activities under section 409(h) of the act are subject to NEPA's procedural requirements. Furthermore, as also discussed below, FDA currently expects that most PMN's will be subject to a categorical exclusion (see 40 CFR 1508.4; §§ 25.30 and 25.32 (21 CFR 25.30 and 25.32)).

Congress enacted NEPA in 1969 to ensure that Federal Government agencies consider the environmental effects of proposed Federal actions. NEPA's purpose is to ensure that ''the Agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts.'' *Robertson* v. *Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). NEPA requires agencies to ''include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impact of the proposed

action * * *'' (see 42 U.S.C. 4332(2)(C)). Regulations implementing NEPA define ''major Federal action'' as:

> * * * actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (40 CFR 1508.27). Actions include the circumstance where the responsible officials fail to act and that failure to act is reviewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as Agency action (40 CFR 1508.18).

FDA has concluded that under the NEPA implementing regulations, NEPA applies to FDA's decision not to object to a PMN. Under section 409(h) of the act, if FDA does not object to an FCS notification within 120 days of filing, the notification becomes effective and the substance may legally be marketed for the notified use. As discussed in more detail below, under the relevant case law, FDA has concluded that this inaction constitutes final agency action under the Administrative Procedure Act (APA). As a final agency action, FDA's decision not to object is subject to NEPA's procedural requirements.

Under the APA, unless otherwise provided by statute, only ''final Agency action'' is subject to judicial review (5 U.S.C. 704). The Supreme Court recently held that to meet the finality requirement, agency action ''must mark the consummation of the Agency's decision making process it must not be of a merely tentative or interlocutory nature,'' and ''must be one by which rights or obligations have been determined, or from which legal consequences will flow.'' *Bennett* v. *Spear*, 520 U.S. 154, 177 (1997). Both conditions must be satisfied for agency action to be considered ''final.'' *Id.* Inaction under section 409(h) of the act meets both parts of this test. First, the consummation requirement is met because by operation of law, if FDA does not object, the agency can be considered to have reached its conclusion about the safety of the substance. Second, the determination of rights and obligations requirement is met because, under section 409(h)(2)(A) of the act, the notifier may now market the FCS for the notified use in the United States. This authorization for marketing is a ''direct and appreciable'' legal consequence of the agency's decision not to object. *Id.* at 178.

FDA currently believes that a notification for a food contact substance must contain either an EA or a claim of categorical exclusion. If the environmental component of a notification is missing or deficient under 21 CFR 25.40, the agency will not accept the notification for review. In cases where the agency does not accept a notification based on deficiencies in environmental information, FDA expects to inform the notifier in writing within 30 days of receipt of the submission.

In adopting procedures to implement NEPA, Federal agencies are directed to reduce paperwork (40 CFR 1500.4 and 1500.2(b)) and to reduce delay (40 CFR 1500.5) by using several means, including the use of categorical exclusions. A categorical exclusion is a category of actions that do not individually or cumulatively have a significant effect on the human environment and for which neither an EA nor an environmental impact statement (EIS) is required (40 CFR 1508.4).

FDA has identified a number of categorical exclusions in its environmental regulations in part 25 (21 CFR part 25), including some specified uses of certain food packaging materials when approval is sought through the food additive petition process or exemption through the threshold of regulation process. For example, when the substance is a component of a coating of a finished food-packaging material or is present in such material at not greater than 5 percent-by-weight, and is expected to remain with the finished food contact material through use by the consumer, neither an EA nor EIS is required to be submitted (§ 25.32(i)).

This companion proposed rule proposes to amend § 25.20(i) to add allowing a notification submitted under section 409(h) of the act to become effective to the list of those actions that require an EA. In addition this document will expand the existing categorical exclusions in § 25.32(i), (j), (k), (q), and (r) to include allowing a notification submitted under section 409(h) of the act to become effective. Any existing categorical exclusions for food additive petitions or threshold of regulation exemption requests for such food contact materials could logically be extended to cover PMN's for such materials because the effects on the environment of allowing marketing of the substances—regardless of the process of authorization—are comparable in either case. Based on FDA's experience, the agency anticipates that a majority of PMN's will be subject to a categorical exclusion.

III. Analysis of Economic impacts

A. Benefit-Cost Analysis

FDA has examined the economic implications of this companion proposed rule under Executive Order 12866. Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select the regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including: Having an annual effect on the economy of $100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered significant if it raises novel legal or policy issues. FDA has determined that this companion proposed rule is not a significant regulatory action as defined by Executive Order 12866.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4), requiring cost-benefit and other analyses, in section 1531(a) defines a significant rule as ''a Federal mandate that may result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million (adjusted annually for inflation) in any 1 year.'' FDA has determined that this companion proposed rule does not constitute a significant rule under the Unfunded Mandates Reform Act.

The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121) defines a major rule for the purpose of congressional review as having caused or being likely to cause one or more of the following: An annual effect on the economy of $100 million; a major increase in costs or prices; significant effects on competition, employment, productivity, or innovation; or significant effects on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the Small Business Regulatory Enforcement Fairness Act, FDA has determined that this companion proposed rule is not a major rule for the purpose of congressional review.

The companion proposed rule allows firms using the new notification process for food contact substances to claim the same categorical exclusions from the requirement of an EA that are currently applicable for food additive petitions

and threshold of regulation exemption requests for the same uses. The rule therefore imposes no additional costs on producers or consumers.

B. Small Entity Analysis

FDA has examined the economic implications of this companion proposed rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic effect on the rule on small entities. The agency certifies that this companion proposed rule will not have a significant impact on a substantial number of small entities.

This companion proposed rule will permit notifiers under the new notification process for FCS to claim the same categorical exclusions from the requirement of an EA that are currently applicable for food additive petitions and threshold of regulation exemption requests for the same uses. The proposed rule will not result in any additional costs to any firm. Therefore, this proposed rule will not have a significant impact on a substantial number of small entities.

IV. Paperwork Reduction Act of 1995

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

V. 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.

VI. Comments

Interested persons may, by July 24, 2000, submit to the Dockets Management Branch (address above) written comments regarding this proposal. This comment period runs concurrently with the comment period for the direct final rule. Two copies of any comment are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. All received comments will be considered as comments regarding the direct final rule and this proposed rule. In the event the direct final rule is withdrawn, all comments received will be considered comments on this proposed rule.

List of Subjects in 21 CFR Part 25

Environmental impact statements, Foreign relations, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 25 be amended as follows:

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

1. The authority citation for 21 CFR part 25 continues to read as follows:

Authority: 21 U.S.C. 321–393; 42 U.S.C. 262, 263b–264; 42 U.S.C. 4321, 4332; 40 CFR parts 1500–1508; E.O. 11514, 35 FR 4247, 3 CFR, 1971 Comp., p. 531–533 as amended by E.O. 11991, 42 FR 26967, 3 CFR, 1978 Comp., p. 123–124 and E.O. 12114, 44 FR 1957, 3 CFR, 1980 Comp., p. 356–360.

2. Section 25.20 is amended by revising paragraph (i) to read as follows:

§ 25.20 Actions requiring preparation of an environmental assessment.

* * * * *

(i) Approval of food additive petitions and color additive petitions, approval of requests for exemptions for investigational use of food additives, the granting of requests for exemption from regulation as a food additive under § 170.39 of this chapter, and allowing notifications submitted under 21 U.S.C. 348(h) to become effective, unless categorically excluded in § 25.32(b), (c), (i), (j), (k), (l), (o), (q), or (r).

* * * * *

3. Section 25.32 is amended by revising paragraphs (i), (j), (k), (q), and (r) to read as follows:

§ 25.32 Foods, food additives, and color additives.

* * * * *

(i) Approval of a food additive petition or GRAS affirmation petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, when the substance is present in finished food-packaging material at not greater than 5 percent-by-weight and is expected to remain with finished food-packaging material through use by consumers or when the substance is a component of a coating of a finished food-packaging material.

(j) Approval of a food additive petition or GRAS affirmation petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, when the substance is to be used as a component of a food-contact surface of permanent or semipermanent equipment or of another food-contact article intended for repeated use.

(k) Approval of a food additive petition, color additive petition, or GRAS affirmation petition, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective, for substances added directly to food that are intended to remain in food through ingestion by consumers and that are not intended to replace macronutrients in food.

* * * * *

(q) Approval of a food additive petition, the granting of a request for exemption from regulation as a food additive under § 170.39 of this chapter, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective for a substance registered by the Environmental Protection Agency under FIFRA for the same use requested in the petition, request for an exemption, or notification.

(r) Approval of a food additive petition, color additive, GRAS affirmation petition, or allowing a notification submitted under 21 U.S.C. 348(h) to become effective for a substance that occurs naturally in the environment, when the action does not alter significantly the concentration or distribution of the substance, its metabolites, or degradation products in the environment.

Dated: January 24, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–11750 Filed 5–10–00; 8:45 am]

BILLING CODE 4160–01–F

OVERSEAS PRIVATE INVESTMENT CORPORATION

22 CFR Part 706

RIN 3420–ZA00

Information Disclosure

AGENCY: Overseas Private Investment Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the Overseas Private Investment Corporation's (''OPIC'') Freedom of Information Act (''FOIA'') regulations by

making substantive and administrative changes. These revisions are intended to supersede OPIC's current FOIA regulations, located at this Part. The proposed rule incorporates the FOIA revisions contained in the Electronic Freedom of Information Act Amendments of 1996 (''EFOIA''), conforms OPIC's regulations to current OPIC FOIA practices, and converts the regulations to a plain English format. The proposed rule also reflects the disclosure principles established by the President and the Attorney General in their FOIA Policy Memorandum of October 4, 1993. Finally, the proposed rule adds a notice to OPIC's business submitters concerning access to OPIC records that have been transferred to the legal custody and control of the National Archives of the United States (''National Archives'').

DATES: Comments must be received by June 12, 2000; however, late filed comments will be considered to the extent practicable.

ADDRESSES: Mail or hand-deliver comments to Laura A. Naide, FOIA Director, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527, fax them to Ms. Naide at (202) 408–0297, or send them by electronic mail to lnaid@opic.gov. Please send comments by only one method. Comments will be available for review upon request.

FOR FURTHER INFORMATION CONTACT: Laura A. Naide, FOIA Director, (202) 336–8426, or Eli H. Landy, FOIA Counsel, (202) 336–8418.

SUPPLEMENTARY INFORMATION: This revision of Part 706 incorporates changes to the language and structure of the regulations and adds new provisions to implement the EFOIA (Pub. L. 104–231). New provisions implementing the amendments are found at § 706.12 (defining ''search'' to include electronic searches), § 706.21 (electronic reading room), § 706.31 (format of disclosure), § 706.32 (timing of responses), and § 706.33 (material withheld). OPIC is already complying with these statutory requirements; this proposed revision serves as OPIC's formal codification of the applicable law and its practice.

Under the EFOIA, an agency may provide by regulation for multiple ''tracks'' in responding to FOIA requests, depending upon the amount of time and work entailed in responding to different kinds of requests (''multitrack processing''). OPIC has decided not to propose multitrack processing. Because OPIC receives a limited number of FOIA requests each year and is able to respond to the great majority of them on a timely basis, OPIC does not need to provide separate processing tracks for more complicated versus simpler FOIA requests.

Proposed revisions of OPIC's fee schedule can be found at § 706.34. The duplication charge will remain fifteen cents per page, while the document search and review charges will increase to $16 and $35 per hour, respectively. The amount at or below which OPIC will not charge a fee is set at $15.

This revision also notifies OPIC's business submitters of the Federal Records Act requirement that OPIC transfer legal custody and control of certain records to the National Archives pursuant to applicable federal records schedules.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the head of OPIC has certified that this regulation, as promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed rule implements the FOIA, a statute concerning the release of federal records, and does not economically impact Federal Government relations with the private sector. Further, under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters. Based on OPIC's experience, these fees are nominal.

Executive Order 12866

This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Office of Management and Budget has determined that this proposed rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, that Office has reviewed this rule.

Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This regulation will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 22 CFR Part 706

Confidential business information, Freedom of information.

For the reasons stated in the preamble, OPIC proposes to revise 22 CFR Part 706 to read as follows:

PART 706—INFORMATION DISCLOSURE

Subpart A—General

Sec.
706.11 General provisions.
706.12 Definitions.

Subpart B—Procedures for Obtaining Publicly Available Records

706.21 What types of OPIC records are publicly available, and how do I obtain access to or copies of these records?

Subpart C—Procedures for Obtaining Records Under the FOIA

706.31 How do I request copies of or access to OPIC records that are not otherwise available to the public?
706.32 When will I receive a response to my FOIA request?
706.33 How will OPIC respond to my FOIA request?
706.34 What, if any, fees will I be charged?
706.35 When will OPIC reduce or waive fees?
706.36 How may I appeal a partial or total denial of records?

Subpart D—Rights of Submitters of Confidential Business Information

706.41 How should business submitters designate business information in materials submitted to OPIC?
706.42 When will OPIC notify business submitters of a pending FOIA request?
706.43 Who will OPIC notify if a FOIA civil lawsuit is filed?
706.44 What happens to business information contained in OPIC records transferred to the National Archives of the United States?

Authority: 5 U.S.C. 552; 44 U.S.C. 2901, *et seq.*; Executive Order 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235.

Subpart A—General

§ 706.11 General provisions.

(a) *Purpose.* The purpose of this part is to help interested parties obtain access to the Overseas Private Investment Corporation's (OPIC's)

records. Many OPIC records may be accessed by the public without filing a formal request under the Freedom of Information Act (FOIA). Records that are not routinely available, however, must be requested under the FOIA. This part also informs OPIC's business submitters of their right to be notified of a request for disclosure of business information and to object to such disclosure. Finally, this part provides information about FOIA requests for records that OPIC has transferred to the National Archives of the United States (National Archives).

(b) *Policy.* OPIC's policy is to make its records available to the public to the greatest extent possible, in keeping with the spirit of the FOIA. This policy includes providing reasonably segregable information from documents that also contain information that may be withheld under the FOIA. However, implementation of this policy also reflects OPIC's view that the soundness and viability of many of its programs depend in large measure upon full and reliable commercial, financial, technical and business information received from applicants for assistance and that the willingness of those applicants to provide such information depends on OPIC's ability to hold it in confidence. Consequently, except as provided by applicable law and this part, information provided to OPIC in confidence will not be disclosed without the submitter's consent.

(c) *Scope.* This part applies to all agency records in OPIC's possession and control. This part does not compel OPIC to create records or to ask outside parties to provide documents in order to satisfy a FOIA request. OPIC may, however, in its discretion and in consultation with a FOIA requester, create a new record as a partial or complete response to a FOIA request. In responding to requests for information, OPIC will consider only those records within its possession and control as of the date of the request. This regulation does not apply to requests for records under the Privacy Act, 5 U.S.C. 552a. OPIC regulations governing such requests are located at 22 CFR part 707.

(d) *OPIC Internet site.* OPIC maintains an Internet site at www.opic.gov. This site contains information on OPIC functions, activities, programs, and transactions. OPIC encourages all prospective requesters of information, whether under FOIA or otherwise, to visit its Internet site prior to submitting a request.

(e) *OPIC address.* OPIC is located at 1100 New York Avenue, N.W., Washington, D.C. 20527. All correspondence should be sent to this address.

§ 706.12 Definitions.

For purposes of this part, the following definitions shall apply:

All other requesters. Requesters other than commercial use requesters, educational and non-commercial scientific requesters, or representatives of the news media.

Business information. Trade secrets and confidential or privileged commercial or financial information obtained from any person, including, but not necessarily limited to, information contained in individual case files relating to such activities as insurance, loans and loan guaranties.

Business submitter. Any person that provides business information to OPIC.

Educational institution. A preschool, a public or private elementary or secondary school, an institution of undergraduate or graduate higher education, or an institution of professional or vocational education.

FOIA. The Freedom of Information Act, as amended, 5 U.S.C. 552.

Non-commercial scientific institution. An institution that is operated for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry, and that is not operated solely for purposes of furthering a business, trade, or profit interest.

OPIC. The Overseas Private Investment Corporation.

Person. An individual, partnership, corporation, association, or organization, other than a federal government agency.

Record. All papers, memoranda, or other documentary material, or copies thereof, regardless of physical form or characteristics, created or received by OPIC and within OPIC's possession and control. *Record* does not include publications that are available to the public through the **Federal Register**, sale or free distribution.

Redaction. The process of removing non-disclosable material from a record so that the remainder may be released.

Representative of the news media. A person actively gathering information on behalf of an entity organized and operated to publish or broadcast news to the public. Freelance journalists shall qualify as representatives of the news media when they can demonstrate that a request is reasonably likely to lead to publication.

Request. Any request made to OPIC under the FOIA.

Requester. Any person making a request.

Review. The examination of a record located in response to a request in order to determine whether any portion of the record is exempt from disclosure. *Review* also includes processing any record for disclosure—for example, doing all that is necessary to redact and prepare the record for disclosure. *Review* also includes time spent considering any formal objection to disclosure made by a business submitter, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

Search. The process of looking for and retrieving records or information responsive to a request. It includes page-by-page or line-by-line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in electronic form or format.

Working days. All calendar days excluding Saturdays, Sundays, Federal Government holidays, and any other day on which OPIC is not open for business.

Subpart B—Procedures for Obtaining Publicly Available Records

§ 706.21 What types of OPIC records are publicly available, and how do I obtain access to or copies of these records?

(a) *Electronic access.* (1) Many OPIC records are readily available to the public by electronic access, including OPIC's Annual Report, OPIC's Program Handbook, OPIC press releases, and application forms for OPIC assistance. Persons seeking information are encouraged to visit OPIC's Internet site at: *www.opic.gov.*

(2) Records relating to OPIC's FOIA program, including records required by the FOIA to be made electronically available, records which have been the subject of frequent FOIA requests, and OPIC's annual FOIA Report are available in OPIC's Electronic Reading Room. OPIC's Electronic Reading Room may be accessed through the ''FOIA'' link on OPIC's Internet site at: *www.opic.gov.* The Electronic Reading Room also contains an index of records available electronically. Generally, only records created after November 1, 1996 are available electronically.

(b) *Offline access.* Publicly-available OPIC materials are readily available on OPIC's Internet site at *www.opic.gov.* If you do not have access to the Internet, you may obtain many of the same materials by contacting one or more of the sources listed as follows:

(1) *General information.* General information (*e.g.*, OPIC's Annual Report, OPIC's Program Handbook, and

application forms for OPIC assistance) are available from OPIC's Information Officer. To obtain access to or copies of these records, call (202) 336–8400 and ask to be connected with the Information Officer or write to the Information Officer.

(2) *Claims information.* OPIC's Department of Legal Affairs maintains public information files relating to the determination of claims filed under OPIC's political risk insurance contracts and a list of all claims resolved by cash settlements or guaranties. To obtain access to or copies of these records, call (202) 336–8400 and ask to be connected with the Claims Assistant in Legal Affairs or write to the Claims Assistant, Department of Legal Affairs.

(3) *Materials concerning OPIC's Board of Directors.* The Corporate Secretary maintains public information files containing the minutes of the public portions of Board of Directors meetings, as well as public-releasable Board resolutions. To obtain access to or copies of these records, call (202) 336–8400 and ask to be connected with the Corporate Secretary or write to the Corporate Secretary.

(4) *Press releases.* OPIC's Press Office maintains copies of OPIC's press releases. To obtain access to or copies of these records, call (202) 336–8400 and ask to be connected with the Press Office or write to the Press Office.

(5) *Reading room material.* Pursuant to the FOIA, OPIC maintains certain documents for public inspection and photocopying, including documents that have been the subject of frequent FOIA requests. To obtain access to or copies of these records, call (202) 336–8400 and ask to be connected with the FOIA Director or write to the FOIA Director. OPIC maintains an index of FOIA reading room records, which is updated regularly.

Subpart C—Procedures for Obtaining Records Under the FOIA

§ 706.31 How do I request copies of or access to OPIC records that are not otherwise available to the public?

(a) *Submitting a request.* To request records that are not otherwise available to the public, submit a written request to OPIC's FOIA Director either by mail, by hand delivery, or by facsimile transmission to (202) 408–0297. You must sign your request, or it must be signed on your behalf, and the request must state that you are requesting records under the FOIA. Your request is considered received by OPIC upon actual receipt by OPIC's FOIA Director.

(b) *Format.* Although FOIA requests do not need to follow a specific format, you must include the following information:

(1) You must reasonably describe the records you seek. This means that you must provide enough detail to enable OPIC personnel to locate the records with a reasonable amount of effort. Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. Any request that does not reasonably describe the records sought will not be considered received by OPIC until the request is clarified. OPIC will make reasonable efforts to contact you to clarify your request, as necessary.

(2) You must state the format (*e.g.,* paper, computer disk, etc.) in which you would like OPIC to provide the requested records. If you don't state a preference, you will receive any released records in the format most convenient to OPIC.

(3) You must include your mailing address and telephone number.

(4) You must state your willingness to pay all costs chargeable under this part or, alternately, your willingness to pay fees up to a specified limit. If you believe that you qualify for a partial or total fee waiver, you should request a waiver and provide justification as required by § 706.35. If your request does not contain a fee statement or a request for a fee waiver, OPIC will advise you of the requirements of this paragraph (b)(4). If you fail to respond within ten working days of such notification, OPIC will not continue to process your request.

§ 706.32 When will I receive a response to my FOIA request?

(a) *General.* The FOIA requires OPIC to respond within twenty working days after the date on which OPIC's FOIA Director received the request.

(b) *Order of processing.* Generally, OPIC responds to FOIA requests in the order in which they are received.

(c) *Extensions.* (1) In unusual circumstances, OPIC may require an extension of time in which to respond to your request. OPIC will provide written notice to you whenever such unusual circumstances exist. Unusual circumstances may include: the need to search for and collect requested records from storage facilities located outside OPIC's premises; the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are requested in a single request; or the need for consultation with another agency having a substantial interest in the request. If the extension is expected to exceed ten working days, OPIC will offer you the opportunity to:

(i) Alter your request so that processing may be accelerated; or

(ii) Propose an alternative, feasible time frame for processing the request.

(2) Where OPIC reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated for purposes of this section.

(d) *Expedited processing.* (1) OPIC will expedite processing of your FOIA request if you provide information indicating that one of the following factors is present:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) An urgent need to inform the public about an actual or alleged federal government activity, if the request is made by a person primarily engaged in disseminating information.

(2) You may make a request for expedited processing at the time you submit your FOIA request or at any later time. If you make such a request, you must submit a statement, certified to be true and correct to the best of your belief, explaining in detail the basis for requesting expedited processing. OPIC will notify you of its determination concerning your request for expedited processing within ten days after the date of your request. You may appeal a denial of a request for expedited processing under the provisions at § 706.36. OPIC will grant expedited consideration to any such appeal.

§ 706.33 How will OPIC respond to my FOIA request?

(a) *OPIC response.* You will be notified in writing once OPIC makes a determination concerning your request. OPIC will respond by providing the requested records to you in whole or in part and/or by denying your request in whole or in part, or by notifying you that OPIC will produce or withhold, in whole or in part, the requested records. If there are fees owing, OPIC will respond to you once you have paid the fees.

(1) *Segregable records.* If OPIC determines that part(s) of a record are exempt from disclosure under the FOIA, any reasonably segregable part of the record will be provided to you after redaction of the exempt material. OPIC will mark or annotate any such record to show both the amount and the

location of the redacted information wherever practicable. If segregation would render the document meaningless, however, OPIC will withhold the entire record.

(2) *Denials.* A denial is a determination to withhold any requested record in whole or in part, a determination that a requested record cannot be located, or a determination that what you requested is not a record subject to the FOIA. If OPIC denies all or part of your request, you will be provided:

(i) The name, title, and signature of the person responsible for the determination;

(ii) The statutory basis for non-disclosure;

(iii) A statement that the denial may be appealed under § 706.36 and a brief description of the requirements of § 706.36; and

(iv) If entire documents or document pages are withheld, an estimated volume of the amount of material withheld unless providing such an estimate would harm an interest protected by the FOIA exemption under which the denial is made.

(b) *Referrals to other government agencies.* If you request a record in OPIC's possession that was created or classified by another Federal agency, your request will be referred to that agency for direct response to you. OPIC will notify you of any such referral.

§ 706.34 What, if any, fees will I be charged?

(a) *General policy.* You will generally be charged for costs incurred by OPIC in complying with your FOIA request, in accordance with paragraph (c) of this section and as required or permitted by law. As explained more fully in paragraph (c) of this section, fees will vary according to your requester status.

(1) Search fees are $16 per hour.

(2) Review fees are $35 per hour.

(3) Duplication costs are $.15 per page for photocopying, and direct costs for all other media (including any operator time involved).

(b) *Anticipated fees.* Your FOIA request must specifically state that all costs chargeable under this section will be paid or, alternatively, that they will be paid up to a specified limit. If your request makes no reference to anticipated fees and your request is expected to involve fees of more than $25, or OPIC estimates that the fees will exceed the dollar limit specified in your request, OPIC will promptly notify you of the estimated fees.

(c) *Uniform Fee Schedule.* Fees will be charged according to your requester status.

(1) *Commercial use requesters.* Commercial use requesters will be charged the cost of all time spent searching for and reviewing for release the requested records, and for all duplication costs.

(2) *Educational and non-commercial scientific institution requesters.* Educational and non-commercial scientific institution requesters will be charged only the costs of duplication. No fee will be charged for the costs of photocopying the first 100 pages of documents or for the first $15 of other media costs. To be eligible for inclusion in this category, you must show that your request is being made under the auspices of a qualifying educational institution or non-commercial scientific institution and that the records are sought in furtherance of scholarly (if the request is from an educational institution) or scientific (if the request is from a non-commercial scientific institution) research.

(3) *Representatives of the news media.* Representatives of the news media will be charged only the costs of duplication. No fee will be charged for the costs of photocopying the first 100 pages of documents or for the first $15 of other media costs. To be eligible for inclusion in this category, you must be a representative of the news media and your request must not be made for a commercial use. A request for records that supports the news dissemination function of the requester is not considered to be a request that is for a commercial use.

(4) *All other requesters.* All other requesters will be charged for the cost of any search time in excess of two hours, photocopying any documents in excess of 100 pages, and any costs in excess of the first $15 of other media costs.

(d) *Fees for searches that produce no records.* Fees will be charged as provided in this section even if OPIC's search and review does not generate any disclosable records.

(e) *Special services charges.* At its discretion, OPIC may comply with requests for special services such as certification of documents or shipping methods other than regular U.S. mail. You will be charged the direct costs of any such services.

(f) *Advance payments.* Where OPIC estimates that allowable fees are likely to exceed $250, you will be required to make an advance payment of the entire fee before OPIC continues to process your request. You will be provided an opportunity to narrow the scope of your request if you do not want to pay the entire amount of the estimated fees.

(g) *Restrictions on assessing fees.* With the exception of commercial use requesters, the FOIA requires agencies to provide the first 100 pages of photocopying and the first two hours of search time to requesters without charge. Moreover, the FOIA prohibits agencies from charging fees to any requester, including commercial use requesters, if the cost of collecting the fee would be equal to or greater than the fee itself. OPIC has determined that its cost of collecting a FOIA fee is $15. In implementing these provisions, OPIC will not begin to assess fees until after providing the free search and reproduction, except for commercial use requesters. For example, for a request that would involve two hours and ten minutes of search time and results in 105 pages of documents, OPIC will determine the cost of only 10 minutes of search time and only five pages of reproduction. If this cost is equal to or less than the cost of collecting the fee, there will be no charge to the requester.

(h) *Failure to pay fees.* (1) OPIC will begin assessing interest charges on the 31st day following the date of billing. Interest will be at the rate prescribed in section 3717 of Title 31 of the United States Code.

(2) If you previously failed to pay a FOIA fee to OPIC in a timely fashion, you must pay the full amount owed plus any applicable interest as provided above and make an advance payment of the full amount of the estimated fee before OPIC processes a new FOIA request from you.

(3) When OPIC acts under paragraph (h)(1) or (2) of this section, the administrative time limits for processing FOIA requests (i.e. 20 working days from receipt of initial request and 20 working days from receipt of appeals plus permissible extensions) will begin only after OPIC has received full payment of all applicable fees and interest.

§ 706.35 When will OPIC waive or reduce fees?

(a) In accordance with the FOIA's fee waiver provisions, OPIC will furnish documents to you without charge or at a reduced charge if disclosure of the information you request is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in your commercial interest. In determining whether a fee waiver is appropriate, OPIC will consider the following factors:

(1) Whether the subject of the requested records concerns the

operations or activities of the government;

(2) Whether disclosure of the requested information is likely to contribute significantly to public understanding of government operations or activities;

(3) Whether you have the intention and ability to disseminate the information to the public;

(4) Whether the information is already in the public domain;

(5) Whether you have a commercial interest that would be furthered by the disclosure; and, if so,

(6) Whether the magnitude of your identified commercial interest is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in your commercial interest.

(b) *Justification.* In all cases, you have the burden of presenting sufficient evidence or information to justify the requested fee waiver or reduction.

(c) *Inspection.* You may come to OPIC's offices to inspect any releasable records that you requested, without charge to you except for search, review, and/or duplication fees which are otherwise payable.

(d) *Other provisions.* (1) *Aggregating requesters.* When OPIC reasonably believes that a requester or group of requesters is attempting to break down a request into a series of requests for the purpose of evading the assessment of fees, OPIC will aggregate any such requesters and charge accordingly.

(2) *Remittances.* All payments under this section should be in the form of a check or a bank draft drawn on a bank located in the United States. Remittances shall be made payable to the order of United States Treasury and mailed to the OPIC FOIA Director.

§ 706.36 How may I appeal a partial or total denial of records?

(a) *Procedure.* If your request for records has been denied in whole or in part, you may file an appeal within twenty working days following the date on which you receive OPIC's denial. Your appeal should be addressed to OPIC's Vice President and General Counsel. Your appeal is considered received by OPIC upon actual receipt by OPIC's Vice President and General Counsel. You should clearly mark your envelope and appeal letter as a ''Freedom of Information Act Appeal.'' Your appeal letter should reasonably describe the information or records requested and any other pertinent facts and statements.

(b) *Response.* OPIC's Vice President and General Counsel or his/her designee will render a written decision within twenty working days after the date of OPIC's receipt of the appeal, unless an extension of up to ten working days is deemed necessary in accordance with the procedures set forth in § 706.32. If your appeal is denied in whole or in part, the decision will explain OPIC's rationale for upholding the denial. If your appeal is granted in whole or in part, the information or requested records will be made available promptly, provided the requirements of § 706.34 regarding payment of fees are satisfied.

Subpart D—Rights of Submitters of Confidential Business Information

§ 706.41. How should business submitters designate business information in materials submitted to OPIC?

All business submitters should use good-faith efforts to designate, by appropriate markings, either at the time of submission or within a reasonable amount of time thereafter, any portions of their submissions that they consider to be protected from disclosure under the FOIA. These markings will be considered by OPIC in responding to a FOIA request, but such markings will not be dispositive as to whether the marked information is ultimately released.

§ 706.42 When will OPIC notify business submitters of a pending FOIA request?

(a) Except as provided in paragraphs (c) and (e) of this section, OPIC's FOIA Director will promptly notify a business submitter in writing that a request for disclosure has been made for any business information provided by the submitter. This notification will describe the nature and scope of the request, advise the submitter of its right to submit written objections in response to the request, and inform the submitter of OPIC's intent to disclose the business information on the expiration of ten working days from the date of the notice. The notice will either describe the business information requested or include copies of the requested records.

(b)(1) The business submitter may, at any time prior to the disclosure date described in paragraph (a) of this section, submit to OPIC's FOIA Director detailed written objections to the disclosure of the requested information, specifying the grounds upon which it contends that the information should not be disclosed. In setting forth such grounds, the submitter should specify, to the maximum extent feasible, the basis of its belief that the nondisclosure of any item of information requested is mandated or permitted by law. In the case of information that the submitter believes to be exempt from disclosure under subsection (b)(4) of the FOIA, the submitter shall explain why the information is considered a trade secret or commercial or financial information that is privileged or confidential and either:

(i) How disclosure of the information would cause substantial competitive harm to the submitter; or

(ii) Why the information should be considered voluntarily submitted and why it is information that would not customarily be publicly released by the submitter.

(2) Information provided by a business submitter pursuant to paragraph (b)(1) of this section may itself be subject to disclosure under the FOIA.

(c) The period for providing OPIC with objections to disclosure of information may be extended by OPIC upon receipt of a written request for an extension from the business submitter. Such written request shall set forth the date upon which the objections are expected to be completed and shall provide reasonable justification for the extension. OPIC may, in its discretion, permit more than one extension.

(d) OPIC may sustain or deny the submitter's objections, in whole or in part. If OPIC denies the submitter's objections, in whole or in part, OPIC will promptly notify the business submitter of its determination at least five working days prior to release of the information. The notification will include:

(1) A statement of the reasons for OPIC's decision not to sustain the business submitter's objections;

(2) A description of the information to be disclosed, or a copy thereof; and

(3) A specific disclosure date.

(e) OPIC will not ordinarily notify the business submitter pursuant to paragraph (a) of this section if:

(1) OPIC determines that the FOIA request should be (1) denied;

(2) The disclosure is required by law (other than pursuant to 5 U.S.C. 552); or

(3) The information has been published or otherwise made available to the public, including material described in § 706.21.

§ 706.43 Who will OPIC notify if a FOIA civil lawsuit is filed?

Whenever a requester files a lawsuit seeking to compel the disclosure of business information, OPIC will promptly notify any business submitter(s) that submitted information at issue in the lawsuit.

§ 706.44 What happens to business information contained in OPIC records transferred to the National Archives of the United States?

Pursuant to the Federal Records Act, 44 U.S.C. 2901, *et seq.*, OPIC transfers legal custody and control of records with permanent historical value to the National Archives. These records are transferred in accordance with OPIC's records retention schedules, which are approved by the Archivist of the United States. Transfers of project records generally occur five years after closeout of the project (e.g., most records are not transferred to the National Archives until they are at least 25 years old). If a FOIA request is made for records that have been transferred, the National Archives has the sole authority to review the records and determine whether or not to apply FOIA exemptions. The National Archives is not required to inform OPIC about the FOIA request or to seek OPIC's opinion on disclosure of the records.

Dated: May 3, 2000.

Laura A. Naide,

FOIA Director and Senior Administrative Counsel.

[FR Doc. 00–11504 Filed 5–10–00; 8:45 am]

BILLING CODE 3210–01–P

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 10

[REG–111835–99]

RIN 1545–AY05

Regulations Governing Practice Before the Internal Revenue Service

AGENCY: Office of the Secretary, Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This document provides advance notice of proposed rulemaking to amend the regulations governing practice before the Internal Revenue Service (IRS), which appear in the Code of Federal Regulations and in pamphlet form as Treasury Department Circular No. 230, Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, Enrolled Actuaries, and Appraisers before the IRS. This document also invites individuals and organizations to submit comments on revising Circular No. 230 to address general standards of practice and standards of practice relating to tax shelters.

DATES: Submit comments on or before July 5, 2000.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–111835–99), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–111835–99), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Submit comments and data via electronic mail (email) to http://www.irs.gov/tax__regs/regslist.html.

FOR FURTHER INFORMATION CONTACT: Concerning issues for comment, Richard Goldstein at (202) 622–7880; concerning submissions of comments and delivering comments, Guy Traynor, (202) 622–7180; (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

Section 330 of title 31 of the United States Code authorizes the Secretary of the Treasury to regulate the practice of representatives before the Department and, after notice and an opportunity for a proceeding, to suspend or disbar from practice before the Department those representatives who are incompetent, disreputable, or who violate regulations prescribed under section 330. Pursuant to section 330, the Secretary has published the regulations in Circular No. 230 (31 CFR part 10). These regulations authorize the Director of Practice to act upon applications for enrollment to practice before the IRS, to institute proceedings for suspension or disbarment from practice before the IRS, to make inquiries with respect to matters under the Director's jurisdiction, and to perform such other duties as are necessary to carry out these functions.

The regulations have been amended from time to time to address various specific issues in need of resolution. For example, on February 23, 1984, the regulations were amended to provide standards for providing opinions used in tax shelter offerings (49 FR 6719). On October 17, 1985, the regulations were amended to conform to legislative changes requiring the disqualification of an appraiser who is assessed a penalty under section 6701 for aiding and abetting the understatement of a tax liability (50 FR 42014). The regulations were most recently amended on June 20, 1994 (59 FR 31523) to provide standards for tax return preparation, to limit the use of contingent fees in return or refund claim preparation, to provide expedited rules for suspension, and to clarify or amend certain other items.

On June 15, 1999, the Director of Practice published an advance notice of proposed rulemaking (64 FR 31994) requesting comments on amendments to the regulations that would take into account legal developments, professional integrity and fairness to practitioners, taxpayer service, and sound tax administration. The Treasury Department received several comments and is currently reviewing them. The 1999 advance notice of proposed rulemaking contemplated a notice of proposed rulemaking that would make general revisions to Circular No. 230.

II. Tax Shelters

Following the release of the advance notice of proposed rulemaking, the Treasury Department issued a report on the proliferation of corporate tax shelters. See ''The Problem of Corporate Tax Shelters: Discussion, Analysis and Legislative Proposals,'' Department of the Treasury, July 1999. In February of this year, the Treasury Department and the IRS took steps to deter abusive shelters by publishing temporary regulations requiring disclosure of certain transactions by corporate taxpayers (TD 8877, 65 FR 11205), registration of confidential corporate tax shelters (TD 8876, 65 FR 11215), and maintenance of lists of investors in certain tax shelters (TD 8875, 65 FR 11211).

In addition, practitioners and organizations, such as the Section of Taxation of the ABA, have recommended that the Treasury Department revise Circular No. 230 to raise the standards for providing advice with respect to corporate tax shelters. The Treasury Department and the IRS agree that it is appropriate to review the standards that should be followed by practitioners who provide advice with respect to such transactions.

III. Request for Comments

The Treasury Department and the IRS invite comments relating to standards of practice governing tax shelters and other general matters. The Treasury Department and the IRS are particularly interested in receiving comments on the following matters.

A. Opinion Standards of Circular No. 230

1. Whether the opinion standards in § 10.33 (relating to tax opinions provided for the marketing of tax shelters) should be revised.

2. Whether Circular No. 230 should establish standards for tax opinions other than those provided for in § 10.33

or § 10.51 (relating to false opinions). Particularly, whether Circular No. 230 should establish standards for opinions intended to provide legal justification for the treatment of an item for purposes of § 1.6664–4(e) of the Regulations on Procedure and Administration (relating to the reasonable cause exception).

3. Whether an opinion provided for legal justification for purposes of § 1.6664–4(e) of the regulations should specifically state that it is provided for this purpose.

4. For purposes of the foregoing:

a. Whether the factual due diligence standards set forth in § 10.33(a)(1) should be applied to tax shelter opinions other than those provided for the marketing of tax shelters.

b. Whether the factual due diligence standards should be modified to further limit the circumstances under which a practitioner may rely on factual assertions of other persons and to require a practitioner to specify the measures taken to confirm the facts.

c. Under what circumstances, if any, Circular No. 230 should permit a practitioner to base an opinion upon hypothetical facts or factual assumptions and conclusions, including assumptions regarding the existence of a business purpose and the significance of such purpose relative to the intended tax benefits.

d. Whether Circular No. 230 should require that the opinion state that the transaction in question was analyzed under all applicable judicial doctrines (including the step transaction, business purpose, economic substance, substance over form, and sham transaction doctrines).

e. Whether Circular No. 230 should require that an opinion state unambiguously that there is a greater than 50 percent likelihood that the taxpayer will prevail with respect to each material tax issue and with respect to the material tax benefits in the aggregate.

B. Contingent Fees

1. Whether § 10.28 should prohibit a practitioner from charging a fee for an opinion or advice relating to a position taken or to be taken by a taxpayer in an original return where such fee is contingent upon whether the tax treatment of the transaction is sustained, and whether § 10.28 should prohibit a practitioner from providing an indemnity to a taxpayer with respect to a position taken or to be taken in an original return.

2. Whether § 10.28 should continue to permit a practitioner to charge a contingent fee for assisting a client in filing an amended return or claim for refund when the practitioner reasonably anticipates at the time the fee arrangement is entered into that the amended return or claim will receive substantive review from the Service.

C. Conditions of Confidentiality

1. Whether there are circumstances in which Circular No. 230 should prohibit a practitioner from agreeing to conditions of confidentiality other than conditions of confidentiality imposed by reasons of privilege. If so, how should confidentiality be defined?

2. Whether Circular No. 230 should prohibit a practitioner from asking a client to agree to conditions of confidentiality.

D. Sanctions

1. Whether § 10.24 should be modified to clarify what types of relationships with suspended persons are prohibited.

2. Whether there are circumstances in which a practitioner's failure to comply with the rules under Circular No. 230 should be attributed to the firm with which the practitioner is associated so that the practitioner and the firm (or all practitioners in the firm) may be subject to discipline under Circular No. 230.

3. Whether Circular No. 230 can or should provide a broader array of sanctions, such as censure, for violation of its provisions.

4. Whether the identities of those who are disciplined under Circular No. 230 should be exposed to greater publicity. If so, how should greater publicity be achieved?

E. General Issues

1. Whether § 10.7(c)(1) should be modified to permit, under limited circumstances, an individual who is not authorized to practice before the IRS to represent a taxpayer without obtaining authorization for a special appearance from the Director of Practice under § 10.7(d).

2. Whether and to what extent § 10.21 should be modified regarding the actions a practitioner must take when he or she discovers that there is an error or omission on a return or other document.

3. Whether § 10.22 should be modified to define what constitutes due diligence.

4. Whether § 10.29 should be expanded to define conflicting interests and to delineate what constitutes informed consent permitting a practitioner to represent clients with conflicting interests.

5. How the provisions of § 10.30(a)(2), regarding uninvited solicitations, should be modified in light of *Edenfield* v. *Fane*, 507 U.S. 761 (1993).

6. Whether the definition of communication in § 10.30(c) should be expanded specifically to include certain forms of electronic communications and whether there are any special considerations that should be addressed regarding these forms of communication for purposes of § 10.30.

7. Whether the § 10.51 definition of disreputable conduct should be expanded to include conviction of any felony.

In addition to the foregoing issues, the Treasury Department and the IRS invite comments on any other changes that are necessary or appropriate to carry out the purposes of Circular No. 230.

Dated: May 5, 2000.

Neal Wolin,

General Counsel.

[FR Doc. 00–11702 Filed 5–5–00; 3:35 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–004]

RIN 2115–AA97

Safety Zone: New York Harbor, Western Long Island Sound, East and Hudson Rivers Fireworks.

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish 20 permanent safety zones for fireworks displays located on New York Harbor, western Long Island Sound, the East River, and the Hudson River. This action is necessary to provide for the safety of life on navigable waters during the events. This action establishes permanent exclusion areas that are only active prior to the start of the fireworks display until shortly after the fireworks display is completed, and is intended to restrict vessel traffic in a portion of New York Harbor, western Long Island Sound, the East and Hudson Rivers.

DATES: Comments and related material must reach the Coast Guard on or before June 12, 2000.

ADDRESSES: You may mail comments and related material to Waterways Oversight Branch (CGD01–00–004), Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from

the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–00–004), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. The comment period for this proposed regulation is 30 days. This time period is adequate to allow local input because the locations have been used for fireworks displays in previous years. The shortened comment period will still allow the full 30-day publication requirement prior to the final rule becoming effective. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Waterways Oversight Branch at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes to establish 20 permanent safety zones that will be activated for fireworks displays occurring throughout the year that are not held on an annual basis but are normally held in one of these 20 locations. The 20 locations are Coney Island in New York Harbor; Elizabeth, New Jersey on the Arthur Kill; Peningo Neck, Satans Toe, Larchmont, Manursing Island, Glen Island, Twin Island, Davenport Neck, and two locations in Hempstead Harbor in western Long Island Sound; Pier 14, Manhattan, Hunters Point, and Wards Island in the East River; The Battery, Battery Park City, and Pier 90, Manhattan; Yonkers, Hastings-on-Hudson, and Pier D, Jersey City in the Hudson River. The Coast Guard received 33 applications for fireworks displays in these areas from 1998 to 1999. In 1997, the Coast Guard received 10 applications for fireworks displays in these locations. In the past, temporary safety zones were established with limited notice for preparation by the U.S. Coast Guard and limited opportunity for public comment. Establishing permanent safety zones by notice and comment rulemaking at least gives the public the opportunity to comment on the proposed zone locations, size, and length of time the zones will be active. The Coast Guard has received no prior notice of any impact caused by the previous events. Marine traffic would still be able to transit around the proposed safety zones. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the proposed safety zones.

This proposed rule revises 33 CFR 165.168, which was published in the **Federal Register** on January 7, 2000 (65 FR 1065). It adds twenty permanent safety zones to the five existing ones in 33 CFR 165.168, and it lists all twenty five by the body of water in which they are located.

Discussion of Proposed Rule

The proposed sizes of these safety zones were determined using National Fire Protection Association and New York City Fire Department standards for 6–12 inch mortars fired from a barge or shore, combined with the Coast Guard's knowledge of tide and current conditions in these areas. Proposed barge and land site locations, and mortar sizes were adjusted to try and ensure the proposed safety zone locations would not interfere with any known marinas or piers. The 20 proposed safety zones are:

New York Harbor

The proposed safety zone in Lower New York Bay includes all waters of Lower New York Bay within a 250-yard radius of the fireworks land shoot located on the south end of Steeplechase Pier, Coney Island, in approximate position 40°34′11″ N 073°59′00″ W (NAD 1983). The proposed safety zone prevents vessels from transiting a portion of Lower New York Bay, and is needed to protect boaters from the hazards associated with fireworks launched from shore in the area. Marine traffic will still be able to transit through Lower New York Bay during the event. Additionally, Steeplechase Pier does not accept marine traffic and there are no commercial or recreational piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone on the Arthur Kill includes all waters of the Arthur Kill within a 150-yard radius of the fireworks land shoot located in Elizabeth, New Jersey, in approximate position 40°38′50″ N 074°10′58″ W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780). The proposed safety zone prevents vessels from transiting a portion of the Arthur Kill, and is needed to protect boaters from the hazards associated with fireworks launched from shore in the area. Marine traffic will still be able to transit through the southern 90 yards of the Arthur Kill opposite the display site in Elizabeth, New Jersey during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

Western Long Island Sound

The proposed safety zone at Peningo Neck includes all waters of western Long Island Sound within a 300-yard radius of the fireworks barge in approximate position 40°56′21″ N 073°41′23″ W (NAD 1983), about 525 yards east of Milton Point, Peningo Neck. The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone east of Satans Toe includes all waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°55′21″ N 073°43′41″ W (NAD 1983), about 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720).

The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone off Larchmont, west of the entrance to Horseshoe Harbor includes all waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54′45″ N 073°44′55″ W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor. The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone south of Manursing Island includes all waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°57′47″ N 073°40′06″ W (NAD 1983), about 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570). The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone east of Glen Island includes all waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°53′12″ N 073°46′33″ W (NAD 1983), about 350 yards east of the northeast corner of Glen Island. The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone around the southeast corner of Twin Island includes all waters of western Long Island Sound within a 200-yard radius of the fireworks land shoot in approximate position 40°52′10″ N 073°47′07″ W (NAD 1983), at the east end of Orchard Beach. The proposed safety zone prevents vessels from transiting a portion of western Long Island Sound and is needed to protect boaters from the hazards associated with fireworks launched from shore in the area. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone off Davenport Neck includes all waters of western Long Island Sound within a 360-yard radius of the fireworks barge in Federal Anchorage No. 1–A, in approximate position 40°53′46″ N 073°46′04″ W (NAD 1983), about 360 yards northwest of Emerald Rock Buoy (LLNR 25810). The proposed safety zone prevents vessels from transiting a portion of Federal Anchorage No. 1–A and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorage No. 1–A. Federal Anchorage No. 1–B, to the north, and Federal Anchorage No. 1, to the south, are also available for vessel use. Marine traffic will still be able to transit through western Long Island Sound during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone in northern Hempstead Harbor, Long Island Sound, includes all waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51′58″ N 073°39′34″ W (NAD 1983), about 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065). The proposed safety zone prevents vessels from transiting a portion of Hempstead Harbor and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through Hempstead Harbor during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone in southern Hempstead Harbor, Long Island Sound, includes all waters of Hempstead Harbor within a 180-yard radius of the fireworks barge in approximate position 40°49′50″ N 073°39′12″ W (NAD 1983), about 190 yards north of Bar Beach. The proposed safety zone prevents vessels from transiting a portion of Hempstead Harbor and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through Hempstead Harbor during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

East River

The proposed safety zone southeast of Pier 14, Manhattan, includes all waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42′07.5″ N 074°00′06″ W (NAD 1983), about 250 yards southeast of Pier 14, Manhattan. The proposed safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will be able to transit through the eastern 100 yards and the western 70 yards of the 530-yard wide East River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone west of Hunters Point includes all waters of the East River within a 300-yard radius of the fireworks barge in approximate position 40°44′24″ N 073°58′00″ W (NAD 1983), about 780 yards south of Belmont Island. The proposed safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 225 yards and the eastern 85 yards of the 900-yard wide East River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone at Wards Island includes all waters of the East River within a 150-yard radius of the fireworks land shoot in approximate position 40°46′55.5″ N 073°55′33″ W (NAD 1983), about 200 yards northeast of the Triboro Bridge. The proposed safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from shore in the area. Marine traffic will still be able to transit through the eastern 150 yards of the 300-yard wide East River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

Hudson River

The proposed safety zone south of The Battery, Manhattan, includes all waters of the Hudson River and Anchorage Channel within a 360-yard radius of the fireworks barge in approximate position 40°42′00″ N 074°01′17″ W (NAD 1983), about 500 yards south of The Battery. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and Anchorage Channel and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 675 yards of the 1500-yard wide Hudson River and through the eastern 350 yards of the 1200-yard wide Anchorage Channel during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone southwest of North Cove Yacht Harbor, Manhattan, includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42′39″ N 074°01′21″ W (NAD 1983), about 480 yards southwest of North Cove Yacht Harbor. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 470 yards of the 1215-yard wide Hudson River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone west of Pier 90, Manhattan, includes all waters of the Hudson River within a 300-yard radius of the fireworks barge in approximate position 40°46′12″ N 074°00′18″ W (NAD 1983), about 425 yards west of the west end of Pier 90, Manhattan. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 175 yards and the eastern 140 yards of the 915-yard wide Hudson River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone west of Yonkers includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°56′14.5″ N 073°54′33″ W (NAD 1983), about 475 yards northwest of Yonkers Municipal Pier. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 715 yards and eastern 115 yards of the 1550 yard-wide Hudson River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone west of Hastings-on-Hudson includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°59′44.5″ N 073°53′28″ W (NAD 1983), about 425 yards west of Hastings-on-Hudson, NY. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 675 yards and eastern 60 yards of the 1315 yard-wide Hudson River during the event. Additionally, vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The proposed safety zone southeast of Pier D, Jersey City, includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42′57.5″ N 074°01′34″ W (NAD 1983), about 375 yards southeast of Pier D, Jersey City. The proposed safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the eastern 440 yards of the 1120-yard wide Hudson River during the event. Additionally, Pier D does not accept marine traffic and vessels would not be precluded from mooring at or getting underway from any piers in the vicinity of the proposed safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this proposed safety zone.

The actual dates that these safety zones will be activated are not known by the Coast Guard at this time. Coast Guard Activities New York will give notice of the activation of each safety zone by all appropriate means to provide the widest publicity among the affected segments of the public. This will include publication in the Local Notice to Mariners. Marine information broadcasts will also be made for these events beginning 24 to 48 hours before the event is scheduled to begin. Facsimile broadcasts may also be made to notify the public. The Coast Guard expects that the notice of the activation of each permanent safety zone in this rulemaking will normally be made

between thirty and fourteen days before the zone is actually activated. Fireworks barges used in the locations stated in this rulemaking will also have a sign on the port and starboard side of the barge labeled ''FIREWORKS BARGE''. This will provide on-scene notice that the safety zone the fireworks barge is located in is or will be activated on that day. This sign will consist of 10″ high by 1.5″ wide red lettering on a white background. Displays launched from shore sites will have a sign labeled ''FIREWORKS SITE'' with the same size requirements. There will also be a Coast Guard patrol vessel on scene 30 minutes before the display is scheduled to start until 15 minutes after its completion to enforce each safety zone.

The effective period for each proposed safety zone is from 8 p.m. e.s.t. to 1 a.m. e.s.t. However, vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York, or designated Coast Guard patrol personnel on scene, as provided for in 33 CFR 165.23. Generally, blanket permission to enter, remain in, or transit through these safety zones will be given except for the 45-minute period that a Coast Guard patrol vessel is present.

This rule is being proposed to provide for the safety of life on navigable waters during the events and to give the marine community the opportunity to comment on the proposed zone locations, size, and length of time the zones will be active.

Regulatory Evaluation

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

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This finding is based on the minimal time that vessels will be restricted from the zones, and all of the zones are in areas where the Coast Guard expects insignificant adverse impact on all mariners from the zones' activation. Vessels may also still transit through Lower New York Bay, the Arthur Kill, western Long Island Sound, the East and Hudson Rivers, and Anchorage Channel during these events. Vessels would not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the proposed safety zones. Advance notifications would also be made to the local maritime community by the Local Notice to Mariners and marine information broadcasts. Facsimile broadcasts may also be made to notify the public. Additionally, the Coast Guard anticipates that there will only be 20–25 total activations of these safety zones per year.

Small Entities

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

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

This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the Port of New York/New Jersey and western Long Island Sound during the times these zones are activated.

These safety zones would not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic could transit around all 20 safety zones. Vessels would not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the proposed safety zones. Before the effective period, we would issue maritime advisories widely available to users of the Port of New York/New Jersey by local notice to mariners and marine information broadcasts. Facsimile broadcasts may also be made.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4193.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule fits paragraph 34(g) as it establishes 20 safety zones. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, 160.5; 49 CFR 1.46.

2. Revise § 165.168 to read as follows:

§ 165.168 Safety Zones: New York Harbor, Western Long Island Sound, East and Hudson Rivers Fireworks.

(a) *New York Harbor.* Figure 1 displays the safety zone areas in (a)(1) through (a)(6).

(1) *Liberty Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°41′16.5″N 074°02′23″W (NAD 1983), located in Federal Anchorage 20–C, about 360 yards east of Liberty Island.

(2) *Ellis Island Safety Zone:* All waters of Upper New York Bay within a 360-yard radius of the fireworks barge located between Federal Anchorages 20–A and 20–B, in approximate position 40°41′45″N 074°02′09″W (NAD 1983), about 365 yards east of Ellis Island.

(3) *South Beach, Staten Island Safety Zone:* All waters of Lower New York Bay within a 360-yard radius of the fireworks barge in approximate position 40°35′11″N 074°03′42″W (NAD 1983), about 350 yards east of South Beach, Staten Island.

(4) *Raritan Bay Safety Zone:* All waters of Raritan Bay in the vicinity of the Raritan River Cutoff and Ward Point Bend (West) within a 240-yard radius of the fireworks barge in approximate position 40°30′04″N 074°15′35″W (NAD 1983), about 240 yards east of Raritan River Cutoff Channel Buoy 2 (LLNR 36595).

(5) *Coney Island Safety Zone:* All waters of Lower New York Bay within a 250-yard radius of the fireworks land shoot located on the south end of Steeplechase Pier, Coney Island, in approximate position 40°34′11″N 073°59′00″W (NAD 1983).

(6) *Arthur Kill, Elizabeth, New Jersey Safety Zone:* All waters of the Arthur Kill within a 150-yard radius of the fireworks land shoot located in Elizabeth, New Jersey, in approximate position 40°38′50″N 074°10′58″W (NAD 1983), about 675 yards west of Arthur Kill Channel Buoy 20 (LLNR 36780).

(b) *Western Long Island Sound.* Figure 2 displays the safety zone areas in (b)(1) through (b)(9).

(1) *Peningo Neck, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 300-yard radius of the fireworks barge in approximate position 40°56′21″N 073°41′23″W (NAD 1983), about 525 yards east of Milton Point, Peningo Neck, New York.

(2) *Satans Toe, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°55′21″N 073°43′41″W (NAD 1983), about 635 yards northeast of Larchmont Harbor (East Entrance) Light 2 (LLNR 25720).

(3) *Larchmont, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°54′45″N 073°44′55″W (NAD 1983), about 450 yards southwest of the entrance to Horseshoe Harbor.

(4) *Manursing Island, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in approximate position 40°57′47″N 073°40′06″W (NAD 1983), about 380 yards north of Rye Beach Transport Rock Buoy 2 (LLNR 25570).

(5) *Glen Island, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°53′12″N 073°46′33″W (NAD 1983), about 350 yards east of the northeast corner of Glen Island, New York.

(6) *Twin Island, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 200-yard radius of the fireworks land shoot in approximate position 40°52′10″N 073°47′07″W (NAD 1983), at the east end of Orchard Beach, New York.

(7) *Davenport Neck, Western Long Island Sound Safety Zone:* All waters of western Long Island Sound within a 360-yard radius of the fireworks barge in Federal Anchorage No. 1–A, in approximate position 40°53′46″N 073°46′04″W (NAD 1983), about 360 yards northwest of Emerald Rock Buoy (LLNR 25810).

(8) *Glen Cove, Hempstead Harbor Safety Zone:* All waters of Hempstead Harbor within a 360-yard radius of the fireworks barge in approximate position 40°51′58″N 073°39′34″W (NAD 1983), about 500 yards northeast of Glen Cove Breakwater Light 5 (LLNR 27065).

(9) *Bar Beach, Hempstead Harbor Safety Zone:* All waters of Hempstead Harbor within a 180-yard radius of the fireworks barge in approximate position 40°49′50″N 073°39′12″W (NAD 1983), about 190 yards north of Bar Beach, Hempstead Harbor, New York.

(c) *East River.* Figure 3 displays the safety zone areas in (c)(1) through (c)(3).

(1) *Pier 14, East River Safety Zone:* All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42′07.5″N 074°00′06″W (NAD 1983), about 250 yards southeast of Pier 14, Manhattan, New York.

(2) *Hunters Point, East River Safety Zone:* All waters of the East River within a 300-yard radius of the fireworks barge in approximate position 40°44′24″ N 073°58′00″W (NAD 1983), about 780 yards south of Belmont Island.

(3) *Wards Island, East River Safety Zone:* All waters of the East River within a 150-yard radius of the fireworks land shoot in approximate position 40°46′55.5″N 073°55′33″W (NAD 1983), about 200 yards northeast of the Triboro Bridge.

(d) *Hudson River.* Figure 4 displays the safety zone areas in (d)(1) through (d)(7).

(1) *Pier 60, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44′49″N 074°01′02″W (NAD 1983), about 500 yards west of Pier 60, Manhattan, New York.

(2) *The Battery, Hudson River Safety Zone:* All waters of the Hudson River and Anchorage Channel within a 360-yard radius of the fireworks barge in approximate position 40°42′00″N 074°01′17″W (NAD 1983), about 500 yards south of The Battery, Manhattan, New York.

(3) *Battery Park City, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42′39″N 074°01′21″W (NAD 1983), about 480 yards southwest of North Cove Yacht Harbor, Manhattan, New York.

(4) *Pier 90, Hudson River Safety Zone:* All waters of the Hudson River within a 300-yard radius of the fireworks barge in approximate position 40°46′12″N 074°00′18″W (NAD 1983), about 425 yards west of the west end of Pier 90, Manhattan, New York.

(5) *Yonkers, New York, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°56′14.5″N 073°54′33″W (NAD 1983), about 475 yards northwest of the Yonkers Municipal Pier, New York.

(6) *Hastings-on-Hudson, New York, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°59′44.5″N 073°53′28″W (NAD 1983), about 425 yards west of Hastings-on-Hudson, New York.

(7) *Pier D, Hudson River Safety Zone:* All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42′57.5″N 074°01′34″W (NAD 1983), about 375 yards southeast of Pier D, Jersey City, New Jersey.

(e) *Notification.* Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled ''FIREWORKS BARGE''. This sign will consist of 10'' high by 1.5'' wide red lettering on a white background. Fireworks launched from shore sites will display a sign labeled ''FIREWORKS SITE'' with the same dimensions.

(f) *Effective Period.* This section is effective from 8 p.m. e.s.t. to 1 a.m. e.s.t. each day a barge with a ''FIREWORKS BARGE'' sign on the port and starboard side is on-scene or a ''FIREWORKS SITE'' sign is posted in a location listed in paragraphs (a) through (d) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or designated Coast Guard patrol personnel on scene.

(g) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

BILLING CODE 4910–15–U

Illustrations to § 165.168

Figure 1
§ 165.168(a) New York Harbor Fireworks Safety Zones drawn to scale.

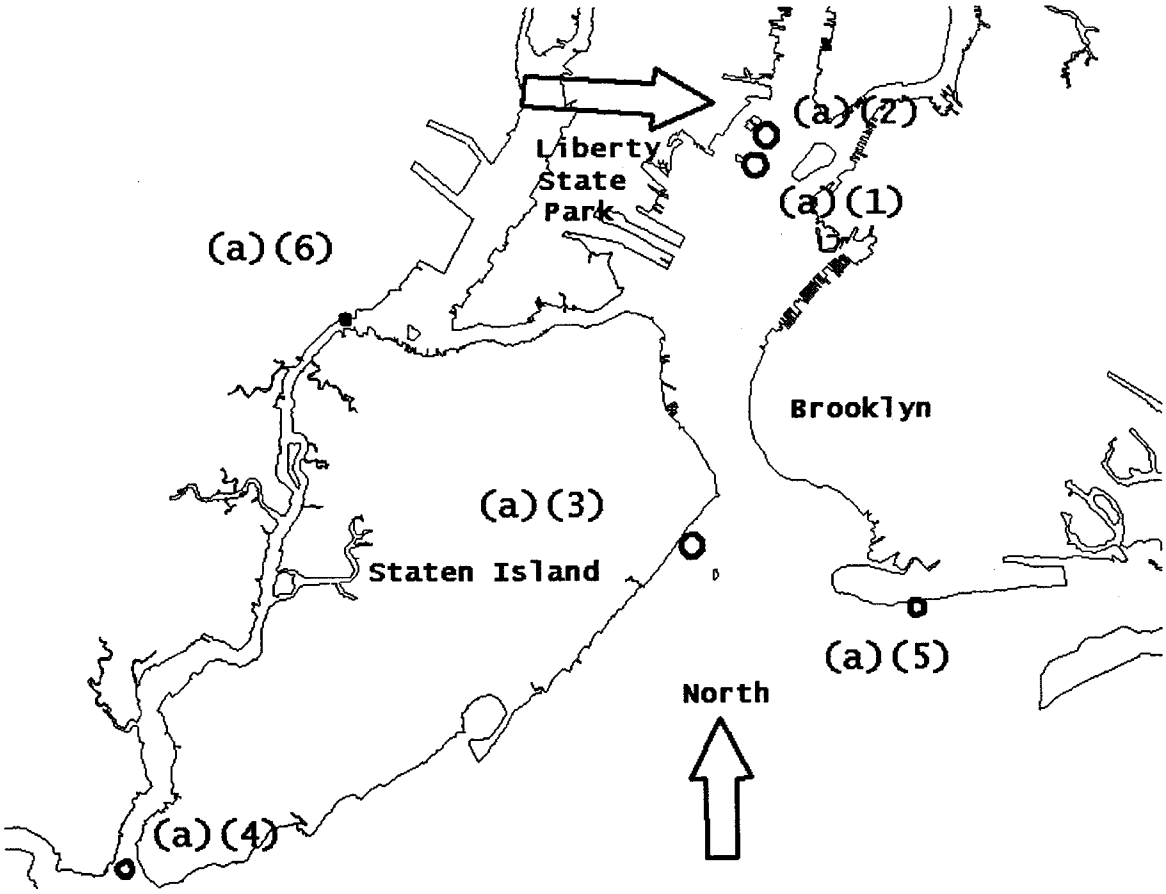


Figure 2
§ 165.168(b) Western Long Island Sound Fireworks Safety Zones drawn to scale.

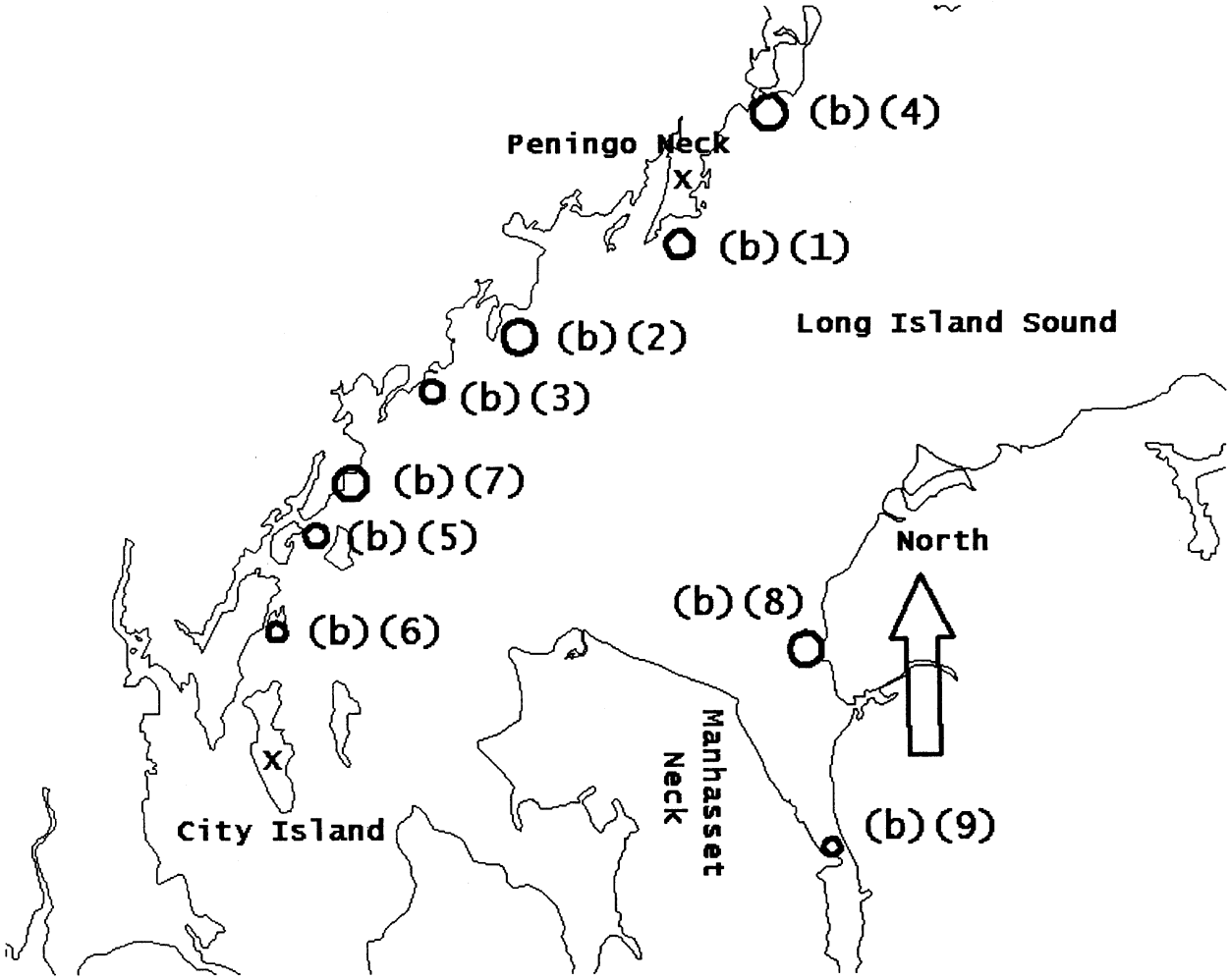
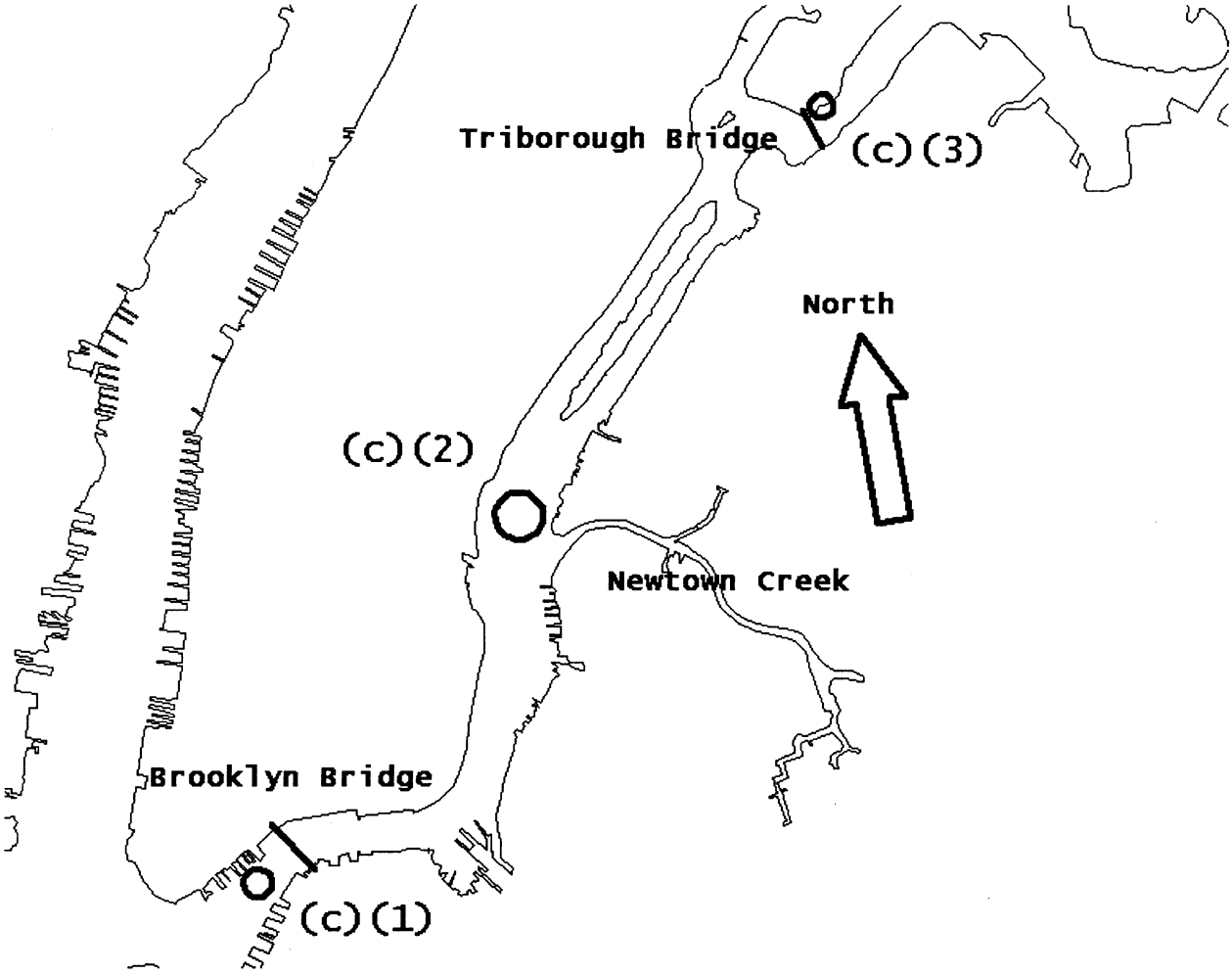
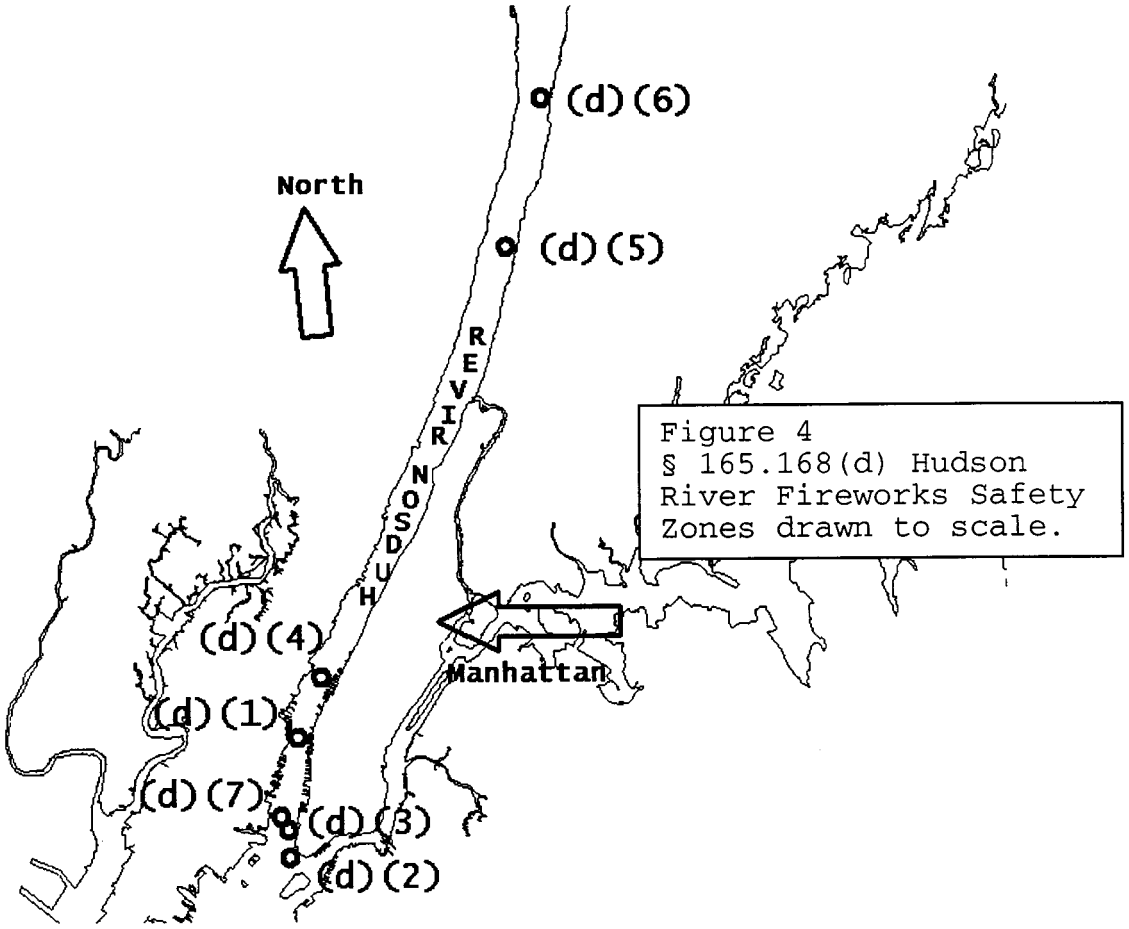


Figure 3
§ 165.168(c) East River Fireworks Safety Zones drawn to scale.





Dated: May 4, 2000.

L.M. Brooks,

Captain, U.S. Coast Guard, Captain of the Port, New York Acting.

[FR Doc. 00–11873 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–15–C

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–53–200019(B); FRL–6605–7]

Approval and Promulgation of Implementation Plans; Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a revision to the Alabama State Implementation Plan (SIP) that contains transportation conformity rules. If EPA approves this transportation conformity SIP revision, the State will be able to implement and enforce the Federal transportation conformity requirements at the State level per regulations on Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. of the Federal Transit Laws. EPA's proposed action would streamline the conformity process and allow direct consultation among agencies at the local levels. EPA's proposed approval is limited to certain regulations on (Transportation Conformity).

In the Final Rules Section of this **Federal Register**, the EPA is approving Alabama SIP revision, under sections 110(k) and 176 of the Clean Air Act, as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before June 12, 2000.

ADDRESSES: All comments should be addressed to Kelly Sheckler at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960. Attn: Kelly Sheckler, (404) 562–9042.

Alabama Department of Natural Resources, Environmental Protection Division, Air Protection Division, 4244 International Parkway, Suite 136, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler at 404/562–9042, E-mail: Sheckler.Kelly@epa.gov.

Dated: April 28, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 00–11814 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 65, No. 92
Thursday, May 11, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB–00–14]

Burley Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Burley Tobacco Advisory Committee.

Date: June 14, 2000.

Time: 9 a.m.

Place: Campbell House Inn, South Colonial Hall, 1375 Harrodsburg Road, Lexington, Kentucky 40504.

Purpose: To elect officers, recommend opening dates, discuss selling schedules, review the operational policies and procedures, and other related matters for the 2000–2001 burley tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, AG 0280, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456; (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting. If you need any accommodations to participate in the meeting, please contact the Tobacco Programs at (202) 205–0567 by June 7, 2000, and inform us of your needs.

Dated: May 4, 2000.

John P. Duncan III,

Deputy Administrator, Tobacco Programs.

[FR Doc. 00–11838 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB–00–15]

Flue-Cured Tobacco Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: Flue-Cured Tobacco Advisory Committee.

Date: June 15, 2000.

Time: 9 a.m.

Place: United States Department of Agriculture, (USDA), Agricultural Marketing Service (AMS), Tobacco Programs, Flue-Cured Tobacco Cooperative Stabilization Corporation Building, Room 223, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

Purpose: To establish submarketing areas, discuss selling schedules, recommend opening dates, review the operational policies and procedures, and other related matters for the 2000 flue-cured tobacco marketing season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, AG 0280, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456; (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting. If you need any accommodations to participate in the meeting, please contact the Tobacco Programs at (202) 205–0567 by June 7, 2000, and inform us of your needs.

Dated: May 4, 2000.

John P. Duncan III,

Deputy Administrator, Tobacco Programs.

[FR Doc. 00–11837 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–029–1]

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Approved information collection extension; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection in support of animal disease surveillance programs.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by July 10, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–029–1, 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. 00–029–1.

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: For information regarding the use of VS Form 10–4, contact Mr. Carl Nagle, Administrative Officer, National Veterinary Services Laboratories, VS, APHIS, P.O. Box 844, Ames, IA 50010; (515) 663–7357. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Specimen Submission.

OMB Number: 0579–0090.

Expiration Date of Approval: April 30, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: The United States Department of Agriculture is responsible for preventing the spread of

contagious, infectious, or communicable animal diseases from one State to another, and for eradicating such diseases from the United States when feasible.

Disease prevention is the most effective method for maintaining a healthy animal population and enhancing our ability to compete in exporting animals and animal products.

Disease prevention cannot be accomplished without the existence of an effective disease surveillance program, an activity that is carried out by the Veterinary Services (VS) division of USDA's Animal and Plant Health Inspection Service (APHIS). The VS Form 10–4 is a critical component of our disease surveillance mission; it is routinely used whenever specimens (such as blood, milk, tissue, or urine) from any animal (including cattle, swine, sheep, goats, horses, and poultry) are submitted to our National Veterinary Services Laboratories for disease testing.

We are asking the Office of Management and Budget (OMB) to approve, for an additional 3 years, our use of this VS Form 10–4 in connection with our regulations.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection activity. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our Agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses).

Estimate of burden: The public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: State, Federal, and accredited veterinarians.

Estimated annual number of respondents: 12,000.

Estimated annual number of responses per respondent: 2.524.

Estimated total annual burden on respondents: 15,149 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

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.

Done in Washington, DC, this 4th day of May 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11831 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–043–1]

National Wildlife Services Advisory Committee; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the National Wildlife Services Advisory Committee.

DATES: The meeting will be held on June 14–15, 2000, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the National Wildlife Research Center in the Longs Peak Room, 4101 LaPorte Avenue, Fort Collins, CO.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne Garrett, Acting Director, Operational Support Staff, WS, APHIS, 4700 River Road Unit 87, Riverdale, MD 20737–1234; (301) 734–7921.

SUPPLEMENTARY INFORMATION: The National Wildlife Services Advisory Committee (Committee) advises the Secretary of Agriculture concerning policies, program issues, and research needed to conduct the Wildlife Services (WS) program. The Committee also serves as a public forum enabling those affected by the WS program to have a voice in the program's policies.

The meeting will focus on operational and research activities and will be open to the public. Due to time constraints, the public will not be able to participate in the Committee's discussions. However, written statements concerning meeting topics may be filed with the Committee before or after the meeting by sending them to Ms. Joanne Garrett at the address listed under **FOR FURTHER INFORMATION CONTACT,** or may be filed at the meeting. Please refer to Docket No. 00–043–1 when submitting your statements.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act.

Done in Washington, DC, this 4th day of May 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–11832 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Request for Extension of a Currently Approved Information Collection

AGENCY: Farm Service Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Farm Service Agency (FSA) intends to request an extension for a currently approved information collection in support of the Agricultural Foreign Investment Disclosure Act of 1978 (AFIDA).

DATES: Comments on this notice must be received on or before July 10, 2000 to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Patricia A. Blevins, Agricultural Foreign Investment Specialist, Regulatory Review and Foreign Investment Disclosure Branch, Operations Review and Analysis Staff, USDA, FSA, STOP 0540, 1400 Independence Avenue, SW, Washington, DC 20250–0540, (202) 720–0604.

SUPPLEMENTARY INFORMATION:

Title: Agricultural Foreign Investment Disclosure Act Report.

OMB Control Number: 0560–0097.

Expiration Date of Approval: August 31, 2000.

Type of Request: Extension of a currently approved information collection.

Abstract: AFIDA requires foreign persons who hold, acquire, or dispose of any interest in U.S. agricultural land to report the transactions to the FSA on an AFIDA report. The information so collected is made available to States. Also, although not required by law, the information collected from the AFIDA reports is used to prepare an annual report to Congress and the President concerning the effect of foreign investment upon family farms and rural communities so that Congress may review the annual report and decide if further regulatory action is required.

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average .4818 hours per response.

Respondents: Foreign investors, corporate employees, farm managers or attorneys.

Estimated Number of Respondents: 4,375.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 4,375.

Estimated Total Annual Burden on Respondents: 2,108 hours.

Proposed topics for comment include: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information collected; or (d) ways to minimize the burden of the collection of the 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.

Comments should be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Patricia A. Blevins, Agricultural Foreign Investment Specialist, Regulatory Review and Foreign Investment Disclosure Branch, Operations Review and Analysis Staff, USDA, FSA, STOP 0540, 1400 Independence Avenue, SW, Washington, DC 20250–0540, (202) 720–0604.

All comments to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, on May 8, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–11834 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Revision to Section IV of the Field Office Technical Guide; Oregon and Washington State

AGENCY: Natural Resources Conservation Service

ACTION: Notice of change.

SUMMARY: Pursuant to Section 343 of Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (FAIRA) that requires the Secretary of Agriculture to provide public notice and comment under Section 553 of Title 5, United States Code, with regard to any future technical guides that are used to carry out Subtitles A, B, and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 *et seq.*), the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice of revisions to applicable conservation practices in Section IV of the Field Office Technical Guide (FOTG) located in Oregon and Washington State.

The proposed revisions to conservation practices in Section IV of State Technical Guides are subject to these provisions, since one or more could be used as part of a conservation management system to comply with the Highly Erodible Land Conservation or Wetland Conservation requirements.

At this time, two versions of conservation practice standard 777 Residue Management, Direct Seed (Interim) are being added and/or revised to Section IV of the FOTG; one for Oregon and one for Washington (see below):

- Residue Management, Direct Seed (Interim) (Oregon)—NRCS Code Number 777
- Residue Management, Direct Seed (Interim) (Washington)—NRCS Code Number 777

You may request a hard copy of the practice standards and provide your comments to:

Oregon

Roy Carlson, State Resource Conservationist, 101 SW Main Street, Suite 1300, Portland, OR, 97204–3221, (503) 414–3277

Washington

Marty Seamons, Program Support Specialist, W. 316 Boone Avenue, Suite 450, Spokane, WA 99201–2348, (509) 323–2967

You may also obtain a copy of both Oregon and/or Washington's practice standard by accessing the NRCS Washington State Internet website. The internet address is: *http://www.wa.nrcs.usda.gov/nrcs/*

Click on ''Field Office Technical Guide'' on the left side of the page, then click on ''Section IV,'' then ''Index of Draft Standards and Specifications for Review and Comment,'' and finally click on the blue star of the appropriate standard.

Dated: April 28, 2000.

Leonard Jordan,

State Conservationist.

[FR Doc. 00–11842 Filed 5–10–00; 8:45 am]

BILLING CODE 3410–06–M

AMTRAK REFORM COUNCIL

Notice of Meeting

AGENCY: Amtrak Reform Council.

ACTION: Notice of Special Public Outreach Hearing for the State of California and a Public Business Meeting.

SUMMARY: As provided in section 203 of the Amtrak Reform and Accountability Act of 1997, the Amtrak Reform Council (ARC) gives notice of a special public outreach meeting of the Council with representatives from the State of California to discuss Amtrak's California services and the California State Rail Program. The Council has invited to the Outreach Hearing, various state legislators, California Department of Transportation officials, various rail corridor officials, rail commuter officials, and Amtrak executives. They will discuss all aspects of current and future intercity railroad passenger service in the State of California.

DATES: The Special Public Outreach Hearing will be held on Thursday, May 18, 2000 from 9:00 a.m. to 5:00 p.m. and the Business Meeting will be held on Friday, May 19, 2000 from 8:00 a.m. to 12:00 p.m. Both the Hearing and Business Meeting are opened to the general public.

ADDRESSES: Both the Outreach Hearing and Business Meeting will take place in the Folsom Room at the Hilton Sacramento Arden West, 2200 Harvard Street, Sacramento, CA 95816. Persons in need of special arrangements should contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Deirdre O'Sullivan, Amtrak Reform Council, Room 7105, JM–ARC, 400 Seventh Street, SW., Washington, DC 20590, or by telephone at (202) 366–0591; FAX: 202–493–2061. You can also visit the ARC's website at www.amtrakreformcouncil.gov, for information regarding ARC's upcoming events, the agenda for meetings, the ARC's First Annual Report, information about the ARC Staff and the Council Members and much more.

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (ARAA), as an independent commission, to evaluate Amtrak's performance and to make recommendations to Amtrak for achieving further cost containment, productivity improvements, and financial reforms. In addition, the ARAA requires that the ARC monitor cost savings resulting from work rules established under new agreements between Amtrak and its labor unions;

that the ARC provide an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that, after two years, the ARC has the authority to determine whether Amtrak can meet certain financial goals specified under the ARAA and, if not, to notify the President and the Congress.

The ARAA provides that the ARC consist of eleven members, including the Secretary of Transportation and ten others nominated by the President and Congressional leaders. Members serve a five-year term.

Issued in Washington, DC, May 4, 2000.

Thomas A. Till,

Executive Director.

[FR Doc. 00–11782 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

International Trade Administration

Format for Petition Requesting Relief Under U.S. Countervailing Duty Law

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before July 10, 2000.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, (202) 482–3272, Email Lengelme@doc.gov., Department of Commerce, Room 5033, 14 & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202)482-3272.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Norbert Gannon, Office of Policy, Import Administration, Room 3716, 14 & Constitution Ave, NW, Washington DC 20230; phone (202) 482–3605 and fax: (202) 482–2308.

SUPPLEMENTARY INFORMATION: *Abstract:* The International Trade Administration, Import Administration, AD/CVD Enforcement, implements the U.S. anti-dumping and countervailing duty law. Import Administration investigates allegations of unfair trade practices by foreign governments and producers and, in conjunction with the U.S. International Trade Commission, can impose duties on the product in question to offset the unfair practices. Form ITA 366–P—Format for Petition Requesting Relief Under the U.S. Countervailing Duty Law—is designed for U.S. companies or industries that are unfamiliar with the countervailing duty law and the petition process. The Form is designed for potential petitioners that believe a foreign competitor is being subsidized unfairly. Since a variety of detailed information is required under the law before initiation of a countervailing duty investigation, the Form is designed to extract such information in the least burdensome manner possible.

I. Method of Collection

Form ITA 366-P is sent by request to potential U.S. petitioners.

II. Data

OMB Number: 0625–0148.
Form Number: ITA–366P.
Type of Review: Regular Submission.
Affected Public: U.S. companies or industries that suspect the presence of unfair competition from subsidized foreign enterprises.
Estimated Number of Respondents: 5.
Estimated Time per Response: 40 hours.
Estimated Total Annual Burden Hours: 200.
Estimated Total Annual Cost: Assuming the number of petitioners remains the same, with a total of 40 hours per respondent, at an estimated cost of $70 per hour, the total annual cost is $14,000.

III. Requested for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: May 5, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–11791 Filed 5–10–00; 8:45 am]

BILLING CODE 3510–CW–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC)

AGENCY: International Trade Administration, US Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Environmental Technologies Trade Advisory Committee will hold a plenary meeting from 9–4:30 on May 18, 2000. Lunch is not included. The ETTAC was created on May 31, 1994, to advise the U.S. government on policies and programs to expand U.S. exports of environmental products and services.

DATE AND PLACE: May 18, 2000. The meeting will take place in Room 6800 of the Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The plenary meeting will welcome new members, include an ethics briefing, guest speaker on AID-Trade issues, and round table discussion on the international water sector with senior government officials.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sage Chandler, Department of Commerce, Office of Environmental Technologies Exports. Phone: 202–482–1500.

Dated: May 1, 2000.

Sage Chandler,

Designated Federal Official, Office of Environmental Technologies Exports.

[FR Doc. 00–11752 Filed 5–10–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042700B]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research/enhancement permit

(1250) and receipt of an application to modify a permit (1048).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement:

NMFS has received a permit application from the Columbia River Inter-Tribal Fish Commission (CRITFC) at Portland, OR (1250); and NMFS has received an application for permit modifications from the Sonoma County Water Agency (SCWA) in Santa Rosa, CA (1048).

DATES: Comments or requests for a public hearing on either the new application or modification request must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5:00 p.m. Pacific daylight time on June 12, 2000.

ADDRESSES: Written comments on either the new application or modification request should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment:

For permit 1250: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (ph: 503–230–5400, fax: 503–230–5435).

For permit 1048: Protected Species Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, CA 95404–6528 (ph: 707–575–6066, fax: 707–578–3435).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permit 1048: Dan Logan, Protected Resources Division, Santa Rosa, CA (ph: 707–575–6053, fax: 707–578–3435, e-mail: Dan.Logan@noaa.gov).

For permit 1250: Herbert Pollard, Boise, ID (ph: 208–378–5614, fax: 208–378–5699, e-mail: Herbert.Pollard@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species, evolutionarily significant units (ESU's), and runs are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SnR) spring/summer, threatened SnR fall.

Coho salmon (*Oncorhynchus kisutch*): threatened Central California Coast (CCC).

Sockeye salmon (*Oncorhynchus nerka*): endangered SnR.

Steelhead (*Oncorhynchus mykiss*): threatened CCC, threatened SnR.

To date, protective regulations for threatened SnR steelhead under section 4(d) of the ESA have not been promulgated by NMFS. Protective regulations are currently proposed for threatened CCC and SnR steelhead (64 FR 73479, December 30, 1999). This notice of receipt of applications requesting takes of these species is issued as a precaution in the event that NMFS issues final protective regulations. The initiation of a 30-day public comment period on the applications, including their proposed takes of CCC or SnR steelhead, does not presuppose the contents of the eventual final protective regulations.

New Application Received

CRITFC (1250) requests a 5-year permit that would authorize annual takes of adult and juvenile naturally produced and artificially propagated SnR spring/summer chinook salmon associated with a hatchery supplementation program at Johnson Creek (JoCr), a tributary of the South Fork Salmon River in Idaho. The primary goal of CRITFC's proposed hatchery supplementation program is to forestall the extinction of the summer chinook salmon population in JoCr and to avoid further losses of the genetic variation that may be necessary to recover the stock. The objectives of CRITFC's program are to: (1) Establish an annual supply of chinook salmon broodstock capable of meeting annual supplementation production criteria, (2) maintain and restore natural spawning populations of chinook salmon in JoCr, (3) increase the species' chances for long-term survival by supplementing the natural production of chinook salmon in JoCr with hatchery-produced fish, (4) increase nutrient enrichment in JoCr, and (5) ultimately reestablish sport and tribal fisheries for chinook salmon in the Salmon River Basin. ESA-listed adult chinook salmon that return to the watershed each year are proposed to be captured at the JoCr weir, anesthetized, marked with external identifiers, and maintained in holding ponds for up to 24 hours. CRITFC proposes to retain a percentage of the ESA-listed adult chinook salmon that return to the weir each year for hatchery broodstock and to release all of the ESA-listed adult chinook salmon not retained for broodstock above the weir to spawn naturally. ESA-listed adult chinook salmon retained for broodstock are proposed to be transferred to adult holding ponds at the Idaho Department of Fish and Game's McCall Fish Hatchery or adjacent to the JoCr weir, inoculated for diseases, and spawned. The resulting progeny are proposed to be reared in the hatchery, tagged and/or marked with identifiers (coded wires, visual implant elastomer tags, passive integrated transponders), and released as smolts in the JoCr watershed where they will be allowed to acclimate prior to their volitional emigration to the ocean. Annual incidental takes of SnR sockeye salmon, SnR fall chinook salmon, and SnR steelhead associated with annual releases of juvenile fish from the program are also requested.

Modification Request Received

SCWA requests a modification to permit 1048 for takes of adult and juvenile CCC steelhead associated with population studies, carcass counts, redd surveys, genetic analyses, and habitat quality evaluation. SCWA proposed to develop and implement a monitoring program to identify long-term population trends and stock size estimates that can be used to assist in the restoration of salmonid populations in the Russian River basin. Presently, permit 1048 authorizes intentional takes of adult and juvenile CCC coho salmon for projects within the Russian River basin. This requested modification

would add intentional takes of adult and juvenile CCC steelhead to the SCWA permit.

Dated: May 3, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–11875 Filed 5–10–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the United Arab Emirates

May 5, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 12, 2000.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for swing, carryover, carryforward, carryforward used and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 70225, published on December 16, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 5, 2000.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 10, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man–made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the United Arab Emirates and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on May 12, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
219	1,659,976 square meters.
226/313	2,838,600 square meters.
317	45,792,385 square meters.
334/634	338,298 dozen.
335/635/835	209,221 dozen.
336/636	280,808 dozen.
338/339	881,953 dozen of which not more than 535,311 dozen shall be in Categories 338–S/339–S [2].
340/640	469,758 dozen.
341/641	432,944 dozen.
342/642	360,854 dozen.
347/348	596,492 dozen of which not more than 313,583 dozen shall be in Categories 347–T/348–T [3].
351/651	233,660 dozen.
352	346,837 dozen.
369–O [4]	827,787 kilograms.
369–S [5]	124,337 kilograms.
647/648	418,424 dozen.
847	287,181 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020.

[3] Category 347–T: only HTS numbers 6103.19.2015, 6103.19.9020, 6103.22.0030, 6103.42.1020, 6103.42.1040, 6103.49.8010, 6112.11.0050, 6113.00.9038, 6203.19.1020, 6203.19.9020, 6203.22.3020, 6203.42.4005, 6203.42.4010, 6203.42.4015, 6203.42.4025, 6203.42.4035, 6203.42.4045, 6203.49.8020, 6210.40.9033, 6211.20.1520, 6211.20.3810 and 6211.32.0040; Category 348–T: only HTS numbers 6104.12.0030, 6104.19.8030, 6104.22.0040, 6104.29.2034, 6104.62.2006, 6104.62.2011, 6104.62.2026, 6104.62.2028, 6104.69.8022, 6112.11.0060, 6113.00.9042, 6117.90.9060, 6204.12.0030, 6204.19.8030, 6204.22.3040, 6204.29.4034, 6204.62.3000, 6204.62.4005, 6204.62.4010, 6204.62.4020, 6204.62.4030, 6204.62.4040, 6204.62.4050, 6204.69.6010, 6204.69.9010. 6210.50.9060, 6211.20.1550, 6211.20.6810, 6211.42.0030 and 6217.90.9050.

[4] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[5] Category 369–S: only HTS number 6307.10.2005.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–11790 Filed 5–10–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Commander, Navy Recruiting Command

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Commander, Navy Recruiting Command announces a proposed extension of an approved 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 July 10, 2000.

ADDRESSES: Send written comments and recommendations on the proposed information collection to Navy Recruiting Command (Code 356), 5722 Integrity Drive, Millington, TN 38054–5057.

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact NCCS George Pond at 901–874–9295 or Mr. Bob Phillips (Code 3561) at 901–874–9312.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Enlistee Financial Statement; OMB Control Number 0703–0020.

Needs and Uses: All persons interested in entering the U.S. Navy or U.S. Naval Reserve who have someone either fully or partially dependent on them for financial support, must provide information on their current financial situation which will determine if the individual will be able to meet his/her financial obligations on Navy pay. The information is provided by the prospective enlistee during an interview with a Navy recruiter. The information provided on NAVCRUIT Form 1130/13 is used by Navy recruiters and by recruiting management personnel in assessing the Navy applicant's ability to meet financial obligations, thereby preventing the enlistment of, and subsequent management difficulties with people who cannot reasonably expect to meet their financial obligations on Navy pay.

Affected Public: Individuals or households.

Annual Burden Hours: 47,630.

Number of Respondents: 86,600.

Responses per Respondent: 1.

Average Burden per Response: 33 minutes.

Frequency: On occasion.

Authority: 44 U.S.C. Sec. 3506(c)(2)(A)

Dated: May 2, 2000.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–11843 Filed 5–10–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Commander, Navy Recruiting Command

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Commander, Navy Recruiting Command announces a proposed extension of an approved 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 July 10, 2000.

ADDRESSES: Send written comments and recommendations on the proposed information collection to Navy Recruiting Command (Code 80), 5722 Integrity Drive, Millington, TN 38054–5057,

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact Commander Howington at 901–874–9388.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Navy Advertising Effectiveness Study; OMB Control Number 0703–0032.

Needs and Uses: The Navy Advertising Effectiveness Study measures advertising effectiveness and provides data for strategies to be used in advertising. This information is used to determine management decisions on objectives and strategies of advertising, media selection, and the evaluation of the advertising and recruiting process.

Affected Public: Individuals or households.

Annual Burden Hours: 500.

Number of Respondents: 1,000.

Responses per Respondent: 1.

Average Burden per Response: 30 minutes.

Frequency: Semi-annually.

Authority: 44 U.S.C. 3506(c)(2)(A)

Dated: May 2, 2000.

J. L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 00–11844 Filed 5–10–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Partially Exclusive License; National Technology Transfer Center (NTTC)

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of a prospective license to National Technology Transfer Center (NTTC), 316 Washington Ave, Wheeling, WV 26003 to the Government-owned invention described in U.S. Patent No. 5,601,452 issued on February 11, 1999 for ''NON-ARCING CLAMP FOR AUTOMOTIVE BATTERY JUMPER CABLES'' to Anthony A. Ruffa.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than June 10, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Michael J. McGowan, Patent Counsel, Naval Undersea Warfare Center, Newport Division (NUWCDIVNPT) Code 00OC, Bldg. 112T, 1176 Howell Street, Newport, RI 02841, telephone 1–401–832–4736.

(Authority: 35 U.S.C. 207, 37 CFR Part 404)

Dated: May 3, 2000.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 00–11845 Filed 5–10–00; 8:45 am]

BILLING CODE 3810–FF–P

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 July 10, 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: May 5, 2000.

William Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: Gun-Free Schools Act Report (KA).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary).

Reporting and Recordkeeping Hour Burden:

Responses: 12672.

Burden Hours: 27042.

Abstract: The Gun-Free Schools Act (GFSA) requires each State to provide annual reports to the Secretary concerning implementation of the Act's requirements regarding expulsions from schools resulting from weapons violations. The GFSA requires the Secretary to report to Congress if any State is not in compliance with the GFSA, and requires the Secretary to collect data on the incidence of children with disabilities engaging in threatening behavior or bringing weapons to school.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Kathy Axt at (703) 426–9692. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–11792 Filed 5–10–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Availability of Solicitation

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation—biobased products industry.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office (ID), on behalf of the Office of Industrial Technologies, is seeking applications from private and public institutions of higher learning to promote multidisciplinary education and training programs for graduate students at the Masters or Ph.D. levels in the area of renewable bioproducts. The emerging biobased products industry uses crops, trees, wastes and by-products to make chemical feedstocks and a huge range of everyday consumer goods, like plastics, paints and adhesives. Contributions to this new industry would come from traditional academic programs in crop production, such as agronomy, crop and soil sciences and forestry; programs in environmental sciences, such as ecology, and water and timber management; basic science programs, such as genomics, biology and microbiology; and, programs in industrial production technologies, such as fermentation design, fluid mechanics and systems management. The objective of this new education initiative is to produce graduates who can enter the complex biobased products industry and effectively integrate the knowledge from a wide range of technologies that are necessary for this industry to grow.

DATES: The deadline for receipt of applications is 3 p.m. MDT June 20, 2000.

ADDRESSES: Applications should be submitted to: Procurement Services Division, U. S. Department of Energy, Idaho Operations Office, Attention: Marshall Garr [DE–PS07–00ID13962], 850 Energy Drive, MS 1221, Idaho Falls, Idaho 83401–1563.

FOR FURTHER INFORMATION CONTACT: Marshall Garr, Contract Specialist, at *garrmc@id.doe.gov*, telephone (208) 526–1536.

SUPPLEMENTARY INFORMATION: The statutory authority for this program is the Federal Non-Nuclear Energy Research & Development Act of 1974 (Pub. L. 93–577). DOE anticipates approximately 3–5 grant awards will be made, ranging from approximately $70,000 to $100,000 each year for a maximum of three years in duration. These grants will cover both the costs for establishing a new cross-cutting academic and research program in this field as well as full stipends for 2 or so deserving graduate students at the Masters or Ph.D. level. The issuance date of Solicitation No. DE–PS07–00ID13962 will be May 5, 2000. The solicitation will be available in full text via the Internet at the following address: *http://www.id.doe.gov/doeid/psd/proc-div.html*. Technical and non-technical questions should be submitted in writing to Marshall Garr by e-mail *garrmc@id.doe.gov*, or facsimile at 208–526–5548 no later than May 19, 2000.

Issued in Idaho Falls on May 4, 2000.

R. Jeffrey Hoyles,

Director, Procurement Services Division

[FR Doc. 00–11867 Filed 5–10–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–267–000]

ANR Pipeline Company; Notice of Proposed Change in FERC Gas Tariff

May 5, 2000.

Take notice that on May 1, 2000, ANR Pipeline Company (ANR) tendered for filing as part of FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to be effective June 1, 2000.

Primary Case

Twenty-Eighth Revised Sheet No. 17
Second Revised Sheet No. 141

Alternate Case

Alternate Twenty-Eight Revised Sheet No. 17

ANR states that this filing includes both a primary and an alternative set of tariff sheets. In its primary case, ANR seeks to reduce its currently effective cashout surcharge applicable to all cashout activity to $0.000, and implement an interim cashout surcharge applicable to service under Rate Schedules PTSB1, PTS–2 and PTS–3 for the purpose of giving ANR an opportunity to recover its cumulative cashout imbalance. The interim change of $0.0120 per Dth is estimated to be in effect for a period of one year. In the alternative, if the primary case is not accepted by the Commission, ANR proposes to increase its currently effective cashout surcharge, from $0.1211 per Dth to $0.3344, pursuant to section 15.5 of the General Terms and Conditions of its tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–11779 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–268–000]

Destin Pipeline Company, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff and Requests for Waiver

May 5, 2000.

Take notice that on May 2, 2000, Destin Pipeline Company, L.L.C. (Destin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, revised tariff sheets attached as Appendix A to the filing, proposed to become effective June 1, 2000.

Destin states that the purpose of this filing is to make certain housekeeping changes and to reflect a change in operator status as a result of the pending sale of Southern Natural Gas Company's (Southern) one-third ownership interest in Destin to Amoco Destin Pipeline Company (Amoco). A change in operator status is necessitated since the original operator, Southern, will no longer be a member-owner of Destin. Amoco and Tejas Destin, LLC will jointly operate the Destin pipeline system as more fully described in the application.

Destin also requests waiver of Order No. 587–I, to implement Internet Communications by December 31, 2000, and of its tariff requirements to offer shippers the option of electronic service agreements and other legal documents.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–11780 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1026–000]

Indianapolis Power & Light Company; Notice of Informal Settlement Conference

May 5, 2000.

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10 a.m. on Thursday, May 11, 2000, 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 by 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, please contact Edith Gilmore at (202) 208–2158.

David P. Boergers,

Secretary.

[FR Doc. 00–11774 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–019]

Natural Gas Pipeline Company of America; Notice of Proposed Change in FERC Gas Tariff

May 5, 2000.

Take notice that on May 2, 2000, Natural Gas Pipeline Company of America (Natural) tendered for filing to be a part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Sheet No. 26K, to be effective May 1, 2000.

Natural states that the purpose of this filing is to implement a negotiated rate transaction with Central Illinois Light Company (CILCO) under Rate Schedule FTS pursuant to Section 49 of the General Terms and Conditions of Natural's Tariff.

Natural further states that this transaction is being filed in accordance with the Commission's ruling that a transportation rate inclusive of surcharges would be considered a negotiated rate transaction.

Natural requests waiver of section 49.1(e) of the General Terms and Conditions of its Tariff and of the Commission's Regulations, including the 30-day notice requirement of section 154.207, to the extent necessary to permit Original Sheet No. 26K to become effective May 1, 2000.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion

to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–11778 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–231–000]

Southern Natural Gas Company; Notice of Application

May 5, 2000.

Take notice that on April 28, 2000, Southern Natural Gas Company (Southern), AmSouth-Sonat Tower, 1900 Fifth Avenue North, Birmingham, Alabama 35203, filed in Docket No. CP00–231–000 an application pursuant to Section 7 of the Natural Gas Act (NGA), for a certificate of public convenience and necessity authorizing Southern to construct, install, and operate a 3,500 horsepower compressor unit at its existing Wrens Compressor Station in Jefferson County, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Any questions regarding the application should be directed to Ms. Patricia S. Francis, Senior Counsel, Southern Natural Gas Company, Post Office Box 2563, Birmingham, Alabama 35202–2563 or call (205) 325–7696.

Southern states that the proposed compressor addition is an integral part of an Offer of Settlement filed by Southern on March 10, 2000, in Docket Nos. RP99–496–000 and RP99–496–001 to resolve all outstanding issues in Southern's Section 4 rate proceeding. Southern also states that pursuant to Article X of the Offer of Settlement, it requests permission to roll the costs of the compressor addition into its system-wide rates in Southern's next rate case. Southern estimates that the compressor addition will cost about $5.2 million.

Southern states that the proposed compressor addition will improve system operations at a critical compressor station on Southern's South Maine Line which provides service to Southern's existing customers. Specifically, Southern states that the compressor addition will stabilize pressures at the eastern end of its system and will reduce the amount of switching between its South Main Lines and Wrens Savannah Lines.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before May May 26, 2000, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties, or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 00–11773 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–48–000]

Tennessee Gas Pipeline Company; Notice of Site Visit

May 5, 2000.

On May 16 and 17, 2000 the Office of Energy Projects (OEP) staff will inspect Tennessee Gas Pipeline Company's (TGP) proposed route and potential alternative routes for the Londonderry 20'' Replacement Project in Middlesex County, Massachusetts, and Hillsboro and Rockingham Counties, New Hampshire. The areas will be inspected by automobile and on foot. Representatives of TGP will accompany the OEP staff. Anyone interested in

participating in the site visits must provide their own transportation.

For additional information, contact Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088.

David P. Boergers,

Secretary.

[FR Doc. 00–11772 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2325–000, et al.]

Indiana Michigan Power Company, et al.; Electric Rate and Corporate Regulation Filings

May 3, 2000.

[Docket No. ER00–2325–000]

1. Indiana Michigan Power Company, d/b/a American Electric Power

Take notice that the following filings have been made with the Commission:

Take notice that on April 27, 2000, Indiana Michigan Power Company, d/b/a American Electric Power (AEP), tendered for filing with the Commission Addenda to the service agreements under which AEP provides wholesale electric service to certain members of the Indiana Municipal Power Agency (IMPA). Specifically, AEP provides wholesale electric service to the City of Anderson and the Town of Frankton under AEP's FERC Rate Schedule 74 by a service agreement dated September 1, 1982, to the City of Columbia City under AEP's FERC Tariff MRS, Original Volume No. 4, by a service agreement dated May 14, 1968, and to the City of Richmond under AEP's Rate Schedule 70 by a service agreement dated January 2, 1977.

AEP requests that the Addenda be made effective beginning with the March 2000 billing month and states that a copy of its filing was served upon IMPA and the Indiana Utility Regulatory Commission.

Comment date: May 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. MidAmerican Energy Company

[Docket No. ER00–2326–000]

Take notice that on April 27, 2000, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50309, tendered for filing with the Commission a Non-Firm Transmission Service Agreement with Conectiv Energy Supply, Inc. dated April 14, 2000, entered into pursuant to MidAmerican's Open Access Transmission Tariff.

MidAmerican requests an effective date of April 14, 2000, for the Agreement with Conectiv Energy, and accordingly seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on Conectiv Energy, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: May 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Company

[Docket No. ER00–2327–000]

Take notice that on April 27, 2000, Arizona Public Service Company (APS) tendered for filing Amendment No. 1 to APS–FPC Rate Schedule No. 23 with the Public Service Company of New Mexico (PNM) to change the termination provisions.

Copies of this filing have been served on PNM, the New Mexico Public Utilities Commission and the Arizona Corporation Commission.

Comment date: May 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Southern Indiana Gas and Electric Company

[Docket No. ER00–2328–000]

Take notice that on April 27, 2000, Southern Indiana Gas and Electric Company (SIGECO), tendered for filing service agreements for firm and non-firm transmission service under Part II of its Transmission Services Tariff with Conectiv Energy Supply, Inc.

Copies of the filing were served upon each of the parties to the service agreement.

Comment date: May 18, 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. 00–11770 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2372–000, et al.]

PPL Montana, LLC, et al.; Electric Rate and Corporate Regulation Filings

May 4, 2000.

Take notice that the following filings have been made with the Commission:

1. PPL Montana, LLC

[Docket No. ER00–2372–000]

Take notice that on April 28, 2000, PPL Montana, LLC (PPL Montana) filed a Service Agreement dated March 17, 2000 with Energy West Resources, Inc. (Energy West) under PPL Montana's Market-Based Rate Tariff, FERC Electric Tariff, Original Volume No. 1. The Service Agreement adds Energy West as an eligible customer under the Tariff.

PPL Montana requests an effective date of March 31, 2000 for the Service Agreement.

PPL Montana states that Commercial Energy has been served with a copy of this filing.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Energy East Corporation and CMP Group, Inc.

[Docket No. ER00–2373–000]

Take notice that on April 26, 2000, Central Maine Power Company (CMP or Central Maine) submitted for filing revised pages to CMP's Open Access Transmission Tariff in compliance with the Commission's April 3, 2000 order in Docket No. EC00–01-000. CMP states the revised pages reflect a reduction to CMP's otherwise applicable Local Point-To-Point Transmission Service charges for transactions that involve wheels from a generator on CMP's non-pool transmission facilities system.

CMP states that copies of the filing have been served upon all parties identified on the official service list for this proceeding.

Comment date: May 17, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power Corporation

[Docket No. OA96–73–003]

Take notice that on April 28, 2000, Florida Power Corporation tendered for filing with the Federal Energy Regulatory Commission (Commission), a letter in compliance with the Commission's order in Allegheny Power Service Co., et al., 90 FERC ¶ 61,224 (2000).

Comment date: June 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Florida Power Corporation

[Docket No. OA97–362–001]

Take notice that on April 28, 2000, Florida Power Corporation tendered for filing with the Federal Energy Regulatory Commission (Commission), a letter in compliance with the Commission's order in Allegheny Power Service Co., et al., 90 FERC ¶ 61,224 (2000).

Comment date: June 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. OA97–389–001]

Take notice that on April 28, 2000, Florida Power Corporation tendered for filing with the Federal Energy Regulatory Commission (Commission), a letter in compliance with the Commission's order in Allegheny Power Service Co., et al., 90 FERC ¶ 61,224 (2000).

Comment date: June 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER98–1438–006]

Take notice that on April 28, 2000, the Midwest ISO Transmission Owners, submitted their transmission loss factors that will be used in connection with the loss recovery methodology of the Midwest Independent Transmission System Operator, Inc. (Midwest ISO). The Midwest ISO Transmission Owners state that the filing of revised loss factors that are consistent with the transmission loss recovery method set forth in the Midwest ISO Tariff is required by the April 6, 1999 ''Additional Joint Stipulation between the Midwest ISO Participants and the Commission Trial Staff Concerning Recovery of Losses'' in Docket Nos. ER98–1438–000, et al.

The Midwest ISO Transmission Owners request that the Commission find in a final order issued no later than September 1, 2001 that the loss factors are just and reasonable so that final approved loss factors can be available for use in connection with the Midwest ISO Tariff when such Tariff becomes effective.

Comment date: May 19, 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. 00–11771 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 5, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Appplication:* Application to Convey 7.43 Acres of Project Land for Housing Development.

b. *Project No.:* 516–321.

c. *Date Filed:* March 20, 2000.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda.

f. *Location:* The project is located in Saluda, Lexington, Newberry and Richland Counties, SC.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Thomas G. Eppink, Esquire, Senior Attorney, South Carolina Electric & Gas Company, Legal Department—130, Columbia, SC 29218, (803) 217–9448, or, Beth Trump, Real Estate Coordinator, (803) 217–7912.

i. *FERC contact:* John K. Hannula, (202) 219–0116.

j. *Deadline for filing comments, motions to intervene and protest:* 30 days from the issuance date of this notice.

Please include the project number (516–321) on any comments or motions filed. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

k. *Description of the Application:* South Carolina Electric & Gas Company requests Commission approval to sell three adjacent parcels of project fringeland totaling 7.43 acres to Mr. Jim Byrum for residential development. The parcels are located on the Hawley Creek area off Route 358 just north of Newberry Shores, approximately 7 miles south of the Town of Prosperity, Newberry County, South Carolina.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1317. The application may be viewed on the web at www.ferc.fed.us/ online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item h above.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named

documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of any agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–11775 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 5, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application to Convey 6.94 Acres of Project Land for Housing Development.

b. *Project No.:* 516–319.

c. *Date Filed:* March 20, 2000.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda.

f. *Location:* The project is located in Saluda, Lexington, Newberry and Richland Counties, SC.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* Thomas G. Eppink, Senior Attorney, South Carolina Electric & Gas Company, Legal Department-130, Columbia, SC 29218, (803) 217–9448, or, Beth Trump, Real Estate Coordinator, (803) 217–7912.

i. *FERC contact:* John K. Hannula, (202) 219–0116.

j. *Deadline for filing comments, motions to intervene and protest:* 30 days from the issuance date of this notice

Please include the project number (516–319) on any comments or motions filed. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

k. *Description of the Application:* South Carolina Electric & Gas Company requests Commission approval to sell two adjacent parcels of project fringeland totaling 6.94 acres to Bass Harbor for residential development. The parcels are located just east of Harmon's Bridge off County Road 44, approximately 12 miles northeast of the Town of Saluda, Saluda County, South Carolina.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item h above.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–11776 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

May 5, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License 5 Megawatts or Less.

b. *Project No.:* P–2721–013.

c. *Date filed:* September 28, 1998.

d. *Applicant:* Penobscot Hydro, LLC.

e. *Names of Project:* Howland Project.

f. *Location:* On the Piscataquis River, near the Town of Howland, in Penobscot County, Maine. This project does not utilize any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. Scott Hall, Director of Environmental Services, Penobscot Hydro, LLC, P.O. Box 276, Milford, ME 04461–0276, or call (207) 827–5364.

i. *FERC Contact:* ED Lee (202) at 219–2808 or E-mail at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of the following existing facilities: (1) A dam, located about 500 feet upstream of the confluence with the Penobscot River, and consisting of: a 114.5-foot-long concrete cutoff wall at the north embankment, a 6-foot-long non-overflow abutment, a 570-foot-long and about 9-foot-high concrete overflow spillway with 3-foot 9-inch-high wooden flashboards, a 85-foot-long gated spillway section with four 9-foot by 9-foot steel roller flood gates, a 20-foot-long non-overflow section containing the exit for the Denil fishway, and a 76-foot-long forebay entrance deck; (2) a 108.5-foot-long, 28.5-foot-wide, and 18-foot-high powerhouse integral with the dam; (3) three turbine generator units, for a total project installed capacity of 1,875 kilowatts (kW); (4) a 4-foot-wide concrete Denil fishway with wooden baffles, for upstream fish passage; (5) downstream fish passage facilities consisting of a 5-foot 9-inch-wide trash sluice gate fitted with a 3-foot 6-inch-deep bellmouth weir, and powerhouse trash racks with one-inch clear spacing; (6) a 4.7-mile-long, 270-acre project reservoir, with a normal reservoir elevation of 148.2 feet (USGS datum); (7) an outdoor substation connected by a short transmission line to the Stanford Substation in West Enfield; and (8) appurtenant facilities. The applicant estimates that the project average annual generation would be 8,300 MWh.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20246, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h. above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE,'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Environmental and Engineering Review, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

David P. Boergers,

Secretary.

[FR Doc. 00–11777 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

May 5, 2000.

This constitutes notice, in accordance with 18 CFR 385.220I(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Exempt:

1. CP99–392–000	4–5–00	Ms. Grace Bunner.
2. CP99–17–000 and CP00–392–000	1–21–00	John Wisniewski.
3. CP00–6–000	3–23–00	Ken Huntington.
4. Project Nos. 10865 and 11495	5–2–00	Herman Almojera.
5. Project No. 3090	3–20–00	Michael J. Bartlett.
6. Project No. 3090	4–11–00	Kenneth C. Carr.

David P. Boergers,

Secretary.

[FR Doc. 00–11781 Filed 5–10–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6604–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Standards of Performance for New Stationary Sources Nonmetallic Minerals Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart OOO, Standards of Performance for New Stationary Sources—Nonmetallic Mineral Processing, OMB Control Number 2060–0050 expiration date 6/30/00. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 12, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at farmer.sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1084.06. For technical questions about the ICR contact Greg Fried at EPA by phone at (202) 564–7016 or by Email at fried.gregory@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart OOO, Standards of Performance for New Stationary Sources, Nonmetallic Minerals Processing, OMB Control Number 2060–0050, EPA ICR No. 1084.06, expiration date 6/30/00. This is a request for extension of a currently approved collection.

Abstract: This standard applies to owners or operators of new, modified, or reconstructed facilities at nonmetallic mineral processing plants that commenced construction, modification, or reconstruction after August 1, 1985. Nonmetallic mineral processing includes the following affected facilities: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. Affected facilities in the plant process that are subject to 40 CFR part 60, subpart F for Portland Cement NSPS, or subpart I, Asphalt Concrete Plants NSPS, are not subject to this NSPS, subpart OOO.

Respondents must submit the following one-time-only reports: notification of the date of construction or reconstruction, notification of the actual date of initial startup, notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate, notification of demonstration of the continuous emission monitor system (CMS) where the CMS is required (wet scrubber), notification of the date of the initial performance test, and the results of the initial performance test.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on October 29, 1999; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information on existing facilities is estimated to average 13 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Nonmetallic Mineral Processing Plants.

Estimated Number of Respondents: 4,305.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 30,876 hours.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No.1084.06 and OMB Control No. 2060–0050 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania, Ave., NW, Washington, DC 20460; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 2, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–11815 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6605–1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, National Emissions Standards for Hazardous Air Pollutants (NESHAP)—Phosphoric Acid Manufacturing and Phosphate Fertilizers Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP—Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, 40 CFR part 63, subparts AA and BB, OMB No. 2060–0361, expiration 6/30/00. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 12, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by

E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1790.02. For technical questions about the ICR contact Stephen Howie, at 202–564–4146.

SUPPLEMENTARY INFORMATION:

Title: NESHAP—Phosphoric Acid Manufacturing and Phosphate Fertilizers Production OMB No. 2060–0361, ICR No. 1790.02, expiration 6/30/00. This is a request for extension of a currently approved collection.

Abstract: Owners/operators of affected phosphoric acid manufacturing and phosphate fertilizer production must submit one-time notifications (where applicable) and annual reports on performance test results. Semiannual reports for periods of operation during which the monitoring parameter boundaries established during the initial compliance test are exceeded (or reports certifying that no exceedances have occurred) also are required.

Subparts AA and BB require respondents to install monitoring devices to measure the pressure drop and liquid flow rate for wet scrubbers. These operating parameters are permitted to vary within ranges determined concurrently with performance tests. Exceedances of the operating ranges are considered violations of the site-specific operating limits.

The standards require sources to determine and record the amount of phosphatic feed material processed or stored on a daily basis. Respondents also maintain records of specific information needed to determine that the standards are being achieved and maintained.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 21, 2000; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 21.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Phosphoric Acid Manufacturing and Phosphate Fertilizers Production Plants.

Estimated Number of Respondents: 15.

Frequency of Response: Initial, Semi-Annually.

Estimated Number of Responses: 193.

Estimated Total Annual Hour Burden: 4,143.

Estimated Total Annualized Capital, O&M Cost Burden: $ 66,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1790.02 and OMB Control No. 2060–0361 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460;
and
Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 2, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–11816 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6605–2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Standards of Performance for New Stationary Sources Phosphate Fertilizer Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Standards of Performance for New Stationary Sources —Phosphate Fertilizer Industry— NSPS part 60, subparts T, U, V, W, and X, OMB Control No. 2060–0037, expiration 8/31/00. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 12, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No.1061.08. For technical questions about the ICR, contact Stephen Howie, (202) 564–4146.

SUPPLEMENTARY INFORMATION:

Title: Standards of Performance for Phosphate Fertilizer Industry, OMB Control No. 2060–0037; EPA ICR No 1061.08, expiration 8/31/00. This is a request for extension of a currently approved collection.

Abstract: The Administrator has judged that fluoride emissions from the phosphate fertilizer industry cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Phosphate fertilizer plant and phosphate bearing feed owners/operators of phosphate fertilizer plants must notify EPA of construction, modification, start-ups, shutdowns, malfunctions, and dates and results of the initial performance test. Owners/operators must install, calibrate, and maintain monitoring devices to continuously measure/record pressure drop across scrubbers.

Recordkeeping shall consist of: the occurrence and duration of all startups and malfunctions as described; initial performance tests results; amount of phosphate feed material; equivalent calculated amounts of P_2O_5, and pressure drops across scrubber systems. Startups, shutdowns and malfunctions must be recorded as they occur. Performance test records must contain information necessary to determine conditions of performance test and performance test measurements. Equivalent P_2O_5, stored or amount of feed must be recorded daily. The CMS shall record pressure drop across

scrubbers continuously and automatically.

Reporting shall include: initial notifications listed; and initial performance test results.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on January 21, 2000; no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 87.5 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Phosphate Fertilizer Industry.

Estimated Number of Respondents: 11.

Frequency of Response: 1.

Estimated Number of Responses: 11.

Estimated Total Annual Hour Burden: 963 hours.

Estimated Total Annualized Capital, O&M Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No.1061.08 and OMB Control No. 2060–0037 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Ave., NW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 2, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–11819 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6605–6]

Notice of Availability of Funds for Source Water Protection

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) seeks proposals from organizations interested in working with communities across the nation that are served by public water systems with highly or moderately susceptible drinking water sources to protect their sources of drinking water from contamination using a watershed or ''resource-based'' approach.

EPA is providing this financial support to:

- Facilitate the establishment of a technical field presence nationwide to help communities that would benefit from collaborative source water protection actions with other communities; and
- Assist communities across the country in addressing the obstacles to protecting their water resources and lowering the susceptibility of source waters through a watershed or ''resource-based'' planning approach.

EPA intends to use at least part of the funds to help an organization interested in establishing a national network of field technicians to assist communities with watershed or resource-based planning to protect their water supplies. However, EPA is very interested in seeing other types of approaches to help communities across the country protect drinking water sources, such as an approach that provides direct financial assistance and technical support to communities through means other than a field presence. Depending upon the proposals received, EPA will consider awarding a second grant that would complement a field technician approach.

DATES: All project proposals must be received by EPA no later than June 12, 2000.

ADDRESSES: Send five copies of the complete proposal to: Betsy Henry (4606), Office of Ground Water and Drinking Water, U.S. EPA, 1200 Pennsylvania Ave, NW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Betsy Henry, (202) 260–2399.

SUPPLEMENTARY INFORMATION:

Background

What Is a State or Tribal Source Water Assessment?

As mandated by the Safe Drinking Water Act Amendments of 1996, a state's source water assessment identifies the area that supplies water to each public drinking water system within the state, inventories the significant potential sources of contamination, and analyzes how susceptible the drinking water source is to contamination (often referred to as a ''susceptibility determination''). The Amendments allocated funding to states to complete source water assessments for all 170,000 public water systems. The results of these assessments are to be provided to each water supplier and made widely accessible to the public by 2003. EPA is also helping Tribes complete source water assessments of public water supplies in Indian Country.

The assessments are intended to give communities the information that they need to make informed decisions to protect their drinking water sources from contamination.

What Is a Highly or Moderately Susceptible Source Water Area?

There is a high degree of flexibility in how a state determines the susceptibility of its public water systems. The organization would need to work with the state source water programs to identify those public water systems or areas of the state that the state determines are highly or moderately susceptible to contamination and would most benefit from source water protection planning on a watershed or resource-wide scale.

What Is Source Water Protection?

Source water protection is the establishment of barriers that significantly lower the risk of contaminants of concern entering waters serving as public drinking water supplies. Building upon State or Tribal source water assessments, more communities will be examining what actions are necessary to protect their

sources of drinking water from the identified potential threats, and lower the susceptibility of their water supply to contamination. Planning is a critical first step so that a community or group of communities can use their limited resources to most effectively target sources of contamination that pose the highest or most immediate threats. Many communities need assistance working through the planning process.

Ideally, communities with public water systems that share the same resource or common threats would work together to identify their needs and jointly set priorities. Some basic planning elements include:

- An analysis of the state or tribal source water assessment for the systems involved in the planning.
- Identification of preventative action priorities and recommended measures for addressing them, including costs.
- Identification of an approach for determining the effect of the proposed priority actions on lowering the threats to source waters.
- Identification of alternative water supplies which would be needed in the case of emergencies (contingency planning).

Many communities also need assistance in addressing their priority preventative actions. Preventative actions might include land acquisition, land use ordinance establishment, leaky underground gas tank removal from sensitive areas, relocation of high-risk threats, or other measures.

What Is ''Resource-Based'' Source Water Protection?

A resource-based approach to source water protection promotes partnerships between public water systems that share a common source (river, lake, spring or aquifer) or face common contaminant threats. The approach encourages joint protection of water supplies through a single planning and prioritization process. A single water system might also benefit from a resource-based approach if the community can not adequately protect its drinking water source without collaborating with communities in the same watershed or recharge area that may have more control over potential threats to the water supply.

While similar, a resource-based approach is distinguished from watershed planning by focusing also on ground water areas that may not coincide with a watershed boundary. It is distinguished from traditional wellhead protection planning by broadening the scope from the traditional water system-by-system planning approach to planning on a shared resource scale that is based on natural geological and hydrological boundaries. However, a resource-based approach is not necessarily the same as large aquifer-wide planning (such as the Edwards aquifer) or a large watershed (*e.g.* Mississippi basin). These large scales often are beyond the scope of what is realistic or necessary for protecting sources of drinking water.

Why Is EPA Limiting the Focus to Highly or Moderately Susceptible Source Waters, and Using a Watershed or Resource-Wide Approach?

There are over 170,000 public water systems in the United States. While States have resources through the State Revolving Fund Programs, EPA has limited discretionary resources to help local communities implement source water protection for all of these systems' sources of drinking water. EPA believes that communities with public water supplies that are most susceptible to contamination should be the communities first targeted for assistance to identify and implement preventative measures to protect their drinking water sources.

EPA is also trying to encourage watershed-based or resource-based approaches to source water protection as an alternative to the traditional water system-by-system wellhead protection approach. This ''multi-system'' planning process can be more cost effective because one protection plan serves several systems. Also, it can result in a level of protection that is sometimes more effective in lowering threats, since threats to water quality are not always close to the intake or wellhead.

Funding Level and Statutory Authority

Funding is authorized under the Safe Drinking Water Act 42 U.S.C. 300j–1(c)(3)(C).

Total funding available for distribution is $1.4 million dollars. EPA intends to disburse these funds to one or possibly two organizations if, based on the applications received, communities will benefit from two approaches that complement one another.

Proposal Contents

- Interested applicants should submit a work plan that:
- Outlines the approach to assisting communities to engage in community-based source water protection planning and priority action implementation.
- Includes a budget for no less than $700,000 and no more than $1.4 million for implementing the approach over a two-year period.
- Provides biographies of the project leaders.

Eligibility Criteria

- The recipient organization must be a not-for-profit organization, educational institution, or public agency that meets the following criteria:
- Experience providing technical assistance to communities implementing community-based environmental programs for protecting drinking water, ground water or surface water quality.
- Experience working with communities to do resource-based/watershed or multi-jurisdictional planning, and facilitating partnerships between disparate stakeholders.
- Access to an established network capable of working with communities nationwide.
- Experience working with state agencies.
- Experience handling large grants of $700,000 or more, timely periodic reporting of progress and displaying the results of those grants to a wide public.

EPA Project Proposal Evaluation Criteria

EPA will evaluate all applicants based on the following criteria:

- Clearly outlines the approach that the organization will take to assist communities in a variety of regions across the country served by public water systems that have state-identified highly or moderately susceptible source waters. (30 points)
- Demonstrates knowledge of source water protection and ability to provide assistance to communities to effectively protect their drinking water supplies and address their highest priority needs. (25 points)
- Describes approach to community involvement in source water protection planning. (20)
- Identifies innovative means of networking the different communities receiving assistance with one another. (20 points)
- Leverages other resources as part of the proposed approach. (5 points)

Application Procedure

Please submit five copies of a proposal that includes a narrative work plan and budget that does not exceed 10 single spaced pages, with one-inch margins and 12-point font, stapled in one corner with no binding. You may also include up to 15 pages of supplementary material, such as the resumes and summaries of prior work. After EPA review, selected applicants will be asked to submit an SF–424.

Schedule of Activities

This is the estimated schedule of activities for review and award of proposals.

- Day 30: Proposals due 30 days after publication of **Federal Register** notice.
- Day 44: All applicants notified of government review status.
- Day 54: Selected applicant(s) submit a SF–424.
- July 10: Selected application(s) forwarded to EPA grants office.
- Aug. 10: Grants processing complete/Congressional notifications.

Dated: May 4, 2000.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 00–11818 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6605–5]

Peer Review Meeting on the Draft Guidance Document Entitled: Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities (Peer Review Draft, July 1998)

AGENCY: Environmental Protection Agency.

ACTION: Notice of peer review panel meeting.

SUMMARY: The Environmental Protection Agency's (''EPA'' or ''the Agency'') contractor, Tech Law, is announcing a meeting for the external, scientific peer review of the EPA draft guidance document entitled: *Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities* (Peer Review Draft, July 1998—EPA530–D–98–001A, B, & C) and the update to the document entitled: Errata dated August 2, 1999. The meeting will be organized, convened and conducted by Tech Law and will be held on May 24 and 25, 2000 in Dallas, Texas at the EPA Region VI building. Given the interest expressed by members of the public concerning this guidance document, the meeting will be open to the public for observation. The purpose of the meeting is to afford an opportunity for the members of Tech Law's review panel to present their individual peer review comments and discuss scientific and technical issues related to this guidance with other technical experts. All peer review comments will be incorporated into a summary by Tech Law and presented to EPA as recommendations. Tech Law's recommendations will be considered by the Agency during finalization of the document.

Background

This EPA document, Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities (HHRAP), is a three volume set of guidance for performing risk assessments on hazardous waste combustion facilities. Risk assessments can provide a basis for risk management decisions in hazardous waste combustor permitting to ensure that the permits are protective of human health and the environment. This guidance was released via **Federal Register** on Friday, October 30, 1998 (63 FR 58381–58382). It updated and replaced an earlier draft guidance entitled: ''Guidance for Performing Screening Level Risk Analyses at Combustion Facilities Burning Hazardous Wastes'' (April 15, 1994 draft). This new guidance was prepared by EPA's Region VI Center for Combustion Science and Engineering in coordination with the Office of Solid Waste (OSW). The guidance contains the OSW's recommended approach for conducting site-specific risk assessments on RCRA hazardous waste combustors. This guidance includes recommended parameters, pathways and algorithms to evaluate both direct and indirect risks.

The goal of the Agency's peer review process is to enhance the quality and credibility of Agency decision-making by ensuring that the scientific and technical work products relied on as part of the decision-making process receive the appropriate level of review by independent, scientific and technical experts. EPA has selected a contractor, Tech Law Inc., to conduct a comprehensive peer review of this guidance document. To that end, Tech Law, has selected nine independent experts reviewers that have not participated in the development of the document. The peer review panel is comprised of specialists which represent scientific disciplines generally covered in the HHRAP. The scientific disciplines chosen consist of combustion engineering, air dispersion modeling, fate and transport, human health exposure assessment, and human health toxicology.

The peer reviewers have been asked to respond to charge questions about the guidance document. Two types of charge statements were issued to the reviewers. All of the reviewers were asked to reply to charge questions which were general in nature. In addition, each expert was charged with specific technical questions which relate to their specialty. A number of the technical questions charged to the reviewers were chosen directly from public comments received on the guidance. To obtain or view copies of the human health risk assessment guidance document, the charges to the peer reviewers, the pre-meeting comments from the peer reviewers, or the public comments received on the document, see the supplementary information section below.

DATES: The meeting will begin on Wednesday, May 24 and end on Thursday, May 25, 2000. It will start at 8:30 am and end at 5:00 pm, daily.

ADDRESSES: The meeting will be held at EPA's Region VI building, at Fountain Place, 1445 Ross Avenue Dallas, Texas. Since seating capacity is limited, please contact Antoinette Todd of Tech Law, by telephone at (214) 953–0045, or by E-mail at ATodd@Techlawinc.com by May 19, 2000 at 4:30 pm (central time) to reserve a seat at the workshop as an observer. Seating space will be filled on a first-come, first-served basis. A limited amount of time at the end of each afternoon will be reserved for comments from the observers. Observers who wish to make a short presentation to the peer review panel (limited to 5 minutes in length) should register with Tech Law by May 19 at 4:30 pm (central time), as well. The amount of time allocated for each observer making comment may changed at the discretion of Tech Law, depending on the meeting circumstances. It is expected that all public statements presented at this meeting will not repeat any previously submitted oral or written statements. Comments should focus on the scientific and technical aspects of the document and the proceedings of the meeting. Since commenting time is limited, it will be filled on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: For technical and logistical inquires, contact Steve Cowan, of Tech Law by telephone, at (214) 953–0045; facsimile at (214) 754–0819; or by E-mail at SCowan@Techlawinc.com.

SUPPLEMENTARY INFORMATION: Copies of the (1) draft guidance document, Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities (HHRAP); (2) Errata; (3) public comments received on the document; (4) peer review charges; and (5) peer review pre-meeting comments can be viewed or requested as follows.

The HHRAP, Errata, peer review charges can be viewed on the world wide web at http://www.epa.gov/epaoswer/hazwaste/combust/risk.htm. The peer review pre-meeting comments will be available after May 11, 2000.

For paper copies of the above listed documents, in addition to the public comments on the guidance, contact the RCRA Information Center (RIC), by telephone at (703) 603–9230, or by mail at Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ) Ariel Rios Building 1200 Pennsylvania Ave. N.W. Washington, DC 20460. For the a copy of the HHRAP, please reference the document numbers, EPA530–D–98–001A for volume 1, EPA530–D–98–001B for volume 2, and EPA530–D–98–001C for volume 3. The HHRAP is also available in a CD-ROM version.

In addition, the documents will be made available for public viewing from 9 a.m. to 4 p.m. Monday through Friday (except Federal holidays) in the RIC, located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington Virginia. To review docket materials, the public must make an appointment by calling (703) 603–9230 and reference the docket identification number, F–98–HHRA–FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15 per page. The docket index and notice are available electronically.

Dated: May 3, 2000.

Matthew Hale,

Acting Director, Office of Solid Waste.

[FR Doc. 00–11817 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6605–3]

Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee; Notice of Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of meetings.

SUMMARY: Under section 10(a)(2) of Public Law 920423, ''The Federal Advisory Committee Act,'' notice is hereby given of a series of meetings of the Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*). All meetings are scheduled from 9 a.m. to 5 p.m. eastern time, and will be held at RESOLVE, Inc., 1255 23rd Street, NW, Suite 275 Washington DC 20037. The meetings are open to the public, but due to past experience, seating will be limited.

The meetings are scheduled for: June 1–2, to discuss results of Technical Working Group analysis; June 27–28, to continue discussions on results of Technical Working Group analysis; and draft Agreement in Principle; and July 27, to finalize Agreement in Principle.

Statements from the public will be taken if time permits.

For more information, please contact Martha M. Kucera, Designated Federal Officer, Microbial and Disinfectants/ Disinfection Byproducts Advisory Committee, U.S. EPA, Office of Ground Water and Drinking Water, Mailcode 4607, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. The telephone number is 202–260–7773 or E-mail kucera.martha@epamail.epa.gov.

Dated: May 1, 2000.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 00–11820 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34223; FRL–6558–3]

Organophosphate Pesticides; Availability of Preliminary Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of documents that were developed as part of the EPA's process for making reregistration eligibility decisions for the organophosphate pesticides and for tolerance reassessments consistent with the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). These documents are the preliminary human health risk assessments and related documents for malathion. This notice also starts a 60-day public comment period for the preliminary risk assessments. Comments and data are to be limited to issues directly associated with the organophosphate pesticide that has risk assessments placed in the docket and should be limited to issues raised in those documents. By allowing access and opportunity for comment on the preliminary risk assessments, EPA is seeking to strengthen stakeholder involvement and help ensure our decisions under FQPA are transparent and based on the best available information. The tolerance reassessment process will ensure that the United States continues to have the safest and most abundant food supply. The Agency cautions that these risk assessments are preliminary assessments only and that further refinements of the risk assessments will be appropriate for some, if not all, of these organophosphate pesticides. These documents reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

DATES: Written comments and data on these assessments, identified by the docket control number OPP–34223, must be received on or before July 10, 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. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify the docket control number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the preliminary risk assessments for malathion, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may 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/. 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/. In addition, copies of the preliminary risk assessments for this organophosphate pesticide may also be accessed at http://www.epa.gov/pesticides/op.

2. *In person*. The Agency has established an official record for this action under docket control number OPP–34223. 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 and data through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify the docket control number 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, 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 Hwy., 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–34223. 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 listed 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 or collection activity.
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

A. What Action Is the Agency Taking?

EPA is making available preliminary risk assessments that have been developed as part of EPA's process for making reregistration eligibility decisions for the organophosphate pesticides and for tolerance reassessments consistent with the FFDCA, as amended by the FQPA. The Agency's preliminary risk assessments for malathion are available in the organophosphate pesticide docket for malathion.

Included in the organophosphate pesticide docket are the Agency's preliminary risk assessments. As additional comments, reviews, and risk assessment modifications become available, these will also be docketed for the organophosphate pesticide listed in this notice. The Agency cautions that these risk assessments are preliminary assessments only and that further refinements of the risk assessments will be appropriate for this organophosphate pesticide. These documents reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

As the preliminary risk assessments for the remaining organophosphate pesticides are completed and registrants are given a 30-day review period to identify possible computational or other clear errors in the risk assessments, these risk assessments and registrant responses will be placed in the individual organophosphate pesticide dockets. A notice of availability for subsequent assessments will appear in the **Federal Register**.

The Agency is providing an opportunity, through this notice, for interested parties to provide written comments and data and input to the Agency on the preliminary risk assessments for the organophosphate pesticide specified in this notice. Such comments and data and input could address, for example, the availability of additional data to further refine the risk assessments, such as percent crop treated information or submission of residue data from food processing studies, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific chemical. Comments and data should be limited to issues raised within the preliminary risk assessments and

associated documents. EPA will provide other opportunities for public comment and data on other science issues associated with the organophosphate pesticide tolerance reassessment program. Failure to comment on any such issues as part of this opportunity will in no way prejudice or limit a commenter's opportunity to participate fully in later notice and comment processes. All comments and data should be submitted by July 10, 2000 at the address given under Unit I. Comments and data will become part of the Agency record for the organophosphate pesticide specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: May 3, 2000.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–11870 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Closed Commission Meeting, Monday, May 15, 2000

May 8, 2000.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Monday, May 15, 2000, following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No., Bureau, and Subject

1—Enforcement—Title: Report on Pending Common Carrier Investigations.

Summary: The Enforcement Bureau will report to the Commission on several pending common carrier investigations.

This item is closed to the public because it concerns investigatory matters. (See 47 CFR Sec. 0.603(g)).

The following persons are expected to attend: Commissioners and their Assistants, Managing Director, The Secretary, Enforcement Bureau Chief and members of his staff, General Counsel and members of his staff, Common Carrier Bureau Chief and members of his staff.

Action by the Commission May 8, 2000. Commissioners, Kennard, Chairman; Ness, Furchtgott-Roth, Powell and Tristanti voting to consider these matters in Closed Session.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–12003 Filed 5–9–00; 2:18 pm]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting, Monday, May 15, 2000

May 8, 2000.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Monday, May 15, 2000, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW, Washington, DC.

Item No., Bureau, and Subject

1—Common Carrier and Office of Engineering and Technology—Title: 2000 Biennial Regulatory Review of Part 68 of the Commission's Rules and Regulations (CC Docket No. 99–216).

Summary: The Commission will consider a Notice of Proposed Rulemaking to streamline Part 68 technical rules and registration process.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its_inc@ix.netcom.com. Their Internet address is *http://www.itsi.com*. This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet.

For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–12002 Filed 5–9–00; 2:18 pm]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 25, 2000.

A. **Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. *Stephen Panepinto,* Plaquemine, Louisiana; to acquire additional voting shares of Plaquemine Bancshares Corporation, Plaquemine, Louisiana, and thereby indirectly acquire additional voting shares of Plaquemine Bank & Trust Company, Plaquemine, Louisiana.

B. **Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. *Robert E. Ehrlich,* Milliken, Colorado; to acquire voting shares of First Gothenburg Bancshares, Inc., Gothenburg, Nebraska, and thereby indirectly acquire voting shares of First State Bank, Gothenburg, Nebraska.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Robert B. Mathieu,* Delhi, Louisiana; to acquire additional voting shares of Delhi Bancshares, Inc., Delhi, Louisiana, and thereby indirectly

acquire additional voting shares of Guaranty Bank & Trust Company of Delhi, Delhi, Louisiana.

Dated: Board of Governors of the Federal Reserve System, May 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–11783 Filed 5–10–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice of to the offices of the Board of Governors. Comments must be received not later than May 26, 2000.

A. **Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. *Francis O. Bourg, Jr., Francis O. Bourg, III, Augustine Bourg Taylor, Josephine Bourg Junot, and Dean Paul Chauvin, Jr.*, (collectively) Houma, Louisiana; to acquire additional voting shares of South Louisiana Financial Corporation, Houma, Louisiana, and thereby indirectly acquire additional voting shares of South Louisiana Bank, Houma, Louisiana.

Board of Governors of the Federal Reserve System, May 8, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–11880 Filed 5–10–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 5, 2000.

A. **Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. *City Savings Bancshares, Inc.,* Deridder, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of City Savings Bank & Trust Company, Deridder, Louisiana.

B. **Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. *Nebraska Bankshares, Inc.,* Farnam, Nebraska; Stockmens Financial Corporation, Rushville, Nebraska; and Stamford Banco., Inc., Stamford, Nebraska; to each buy more than 10 percent of the voting shares of First Gothenburg Bancshares, Inc., Gothenburg, Nebraska, and thereby indirectly acquire First State Bank, Gothenburg, Nebraska.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Plains Bancorp, Inc.,* Lubbock, Texas; to merge with Sudan Bancshares, Inc., Sudan, Texas, and thereby indirectly acquire First National Bank, Sudan, Texas.

D. **Federal Reserve Bank of San Francisco** (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. *Pacific Capital Bancorp,* Santa Barbara, California; to acquire 100 percent of the voting shares of San Benito Bank, Hollister, California.

2. *Westamerica Bancorporation,* San Rafael, California; to acquire 100 percent of the voting shares of First Counties Bank, Clearlake, California.

3. *Pacific Capital Bancorp,* Santa Barbara, California; to merge with Los Robles Bancorp, Thousand Oaks, California, and thereby indirectly acquire Los Robles Bank, Thousand Oaks, California.

Board of Governors of the Federal Reserve System, May 5, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–11784 Filed 5–10–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 26, 2000.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106–2204:

1. Washington Trust Bancorp, Inc., Westerly, Rhode Island; to acquire Phoenix Investment Management Company, Inc., Providence, Rhode Island, and thereby engage in investment advisory services consistent with section 225.28(b)(6) of Regulation Y.

Board of Governors of the Federal Reserve System, May 8, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–11879 Filed 5–10–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Public Forum: Warranty Protection for High-Tech Products and Services

AGENCY: Federal Trade Commission.

ACTION: Initial notice requesting academic papers and public comment and announcing public forum.

SUMMARY: The Federal Trade Commission plans to hold a public forum to examine warranty protection for software and other computer information products and services that are marketed to consumers, and seeks academic papers and public comment to inform this examination.

DATES: Papers and written comments are requested to be submitted on or before September 11, 2000. The forum will be held during the fall of 2000.

ADDRESSES: Six hard copies of each paper and written comment should be submitted to: Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Alternatively, the Commission will accept papers and comments submitted to the following e-mail address: ''software-comments@ftc.gov.'' The content of any papers or comments submitted by e-mail should be organized in sequentially numbered paragraphs. All submissions should be captioned ''High-Tech Warranty Project—Comment, P994413.''

Form and Availability of Comments: To enable prompt review and accessibility to the public, papers and comments also should be submitted, if possible, in electronic form, on either a 5¼ or 3½ inch computer disk, with a disk label stating the name of the submitter and the name and version of the word processing program used to create the document. (Programs based on DOS or Windows are preferred. Files from other operating systems should be submitted in ASCII text format.)

Papers and written comments will be available for public inspection in accordance with the Freedom of Information Act, 5 U.S.C. 552, and Commission regulations, 16 CFR Part 4.9, on normal business days between the hours of 8:30 a.m. and 5:00 p.m. at Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. The Commission will make this notice and, to the extent possible, all papers or comments received in electronic form in response to this notice available to the public through the Internet at the following address: http://www.ftc.gov.

FOR FURTHER INFORMATION CONTACT: The exact dates, location, and information about public participation in the forum will be announced later by **Federal Register** notice. For questions about this request for academic papers and comments, contact either:

Adam Cohn, Attorney, Division of Marketing Practice, Bureau of Consumer protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, telephone 202–326–3411; or

Carole Danielson, Senior Investigator, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, telephone (202) 326–3115.

SUPPLEMENTARY INFORMATION:

Background: Magnuson-Moss Warranty Act

In 1975, Congress passed the Magnuson-Moss Warranty Act (''Act'')[1] in response to a number of widespread problems consumers encountered when the products they purchased were defective. First, warranties were often very vague or extremely technical and thus difficult to understand and interpret. Second, companies often gave a narrow written warranty, but then disclaimed all implied warranties in the same document, thus providing the consumer with little or no recourse if the product turned out to be defective. Third, some manufacturers restricted the warranty and limited its remedies to such an extent that the warranty proved to be useless to consumers. Finally, the lack of privity with a distant manufacturer often precluded the consumer from seeking a remedy in court.

In addressing these problems, the Congress did not mandate that manufacturers or sellers provide written warranties on consumer products, nor did it mandate substantive warranty terms for consumer products. Rather, Congress mandated that any company that chooses to give a written warranty on a consumer product must follow some basic ground rules. As set forth in the Magnuson-Moss Warranty Act and in the regulations promulgated under the Act,[2] these basic ground rules were designed to ensure: that warranties for consumer products be clear and understandable; that warranties not become vehicles to disclaim or otherwise restrict substantive consumer rights provided by state law; that warranties be available prior to sale so consumers could know the warranty terms before buying the product and could compare the warranties of different sellers; and, that sellers and manufacturers honor the terms of their warranties. Finally, the Act gave consumers the right to sue for any violation of the Act, including breach of express or implied warranty.

Software and Other Computer Information Products and Services

Today, many of the issues that were important three decades ago in the context of written consumer product warranties are being debated in the context of mass market ''shrinkwrap'' or ''clickwrap'' software licenses. For example, software licenses may be written in technical, or otherwise complicated language that some consumers might find difficult to understand. Additionally, just as written warranties prior to 1975 were sometimes used to disclaim substantive implied warranty protections provided by state law, some of today's mass market software licenses contain provisions that seek to disclaim similar state-implied warranty protections (*e.g.,* fitness, merchantability). Moreover, some mass market software licenses may not be available for consumers to review until after the consumer has paid for the software. Thus, consumers may be unaware of the terms and conditions until after the product is purchased.[3]

[1] 15 U.S.C. 2301 *et seq.*

[2] 16 C.F.R. parts 701, 702 and 703.

[3] Many of these issues have recently been debated in the context of the drafting of a proposed state law, drafted by the National Conference of Commissioners on Uniform State Laws (NCCUSL). That proposed law, entitled the ''Uniform Computer Information Transaction Act'' (UCITA), would, among other things, affirm the enforceability of mass market software licenses. Many of the provisions of UCITA, including the provisions dealing with mass market licenses, have raised concern among some consumer groups and law enforcement officials, including the staff of the Federal Trade Commission. The FTC staff advocacy letters can be found on the Commission's web site

Continued

In seeking public comment and holding a public forum, the Commission hopes to facilitate discussion of how government, private industry, and consumer advocates can work together to ensure that consumers receive adequate information when purchasing software and other computer information products and services. Additional concerns include how to ensure that consumers are able to retain existing protections afforded by state law and compare warranty protections when shopping for software and other computer information products and services.

Invitation To Comment

The Commission requests that interested parties, including academics, industry members, consumer advocates, and government representatives, submit academic papers or written comments on any issue of fact, law, or policy that may inform the Commission's examination of warranty protection for software and other high-tech consumer goods and services. Please provide copies of any studies, surveys, research, or other empirical data referenced in responses.

The questions set forth below are intended only as examples of the issues relevant to the Commission's examination. Commenters are invited to discuss any relevant issue, regardless of whether it is identified below.

General

1. What warranty protections exist for consumers who purchase software and other computer information products and services?

2. What expectations do consumers have about reliability of software and other computer information products and services? Are these expectations met?

3. What remedies are typically available to consumers if software or another computer information product or service fails to perform as the consumer expected?

a. What warranty remedies are available to purchasers of such products and services?

b. What remedies are supplied by state or federal law?

c. Do consumers seek to invoke these remedies, and if so, how often are they successful?

4. Are consumers able to comparison shop for different computer information products or services based on the terms of warranty coverage? Are consumers interested in doing so? Do manufacturers or sellers of software and other computer information products and services compete with each other on the basis of warranty coverage?

5. Do the current protections encourage efficiency in the timing, selection, and amount of detail in information conveyed to consumers?

6. Do existing laws and industry practices protect consumers in the event that software and other computer information products or services are defective? How often does this occur?

7. What developments are underway by private or public entities at the international, national, state, or local levels that would have an impact on consumer's rights in the context of transactions involving software or other computer information products and services?

a. How would the proposed Uniform Computer Information Transactions Act (UCITA) affect consumers?

b. What role, if any, would be appropriate for the federal government with respect to protecting consumers who purchase software or other computer information products and services? What role, if any, would be appropriate for state and local government? Consumer groups? Private industry?

c. Are there international developments prompting uniformity of software or other computer information products and services?

Effect of Mass Market Licenses on Warranty Protection

8. What is the impact of characterizing a mass-market software transaction as a license as opposed to a sale of goods?

a. What is the rationale for such a characterization?

b. What are the legal implications of this characterization?

c. How does this affect consumers?

d. To what extent, if any, should software transactions be treated differently from transactions involving other intellectual property, such as the sale of compact discs, videocassettes, and printed books?

e. Are some types of products involving intellectual property better suited to be distributed to consumers in license transactions as opposed to a sale of goods? Why?

9. To what extent, if any, do mass market licenses for software typically create express warranties?

10. To what extent, if any, do implied warranties arise in the context of mass market licenses for software?

11. To what extent, if any, do mass market licenses for software typically disclaim express or implied warranties?

12. How are consumers affected by the use of ''shrinkwrap'' or ''clickwrap'' licenses in mass market purchases of software?

a. How are these licenses treated under existing law—that is, to what extent are these licenses enforceable?

b. What types of terms are typically included in a software license?

c. What types license of terms are beneficial to consumers? What types of terms may cause consumer harm? What legal recourse do consumers have in such circumstances?

d. To what extent are the terms of shrinkwrap or clickwrap licenses currently available to interested consumers prior to purchase?

e. What is the impact of license terms mandating certain types of alternative dispute resolution, such as arbitration? How frequently, if at all, are such terms enforced by licensors?

f. Do shrinkwrap or clickwrap licenses discourage firms from competing on the basis of licensing terms? If so, which terms would be more likely to change if there were full prior sale disclosure? Why?

13. What role, if any, does the Magnuson-Moss Warranty Act play in the marketing, sale, or licensing of software or other computer information products or services to consumers?

a. Is it appropriate that software be treated as a ''consumer product'' subject to the Act?

b. Is it appropriate that software be treated as ''tangible personal property'' subject to the Act?

c. Is it appropriate for the typical consumer transaction to acquire software to be treated as a ''sale'' of software subject to the Act?

d. Is it appropriate that software licenses be treated as a ''warranties'' subject to the Act?

Future Trends: High-Tech Legal Theories in the Low-Tech Marketplace

14. Recent proposed revisions to UCC Article 2 (sale of goods) suggest that post-sale disclosure of terms may become acceptable in the sale of goods content. What would be the costs and benefits of applying a licensing model to goods covered by UCC Article 2? Does this suggest the importation of a licensing model into such sales of goods? If so, what effect, if any, will this have on consumers?

Public Forum

15. What should be the primary focus and scope of the Commission's initial public forum on ''Warranty Protection for High-Tech Products and Services?''

16. Which interests should be represented at the Commission's initial

at *http://www.ftc.gov/be/v990010.htm* and *http://www.ftc.gov/be/v980032.htm.*

public forum on ''Warranty Protection for High-Tech Products and Services?''

Authority: 15 U.S.C. 41 *et seq.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–11802 Filed 5–10–00; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

HIV; Preventing Transmission Through Transplantation of Human Tissue Organs; U.S. Public Health Service Guidelines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Consultation to discuss the revision of the U.S. Public Health Service Guidelines for Preventing Transmission of Human Immunodeficiency Virus Through Transplantation of Human Tissue and Organs [MMWR/May 20, 1994/Vol.43/ No.RR–8].

Times and Dates: 8:30 a.m.–5 p.m., June 26, 2000. 8:30 a.m.–4:30 p.m., June 27, 2000.

Place: Holiday Inn Select, 130 Clairmont Avenue, Decatur, Georgia 30030.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: Attendees will discuss the potential revisions to the U.S. Public Health Service recommendations for guidelines for Preventing Transmission of Human Immunodeficiency Virus Through Transplantation of Human Tissue and Organs [MMWR/May 20, 1994/Vol. 43/ No.RR–8].

Matters To Be Discussed: Agenda items will include recent research regarding the transplantation of human tissue and organs.

FOR FURTHER INFORMATION CONTACT: Mary Helen Witten, Division of HIV/ AIDS Prevention—Surveillance and Epidemiology, Office of the Director, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road NE, MS D–21, Atlanta, Georgia 30333, 404–639–4592 or muw4@cdc.gov or, Dr. Kenneth A. Clark, Division of HIV/AIDS Prevention—Surveillance and Epidemiology, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road NE, MS E–46, Atlanta, Georgia 30333, 404–639–2085 or KClark@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: May 3, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–11794 Filed 5–10–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Stigma Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

Name: Stigma Meeting.

Time and Date: 9:30 a.m.–4 p.m., June 9, 2000.

Place: Hyatt Regency Hotel, 265 Peachtree Street, Atlanta, Georgia 30303.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 54 people.

Purpose: To discern the role of stigma in communications efforts directed at HIV positive and negative persons. To consult and collaborate with leading experts to develop strategies for future efforts in prevention and to fine tune existing communications plans. Our continued efforts to reach those at highest-risk for HIV will necessitate collaboration among organizations and audiences infrequently reached through CDC's traditional methods.

Matters To Be Discussed: Agenda items include an overview of the stigma issue, presentations on research on stigma and HIV, and an expert panel discussion of public health and private sector efforts which could together begin to counter stigma associated with HIV testing and early entrance into care.

FOR FURTHER INFORMATION CONTACT: Michelle Bonds, National Center for HIV, STD, and TB Prevention, Office of Communications, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333, telephone 404/639–8890.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: May 3, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 00–11793 Filed 5–10–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

Statement of Organization, Functions and Delegations of Authority

AGENCY: Office of Legislative Affairs and Budget (OLAB)/ACF/DHHS.

ACTION: Notice.

SUMMARY: This Notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (DHHS), Administration for Children and Families (ACF) as follows: Chapter KT, Office of Legislative Affairs and Budget (OLAB), (63 FR 45510), as last amended, August 26, 1998. This notice reflects the consolidation of the two budget divisions in the Office of Legislative Affairs and Budget into one division to improve its efficiency and effectiveness. Specifically, delete Chapter KT in its entirety, and replace with the following:

KT.00 Mission. The Office of Legislative Affairs and Budget (OLAB) provides leadership in the development of legislation, budget, and policy, ensuring consistency in these areas among ACF program and staff offices, and with ACF and the Department's vision and goals. It advises the Assistant Secretary for Children and Families on all policy and programmatic matters, which substantially impact the agency's legislative program, budget development, budget execution and regulatory agenda. The Office serves as the primary contact for the Department, the Executive Branch, and the Congress on all legislative, budget development and execution and regulatory activities.

KT.10 Organization. A Director, who reports to the Assistant Secretary for

Children and Families, heads the Office of Legislative Affairs and Budget. The Office is organized as follows: Office of the Director (KTA), Division of Legislative and Regulatory Affairs (KTB), Division of Budget (KTC).

KT.20 Functions. A. The Office of the Director provides direction and executive leadership to the Office of Legislative Affairs and Budget in administering its responsibilities. It serves as the principal advisor to the Assistant Secretary for Children and Families on all policy and programmatic matters which substantially impact on legislative affairs, budget development, budget execution and the regulatory agenda. It represents the Assistant Secretary on budget, policy and legislative matters and serves as the primary ACF contact for the Department, the Executive Branch and Congress on these activities.

B. The Division of Legislative and Regulatory Affairs serves as the focal point for congressional liaison in ACF; provides guidance to the Assistant Secretary for Children and Families and senior ACF staff on congressional activities and relations; manages the preparation of testimony and briefings for programmatic and budget-related hearings; negotiates clearance of testimony; monitors hearings and other congressional activities which affect ACF programs; and responds to congressional inquiries.

The Division manages the ACF legislative planning cycle and the development of Reports to Congress; reviews and analyzes a wide range of congressional policy documents including: legislative proposals, pending legislation, and bill reports; solicits and synthesizes internal ACF comments on such documents; negotiates legislative policy positions with the Department and the Executive Branch; and reviews other policy significant documents to ensure consistency with statutory and congressional intent and the agency legislative agenda.

The Division manages the ACF regulatory development process; negotiates regulatory policy positions with the Department and the Executive Branch; and provides guidance to ACF program and staff components on policy and programmatic matters related to the regulatory development process.

C. The Division of Budget manages the development and presentation of ACF's budget; provides guidance to ACF program and staff components in preparing material in support of budget development; provides guidance to the Assistant Secretary for Children and Families and senior program staff on policy and programmatic matters which substantially impact the budget development process; monitors budget-related hearings and other congressional activities which affect the ACF budget; responds to congressional inquiries on the budget; and, negotiates budget issues with the Department and the Executive Branch.

The Division requests apportionments from OMB for appropriated funds and issues allotments to program and staff offices; manages internal ACF funds control; provides guidance to senior program staff and budget contacts in management of their program and administrative funds; and, assists in reconciling any discrepancies found in CORE accounting reports and data-flow reports.

The Division manages the preparation of a comprehensive administrative (salaries and expenses) budget for ACF; provides guidance to the Assistant Secretary for Children and Families and senior ACF staff on all aspects of the agency's administrative budget; provides guidance to ACF program and staff components in preparing material in support of the administrative budget and tracking and reconciling expenditures throughout the fiscal year to ensure appropriate fiscal accountability and prudent spending patterns.

The Division designs and develops budget estimating modes and procedures to project future program costs in order to influence decision-making regarding ACF program budgets and policy; evaluates on a continuing basis complex national budget issues to assess overall impact on immediate, foreseeable, and long-range program direction; provides guidance to the Assistant Secretary for Children and Families and senior ACF staff on budget forecasts for all major ACF programs; negotiates budget forecasting issues with the Department and the Executive Branch; and responds to Congressional Budget Office, Congressional Research Service and general congressional inquiries regarding ACF budget projections.

The Division reviews and analyzes other policy significant documents to ensure consistency with ACF's budget, vision and goals.

Dated: May 8, 2000.

Madeline Mocko,

Director, Office of Legislative Affairs and Budget.

[FR Doc. 00–11877 Filed 5–10–00; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–1500]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Common Claims Form and Supporting Regulations in 42 CAR 414.40, 424.32, and 424.44; *Form No.:* HCFA–1500, 1490U, and 1490S (OMB# 0938–0008); *Use:* This form is a standardized form for use in the Medicare/Medicaid programs to apply for reimbursement for covered services; *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions; *Number of Respondents:* 1,321,417; *Total Annual Responses:* 717,876,097; Total Annual Hours: 44,460,460.

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 30 days of this notice directly to

the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 2050.

Dated: April 17, 2000.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 00–11846 Filed 5–10–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–312]

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: New Collection;

Title of Information Collection: Conflict of Interest and Ownership and Control Information;

Form No.: HCFA–R–312 (OMB# 0938–NEW);

Use: This Conflict of Interest questionnaire is sent to all Medicare Fiscal Intermediaries (FIs) and Carriers to collect full and complete information on any entity's or individual's ownership interest (defined as a 5 per centum or more) in an organization that may present a potential conflict of interest in their role as a Medicare FI or Carrier. The information gathered is used to ensure that all potential, apparent and actual conflicts of interest involving Medicare contracts are appropriately mitigated and that employees of the contractors, including officers, directors, trustees and members of their immediate families, do not utilize their positions with the contractor for their own private business interest to the detriment of the Medicare program.;

Frequency: Annually;

Affected Public: Not-for-profit institutions, and Business or other for-profit;

Number of Respondents: 42;

Total Annual Responses: 42;

Total Annual Hours: 126.

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: April 25, 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. 00–11847 Filed 5–10–00; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Program Exclusions: April 2000

AGENCY: Office of Inspector General, HHS.

ACTION: Notice of program exclusions.

During the month of April 2000, the HHS Office of Inspector General imposed exclusions in the cases set forth below. When an exclusion is imposed, no program payment is made to anyone for any items or services (other than an emergency item or service not provided in a hospital emergency room) furnished, ordered or prescribed by an excluded party under the Medicare, Medicaid, and all Federal Health Care programs. In addition, no program payment is made to any business or facility, *e.g.,* a hospital, that submits bills for payment for items or services provided by an excluded party. Program beneficiaries remain free to decide for themselves whether they will continue to use the services of an excluded party even though no program payments will be made for items and services provided by that excluded party. The exclusions have national effect and also apply to all Executive Branch procurement and non-procurement programs and activities.

Subject, City, State	Effective date
Program-Related Convictions	
Akpan, Adelia, Brooklyn, NY	05/18/2000
Andrickson, Eduardo, Flushing, NY	05/18/2000
Arcilla, Coleen Burke, Ronkonkoma, NY	05/18/2000
Arrillaga, Abenamar, White Deer, PA	05/18/2000
Askanazi, Jeffrey, Hudson, OH	05/18/2000
Balakrishna, Banga M., Bloomfield Hills, MI	05/18/2000
Beehm, William, Penfield, NY	05/18/2000
Berlin, Sanford, Tucson, AZ	05/18/2000
	05/18/2000
Blanchard, Douglas J., Orange Park, FL	05/18/2000
Boudreaux, Jeffrey D., Baton Rouge, LA	05/18/2000
Burnette, Barbara E., Boca Raton, FL	05/18/2000
Cornett, Marston, Hazard, KY	05/18/2000
Costa, Karen T., Northfield, NH	05/18/2000
Darty, Gwendolyn W., Mobile, AL	05/18/2000
Doble, Brook A., Shoreline, WA	05/18/2000
Dubovoy, Alexander, Mineola, NY	05/18/2000
Eastern Medical Billing, Inc., Lewisburg, PA	05/18/2000
Elk Transportation, Inc., Lewisburg, PA	05/18/2000
Fort, Daniel, Miami, FL	05/18/2000
Frazier, Jerry Lee, Sr., Harvey, LA	05/18/2000
Freitag, Joseph Harry, Denver, CO	05/18/2000
Fuller, Marie Rose, Medford, OR	05/18/2000
Garcia, Gerald H., Jr., Bisbee, AZ	05/18/2000
Gates, Eveline, Lafayette, NY	05/18/2000
Gomez, Francisco, Bronx, NY	05/18/2000
Harris, William H., Toledo, OH	05/18/2000
Hasan, Isa, Northville, MI	05/18/2000
Hurley, Samantha L., Daleville, IN	05/18/2000
Independence Ems, Inc., Lewisburg, PA	05/18/2000
Jarrell, Jay A., Chapel Hill, NC	05/18/2000
Kestel, Scott C., Ontario, OR	05/18/2000
Kirwan, Jonathan J., Penfield, NY	05/18/2000
Lenard, Kimberly, Oden, AR	05/18/2000
Leon, Jack, Vineland, NJ	05/18/2000
Leonard, Jonathan B., New York, NY	05/18/2000
Lunsford Wood, Juanita, Pine Bluff, AR	05/18/2000

Subject, City, State	Effective date
Mansfield, Rebecca J., Benton, AR	05/18/2000
Mason, Tracy, Cabot, AR	05/18/2000
Medical Services Corps, Inc., Lewisburg, PA	05/18/2000
Medmaster Service, Inc., Lutz, FL	12/2/2000
Miller Cab Company, Hazard, KY	05/18/2000
Moreano, Augusto G., Dix Hills, NY	05/18/2000
Munoz, Ruben, Hialeah Gardens, FL	05/18/2000
NCC Transportation, Inc., Lewisburg, PA	05/18/2000
Nelson, Tamara H., Alpine, Tx	05/18/2000
Nguyen, Danh The, N Las Vegas, NV	05/18/2000
Oganesyan, Gagik, Sherman Oaks, CA	05/18/2000
Parikh, Jyotika, N Woodmere, NY	05/18/2000
Phillips, Henry J., Coopers-town, NY	05/18/2000
Plinto, Stephen T., Parlin, NJ	05/18/2000
Podlaseck, David A., Lewisburg, PA	05/18/2000
Poklaseck, Joseph Anthony, Lewisburg, PA	05/18/2000
Reynolds, Darl E., Columbus, OH	05/18/2000
Rosati, Samuel M., Bradford, PA	05/18/2000
Saakian, Manouk, N Hollywood, CA	05/18/2000
Safe-T Ambulette, Inc., Bronx, NY	05/18/2000
Shah, Jitrendra C., Staten Island, NY	05/18/2000
Showalter, Carl Robert, Harrisonburg, VA	05/18/2000
Sorongon, Marcelino, Ramsey, NJ	05/18/2000
Stabeno, Vonnie Peel, Elgin, TX	05/18/2000
Syme, Robert U., Lewisburg PA	05/18/2000
Thompson-Johnson, Elizabeth, College Park, GA	05/18/2000
Ting, Li-Jen, Lancaster, OH	05/18/2000
Torres, Graciela N., Miami, FL	05/18/2000
Whiteside, Robert W., Brentwood, TN	05/18/2000
Yang, Gai-Fu, Flushing, NY	01/12/2000
You, Dynnard Lenny, Long Beach, CA	05/18/2000
Zarate, Juan C., Lake in the Hills, IL	10/27/1999
Felony Conviction for Health Care Fraud	
Aaron, Howard, Fairton, NJ	05/18/2000
Burstein, Alan G., Williamsville, NY	05/18/2000
Byers, Karen C, Greenville, SC	05/18/2000
Cafferky, Kevin, Landsdale, PA	05/18/2000
Hall, Cathy, L., Duncanville, AL	05/18/2000
Hinkle, Cynthia D., Chesterfield, VA	05/18/2000
Kirks, Donald R., San Antonio, TX	05/18/2000
Levine, Edward J., Colts Neck, NJ	05/18/2000
Tripp, Donna F., Delton, FL	05/18/2000
Felony Control Substances Conviction	
Czarnecki, Mary E., Leesburg, VA	05/18/2000
Eastburn, Timothy D., Sarasota, FL	05/18/2000
Gulla, Frank T., Wayne, NJ	05/18/2000
Hocevar, William J., Madison, OH	05/18/2000
Marchese, Joseph M., Dunmore, PA	05/18/2000
Miko, Leland Richard, Hayward, CA	05/18/2000
Naughton, Lourdes Ann, Scranton, PA	05/18/2000
Nuttle, Dana Kay, Pawnee, OK	05/18/2000
Parri, Bernadette, Peckville, PA	05/18/2000
Powell, Sherry Campbell, Shippensburg, PA	05/18/2000
Rosato, Donald J., Montgomery, PA	05/18/2000
Sarnecki, Conrad J. Jr., Plains, PA	05/18/2000
Woods, Patrice Morgan, Camp Hill, PA	05/18/2000
Zito, Joseph Anthony, New York, NY	05/18/2000
Patient Abuse Neglect Convictions	
Berry, Ricky Lee, Oklahoma City, OK	05/18/2000
Carroll, Nancy C., Senatobia, MS	05/18/2000
Coffey, Edward M., Englewood, CO	05/18/2000
Daly, Sara Rivers, N Charleston, SC	05/18/2000
Dawson, Deanna, Clinton, MS	05/18/2000
Dennis, Tonya D., Camden, AR	05/18/2000
Exum, Parthenia, Wilmington, DE	05/18/2000
Ford, Dale Allen, Crossville, TN	05/18/2000
Freeman, Dean Andre, San Quentin, CA	05/18/2000
Gregory, Doris, Lucedale, MS	05/18/2000
Hamilton, Cynthia, Alton, IL	05/18/2000
Harrington, James William, II., Sherwood, AR	05/18/2000
Hernandez, Juanita, Corpus Christi, TX	05/18/2000
Hill, Gail Leniase, Shreveport, LA	05/18/2000
Howze, Tyrone, New York, NY	05/18/2000
Jennings, Diane A., Garfield Hgts, OH	05/18/2000
Jones, Terrence, Youngstown, OH	05/18/2000
Kinoo, Samuel, Richmond, VA	05/18/2000
Long, Joanne D., Homer, NY	05/18/2000
Macpeek, Elizabeth L., Lyndonville, NY	05/18/2000
Mathews, Mariamma, Ridgewood, NY	05/18/2000
Metzler, Jacklyn L., Newark, DE	05/18/2000
Miller, Tammy L., Lawrenceville, IL	05/18/2000
Miller, Phyllis D., Cincinnati, OH	05/18/2000
Moore, Heather, Elmira, NY	05/18/2000
Moore, Joseph, Philadelphia, PA	05/18/2000
Mullins, Kendra D., Lawton, OK	05/18/2000
Page, Dorothy, Union, MS	05/18/2000
Parker, Chester A., E Cleveland, OH	05/18/2000
Posner, Robert S., Brooklyn, NY	05/18/2000
Prater, Lavonda, Bedford Hills, NY	05/18/2000
Randall, Margaret Ann, Shutesbury, MA	05/18/2000
Rhein, Anna L., Wooster, OH	05/18/2000
Riley, Dawn M., Pekin, IL	05/18/2000
Robinson, Paula Ann, McQueeney, TX	05/18/2000
Rubadue, Bernard James, Ogdensburg, NY	05/18/2000
Rumley, Linda Ruth, Gage,OK	05/18/2000
Sanders, Felicia, Freeport, NY	05/18/2000
Steele, Elizabeth, Morton, MS	05/18/2000
Stiggins, Laura D., Arkport, NY	05/18/2000
Tillman, Harold, Lawton, OK	05/18/2000
Williams, Rachel M., Toledo, OH	05/18/2000
Wright, Stephanie, Baltimore, MD	05/18/2000
Conviction for Health Care Fraud	
Carpenter, Selena M., Waterville, ME	05/18/2000
Crushfield, Toni, Saint Rose, LA	05/18/2000
Cushnie, William Paul, Angola, NY	05/18/2000
Griffin, Antonia Danielle, Zachary, LA	05/18/2000
License Revocation/Suspension/ Surrendered	
Aboumahboub, Shahram, Norwood, MA	05/18/2000
Adams, Barton J., Manchester Ctr, VT	05/18/2000
Allain, Joseph Michael, Abbeville, LA	05/18/2000
Allen, Jason Wayne, Desert Hot Springs, CA	05/18/2000
Anderson, Madeline C., Southampton, PA	05/18/2000
Andrews, Maya Janica, Colton, CA	05/18/2000
Arminski, Mari-Jo, Bradbury, CA	05/18/2000
Armstrong, John Franklin, New Braunfels, TX	05/18/2000
Atteridge, Gail Marcia, Princeton, TX	05/18/2000
Baker, Pamela A., Birmingham, AL	05/18/2000
Ballard, Joyce M., Naples, FL	05/18/2000
Beckman, Sherry Lynn, Hoover, AL	05/18/2000
Bendall, Sherry Ann, Laguna Hills, CA	05/18/2000
Benninghoff, John C., Eagan, MN	05/18/2000
Biggs, Donna L., Portsmouth, VA	05/18/2000
Bouchard, Carol, Pittsburg, PA	05/18/2000
Boykin, Lesa Ann, Decatur, AL	05/18/2000
Briones, Ricardo Aguila, Temecula, CA	05/18/2000
Bronder, Rosemry, Mitchellville, MD	05/18/2000
Brown, Stephanie Michelle, Birmingham, AL	05/18/2000

Subject, City, State	Effective date
Burke, Robert C., Los Angeles, CA	05/18/2000
Burwell, Jeffrey Eugene, Plain City, OH	05/18/2000
Chard-Yaron, Robert, San Diego, CA	05/18/2000
Christian, Kimary Ann, Killeen, TX	05/18/2000
Claney, Jonathan Holt, Norristown, PA	05/18/2000
Clawser, Samuel M., Leesburg, FL	05/18/2000
Clemmer, Lisa A., Boyertown, PA	05/18/2000
Cloutier, Jennifer, Portsmouth, NH	05/18/2000
Costopoulos, Aleta M., Westboro, MA	05/18/2000
Cote, Roberta L., Manchester, NH	05/18/2000
Criqui, Mary, Cheshire, CT	05/18/2000
Cullen, Judith, Wolcott, CT	05/18/2000
Culpepper, Lora Nell, Montgomery, AL	05/18/2000
Davis, Theresa Jean Trimble Lanett, AL	05/18/2000
Delaney, Mary Ann White, Louisville, KY	05/18/2000
Demary, Deborah Harrington, Windsor, MA	05/18/2000
Derioto, Toni Anne, Boston, MA	05/18/2000
Dittman, Beverly Stroup, Lewis Run, PA	05/18/2000
Dominguez, Ralph Zepherinus, Ontario, CA	05/18/2000
Donaho, Robert C., Peoria, IL	05/18/2000
Dunlap, Yvonne Delores, Mobile, AL	05/18/2000
Durrell, Charles Lyle, Jr., South Barre, VT	05/18/2000
Edmunds, John J., Londonderry, NH	05/18/2000
Eldred, Julie A., Derry, NH	05/18/2000
Ellis, Sheryl, Charlevoix, MI	05/18/2000
Emberling, Merlelyn Gaea, Cumby, TX	05/18/2000
Emery, Phyllis, Antrim, NH	05/18/2000
Erb, Celine Strzelecki, West Chester, PA	05/18/2000
Fagenstorm, Patrick Cregor, San Diego, CA	05/18/2000
Fallwell, Tobi Jo, Copperas Cover, TX	05/18/2000
Fisher, Marian L., Titusville, FL	05/18/2000
Flynn, Kathleen M., W. Warwick, RI	05/18/2000
Ford, Deborah L., Findlay, OH	05/18/2000
Frankel, Lee, Freehold, NJ	05/18/2000
Frawley, Gale D., Dover, MA	05/18/2000
Garcia, Ingrid Judith, San Bernardino, CA	05/18/2000
Gebo, Kevin Patrick, Tallahassee, FL	05/18/2000
Gercken, Dawn Theresa Schorr, Birmingham, AL	05/18/2000
Gilmore, Keith J., Philadelphia, PA	05/18/2000
Girouard, Herve J., Bedford, MA	05/18/2000
Glick-Scroggins, Beth Ann, Alameda, CA	05/18/2000
Goris, Lynnette M., Parma, MI	05/18/2000
Gray, Kirk Derek, Ventura, CA	05/18/2000
Greenwood, Lisa Stoudt, Trappe, PA	05/18/2000
Grimes, James M., Baltimore, MD	05/18/2000
Habib, Roshdy, Bulter, AL	05/18/2000
Hansen, Barbara J., Fargo, ND	05/18/2000
Harrison, Debra A., Mantachie, MS	05/18/2000
Healy, Paul Richard, Culver City, CA	05/18/2000
Henley, Patrick E., Anniston, AL	05/18/2000
Higgins, Andrew E., Sheffield, MA	05/18/2000
Highwood, Antonio, San Antonio, TX	05/18/2000
Holt, James Francis, Atascadero, CA	05/18/2000
Howell, Teresa, Providence, RI	05/18/2000
Hubbard, Patricia M., St. Johnsbury, VT	05/18/2000
Hughes, Kelly Denise, Wasco, CA	05/18/2000
Hughes, Herschel Roland, Riverside, CA	05/18/2000
Hutchings, Lori A., Medford, MA	05/18/2000
Hyde, Michael Evan, San Diego, CA	05/18/2000
Imhoff, Barbara A., Aliquippa, PA	05/18/2000
Jacob, Sosamma Mathai, Dallas, TX	05/18/2000
Janota, Rudy, Coppell, TX	05/18/2000
Jardon, Leonard A., Burbank, CA	05/18/2000
Johnson, Tyrone Joseph, San Diego, CA	05/18/2000
Johnson-Pommier, Lynne, Virginia, MN	05/18/2000
Johnston, Jack H., Ellijay, GA	05/18/2000
Jones, Patricia E., Mulkeytown, IL	05/18/2000
Kelly, Bonnie R., Aurora, IL	05/18/2000
Kerns, Donna R., Staunton, VA	05/18/2000
Kim, Ray Kyusuk, Santa Ana, CA	05/18/2000
King, Kimberly Ann, Waxahachie, TX	05/18/2000
Koch, Patricia Alice, Fremont, CA	05/18/2000
Lambert, Vickie L., Pinckney, MI	05/18/2000
Lange, Sylvia R., Woonsocket, RI	05/18/2000
Lapre, Katherine A., New Bedford, MA	05/18/2000
Lee, Carlvent Todd, Tuskegee, AL	05/18/2000
Levan, Judith Margaret, Cypress, TX	05/18/2000
Lim, Denna Mae, Marysville, CA	05/18/2000
Lindenberg, Dresina, Bradenton, FL	05/18/2000
Lockhart, Charles Ronnie, Jr., Birmingham, AL	05/18/2000
Lockwood, Laura F., Edgewater, FL	05/18/2000
Lucas, Cynthia A., Green Valley Lake, CA	05/18/2000
Lynn, Gary B., Oakford, IL	05/18/2000
Mappes, Michael R., Plymouth, MA	05/18/2000
Maraggia, Debra Denise, Gilmer, TX	05/18/2000
Marshall, Raymond G., Danville, KY	05/18/2000
Martina, John Gordon, Larkspur, CA	05/18/2000
Martinez, Michael Angelo, Fresno, CA	05/18/2000
Maxwell, Clifton, Fontana, CA	05/18/2000
McCrae, Cheryl, Phoenix, AZ	05/18/2000
McDonald, Susan Jill, Strathmore, CA	05/18/2000
McGowen, Brenda Jane, Putney, VT	05/18/2000
McKenzie, Kenneth Ray, Freedom, CA	05/18/2000
McKeon, Sally A., North Adams, MA	05/18/2000
McNulty, Christine M., Lowell, MA	05/18/2000
Meek, Charles G., Jacksonville, FL	05/18/2000
Mendoza, Jeanette Marie, San Bernardino, CA	05/18/2000
Mettetal, Ray Wallace, Jr., Petersburg, VA	05/18/2000
Mims, Andrea F. Vaughn, Dothan, AL	05/18/2000
Mitchel, Debrann Washington, Elizabeth City, NC	05/18/2000
Mix, Jo Ann Hyde, Mt Dora, FL	05/18/2000
Monroe, Nina Suzette, Tuscaloosa, AL	05/18/2000
Montgomery, James Joseph, Santa Ana, CA	05/18/2000
Moore, Minnie Rose Hudson, Midfield, AL	05/18/2000
Moore, Tracy Lynn, Dallas, TX	05/18/2000
Morris, Jennifer L., Ft. Myers, FL	05/18/2000
Morrison, Toni L., Davison, MI	05/18/2000
Mosley, Victoria Henry, Scottsburg, VA	05/18/2000
Mouton, Joan Theresa, Sacramento, CA	05/18/2000
Myers, Edward Cary, Mineral Wells, TX	05/18/2000
Napoli, Anthony J., Saco, ME	05/18/2000
Naylor, Janice, Smyrna, GA	05/18/2000
Neblett, Sandra Elaine, Bryan, TX	05/18/2000
Nelson, Douglas C., Lake Park, IA	05/18/2000
Newberry, Dena L., Decatur, IL	05/18/2000
Newman, Lee David, Los Angeles, CA	05/18/2000
Newman, Enloe O., Baldwin Park, CA	05/18/2000
Nicholas, Martin Price, Birmingham, AL	05/18/2000
Odom-Hickey, William Alex, Philadelphia, PA	05/18/2000
Ouimet, Michael H., Foxboro, MA	05/18/2000
Panganiban, Antoinette Tapat A., Lakewood, CA	05/18/2000
Parker, Ramona C., Jacksonville, FL	05/18/2000
Payne, Diane Denise, Fort Worth, TX	05/18/2000

Subject, City, State	Effective date
Pfeiffer, Marilyn L., Gainesville, FL	05/18/2000
Phelps, Luann, Manchester, NH	05/18/2000
Platt, Robin Anne, W. Covina, CA	05/18/2000
Pokki, Aaron E., Templeton, MA	05/18/2000
Posey, Linda Sue Hooper, Cherokee, AL	05/18/2000
Prentiss, Bettie W., Madison, VA	05/18/2000
Prior, William Franklin Jr., Aiken, SC	05/18/2000
Rafferty, Sharon D., Anchorage, AK	05/18/2000
Rees, David G. Jr., Great Britain	05/18/2000
Richardson, Elton Louis, Los Angeles, CA	05/18/2000
Robertson, Dorothy Ann, Dallas, TX	05/18/2000
Rockett, Joan, Manchester, NH	05/18/2000
Ross, Tonya L., Stockbridge, VT	05/18/2000
Rucker, Susan B., Portsmouth, NH	05/18/2000
Rudofski, Sharon L., Walled Lake, MI	05/18/2000
Sacks, Irving B., Moss Beach, CA	05/18/2000
Sakmar, Daniel Andrew, Pittsburgh, PA	05/18/2000
Salzameda, Richard Gustavo, San Bernardino, CA	05/18/2000
Schmidt, Theresa Cox, Philadelphia, PA	05/18/2000
Sessler, Connie L., Shell Rock, IA	05/18/2000
Shoemaker, Willa Mae Wells, Liberty, KY	05/18/2000
Simpson, Cynthia L., Shady Hill, FL	05/18/2000
Slater, Linda Lee, Orange, TX	05/18/2000
Smith, Cynthia Floree, Delhi, CA	05/18/2000
Smith, Leslie Marie, Landers, CA	05/18/2000
Smith, Sheila K., Flora, IL	05/18/2000
Smith, Dennis J., Revere, MA	05/18/2000
Snyder, Celia V., Vista, CA	05/18/2000
Stallman, Mark, Chicago, IL	05/18/2000
Stevens, Katherine Retha, Clearlake, CA	05/18/2000
Stokes, Carlos D., Chicago, IL	05/18/2000
Stone, Mildred V., Craftsbury, VT	05/18/2000
Street, Steven Wayne, Hudson, FL	05/18/2000
Stumpf, Craig Allen, Delray Beach, FL	05/18/2000
Sturm, Mary J., Rochester Hills, MI	05/18/2000
Su, Yong Fang, Garden Grove, CA	05/18/2000
Sullivan, Elizabeth M., Shelburne, VT	05/18/2000
Swaim, James Ray, Jr., Wichita Falls, TX	05/18/2000
Swarts, Shirley Elaine, Fresno, CA	05/18/2000
Tate, Joni James, Muscle Shoals, AL	05/18/2000
Taylor, Henry Keith, Thousand Oaks, CA	05/18/2000
Thatcher, Wendy L., South Dennis, MA	05/18/2000
Thompson, Barbara G., Dearborn, MI	05/18/2000
Todd, Diane Ona, Billerica, MA	05/18/2000
Tornillo, Pamela, West Haven, CT	05/18/2000
Townes, Emma B., Midlothian, VA	05/18/2000
Ward, Donna Kaye Williams, Decatur, AL	05/18/2000
Warren, William E., Shoreview, MN	05/18/2000
Weeks, Glenn, Madison, AL	05/18/2000
Weston, Martha Louise-Leathers, Russell, PA	05/18/2000
Willis, Paul Randall, Auburn, AL	05/18/2000
Worley, Anthony Wayne, Alta Loma, CA	05/18/2000
Youngue, Eugene L., III, Pittsburgh, PA	05/18/2000
Zaffer, Sheila L., Lake Forest, IL	05/18/2000
Federal/State Exclusion/Suspension	
Chen, Samuel, Chicago, IL	05/18/2000
Competent Care, Inc., Newburgh, NY	05/18/2000
Crevar, David, Clairton, PA	05/18/2000
Medicine Shoppe, Clairton, PA	05/18/2000
Fraud/Kickbacks	
Fromer, Carl, Staten Island, NY	03/30/2000
Kimberly Home Health Care, Inc., Melville, NY	07/19/2000
Pozzi, Deborah, Wood Dale, IL	02/03/2000
Owned/Controlled by Convicted Excluded	
ABC Eureka Medical Rentals, Hialeah, FL	05/18/2000
Affordable Dental Care of Cape, Boca Raton, FL	05/18/2000
Doherty Chiropractic, Abington, MA	05/18/2000
Marketing & Management Special, Atlanta, GA	05/18/2000
Professional Medical Care, Inc., Miami, FL	05/18/2000
Prometo Counseling Center, Inc., Miami, FL	05/18/2000
Southwest Health Services, Inc., Stone Mountain, GA	05/18/2000
Southwest Health Services, Inc., Atlanta, GA	05/18/2000
Speech Pathology Service, Inc., Parairie Village, KS	05/18/2000
Tri-County Medical Clinic, LTD., Vandalia, IL	05/18/2000
Wallace Chiropractic Center, Artesia, NM	03/31/2000
Default on Heal Loan	
Alesescu, Kenneth J., Auburn, CA	04/05/2000
Alley, Michael K., N. Little Rock, AR	05/18/2000
Anderson-McGruder, Denise, Detroit, MI	03/31/2000
Antolos, John, New York, NY	05/18/2000
Bedell, Andrew D., Tulsa, OK	03/30/2000
Bohn, Ralph R., Louisville, KY	05/18/2000
Bunker, Lane P., Longmont, CO	05/18/2000
Cantong, David E., San Gabriel, CA	05/18/2000
Carr, Terry A., Maryville, WI	05/18/2000
Dale-Frimml, Jaymee J., Nampa, ID	05/18/2000
Davidson, Clifford M., Knoxville, TN	03/29/2000
Dennis, Gwenda B., Laguna Hills, CA	05/18/2000
Dugan-Santaloci, Blaise N., Brockton, MA	05/18/2000
Ellenberger, Lori M., Riverside, CA	05/18/2000
Erickson, Thomas M., Cornelius, NC	05/18/2000
Gergen, Daivid W., Nags Head, NC	05/18/2000
Ginzburg, Asya, Stamford, CT	05/18/2000
Gray, Cynthia, D., Vancouver, WA	05/18/2000
Guerrier, Donald D., Jamaica, NY	05/18/2000
Hancock, John T., Mooresburg, TN	05/18/2000
Head, Philip A., Jr., Galveston, TX	04/11/2000
Homer, Milton H., Kent, WA	05/18/2000
Hunter, Jennifer E., Metairie, LA	05/18/2000
Husain, Mehtab, Lewisburg, PA	02/09/2000
Jones, Carma Rochelle, Stafford, TX	05/18/2000
Kershner, Patricia A., Jonesboro, GA	05/18/2000
Kidd, Crayton C., Farmington Hills, MI	05/18/2000
Kratt, Thomas William, Nacogdoches, TX	04/05.2000
Kullrich, Regant T., Oakhurst, CA	04/05/2000
Lapham, David V., Danboro, PA	05/18/2000
Madrid, Martha, Encino, CA	05/18/2000
Mason, Peggy J., Venice, FL	05/18/2000
Matsuzaki, Maurice M., Honolulu, HI	05/18/2000
Noble, Craig J., Redford, MI	04/05/2000
O'Brien, Stephanie M., Decatur, GA	05/18/2000
Oksenholt, Lorrie M., Reno, NV	03/13/2000
Pak, Jae S., Santa Ana, CA	05/18/2000
Pizarro, Joanna C., Aliso Viejo, CA	05/18/2000
Sartz, Patrick M., Chandler, AZ	05/18/2000
Scopelliti, Aldo R., W.Long Branch, NJ	05/18/2000
Seymour, Mark A., Elkridge, MD	05/18/2000
Smith, Gwendolyn D., Tuscaloosa, Al	05/18/2000
Smith, Jill D., San Andreas, CA	05/18/2000
Stockslager, Viki L., Toledo, OH	05/18/2000
Stone, John L., Bay Springs, MS	05/18/2000
Stumpf, Gregory R., Ozark, MO	05/18/2000
Trusty, George, Syracuse, NY	05/18/2000
Turner, Joshua, Far Rockaway, NY	05/18/2000
Von Eberstein, Harle A., Lakewood, CO	05/18/2000

Subject, City, State	Effective date
Wade, Michael J., Coachella, CA	05/18/2000
Wallace, Richard Larry, Jr., Artesia, NM	03/31/2000
Will, Richard S., Radnor, PA	05/18/2000

Dated: May 2, 2000.

Calvin Anderson,

Acting Director, Health Care Administrative Sanctions, Office of Inspector General.

[FR Doc. 00–11848 Filed 5–10–00; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Miniaturized Wearable Transdermal Alcohol Monitor

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

PROPOSED COLLECTION: *Title:* Miniaturized Wearable Transdermal Alcohol Monitor. *Type of Information Collection Request:* New. *Need and Use of Information Collection:* This Small Business Innovation Research two-year study is designed to complete the development and clinical testing of a miniaturized wearable Transdermal Alcohol Sensor/Recorder (TAS) that is ready for evaluation in various medical and forensic markets. The overall goal of the project is to refine the specifications of Giner, Inc.'s prototype TAS for miniaturization and to improve wearability for extended periods of time on the wrist or upper arm, maintaining all of the functionality of the current device. Testing on adult volunteers while they are consuming alcohol will determine wearability, performance, reliability, and reproducibility of the TAS in both clinical and normal living/working conditions. The subjects in two small clinical studies will be asked to keep a daily log of activities, including eating and drinking, while they are wearing the TAS for up 14 days. At the conclusion of the experiment, they will be interviewed about their drinking during the test period using the Time Line Followback (TLFB), a standard clinical interview instrument. A relative of each subject (collateral) will also be interviewed to corroborate the subjects' drinking record. A small sample of alcoholics will wear the TAS for 24 hours, while undergoing detoxification treatment under a physician's care, to evaluate the TAS response to high blood alcohol levels. They will be interviewed about their drinking in the past week using the TLFB. The findings of the studies will be used by the contractor to validate the performance of the re-designed TAS in different settings where monitoring of alcohol ingestion is desirable. *Frequency of Response:* Once, twice, or daily for 14 days. *Affected Public:* Individuals. *Type of Respondents:* Alcoholics, social drinkers, collaterals (ages 21–65). The annual reporting burden is as follows:

YEAR 1

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Alcoholics	6	1	0.1667	1
Social Drinkers	12	16	0.1667	32
Collaterals	12	2	0.1667	4
Total				37

YEAR 2

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Social Drinkers	42	15	0.1667	105
Collaterals	42	1	0.1667	7
Total				112

There are no costs to Respondents to report. Social drinker respondents who consume alcohol in controlled settings, wear the TAS, and keep daily log are paid $100–$150 for their participation. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Laurie Foudin, Program Administrator, Biomedical Research Branch, Division of Basic Research, NIAAA, 6000 Executive Blvd., MSC

7003, Bethesda, MD 20892–7003, or call (301) 443–0912 or E-mail your request, including your address to: lf29z@nih.gov.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before July 10, 2000.

Dated: May 2, 2000.

Stephen Long,

Executive Officer, NIAAA.

[FR Doc. 00–11739 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center of Complementary and Alternative Medicine Special Emphasis Panel.

Date: May 19, 2000.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 9000 Rockville Pike, Bldg 31, Room 5B50, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John C. Chah, Scientific Review Administrator, National Institutes of Health, NCCAM, Building 31, Room 5B50, 9000 Rockville Pike, Bethesda, MD 20892, 301–402–4334, johnc@od.nih.gov.

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11760 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Center For Research Resources; amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory Research Resources Council, May 18, 2000, 8 am to May 18, 2000, 5 pm, National Institutes of Health, 9000 Rockville Pike, Conference Room 6, Building 31C, Bethesda, MD, 20892 which was published in the **Federal Register** on April 5, 2000, 00–8316.

The meeting will be open to the public from 9:15 a.m. until 1:30 p.m., closed to the public from 1:30 p.m. to 3:30 p.m., and open to the public from 3:30 p.m. to adjournment. The meeting is partially closed to the public.

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11765 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Patient-Oriented Res. Career Development Awards (K23), Midcareer Investigator Awards in Patient-Oriented Research (K24), and Mentored Quantitative Research Career Develop. Awards (K25).

Date: May 30–31, 2000.

Time: 7 pm to 4 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Diane M. Reid, Scientific Review Administrator, NIH, NHLBI, DEA, Two Rockledge Center, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, (301) 435–0277.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Transitional Career Development Award in Women's Health Research.

Date: May 31, 2000.

Time: 4 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Diane M. Reid, Scientific Review Administrator, NIH, NHLBI, DEA, Two Rockledge Center, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, (301) 435–0277.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Specialized Centers of Research (SCOR) in Hemostatic and Thrombotic Diseases.

Date: June 1–2, 2000.

Time: 7 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Diane M. Reid, Scientific Review Administrator, NIH, NHLBI, DEA, Two Rockledge Center, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892–7924, (301) 435–0277.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Molecular Genetics of Hypertension SCOR.

Date: June 22–23, 2000.

Time: 7 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Sheraton Columbia Hotel, 10207 Wincopin Circle, Columbia, MD 21044.

Contact Person: Jeffrey H. Hurst, Leader, Vascular/Blood Scientific Review Group, Rockledge Center II, 6701 Rockledge Drive, Suite 7208, Bethesda, MD 20892–7924, 301/435/0303.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Cellular and Molecular Mechanisms of Diabetic Cardiomyopathy.

Date: June 29–30, 2000.

Time: 7 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: S. Charles Selden, Scientific Review Administrator, NIH/NHLBI/DEA, Rockledge Center II, 6701 Rockledge Drive, Suite 7196, Bethesda, MD 20892–7924, 301/435–0288.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11761 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Oxygen Sensing During Intermittent Hypoxia.

Date: May 31, 2000.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Anne P Clark, NIH, NHLBI, DEA, Review Branch, Rockledge II, 6701 Rockledge Drive, Room 7186 Bethesda, MD 20892–7924, (301) 435–0280.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mentored Clinical Scientist Development Awards.

Date: June 15, 2000.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

Contact Person: Eric H Brown, Scientific Review Administrator, NIH/NHLB/DEA, Review Branch, Rockledge Building II, 7204, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0299, browne@gwgate.nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11762 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Amended Notice Meeting

Notice is hereby given of a change in the meeting of the National Advisory Council on Drug Abuse, May 16, 2000, 1 p.m. to May 17, 2000, 11:30 a.m., Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 which was published in the **Federal Register** on April 25, 2000, Volume 65 FR 24493.

The agenda of the meeting has been changed. On May 16, from 1 p.m. to 4 p.m., the meeting will be closed to the public, and on May 17, from 9 a.m. to 11:30 a.m., the meeting will be open to the public. The meeting is partially closed to the public.

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11757 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Arthritis and Musculoskeletal and Skin Diseases Advisory Council.

Date: June 12, 2000.

Open: 8:30 am to 12:00 pm.

Agenda: The meeting will be open to the public to discuss administrative details relating to Council business and special reports.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Closed: 1:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications and/or proposals.

Place: 9000 Rockville Pike, Building 31C, Conference Room 6, Bethesda, MD 20892.

Contact Person: Steven J. Hausman, Deputy Director, NIAMS/NIH, Bldg 31, Room 4C–32, 31 Center Dr., MSC 2350, Bethesda, MD 20892–2350.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11764 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial properly such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: June 16, 2000.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Fairfax Hotel, 2100 Massachusetts Ave., NW., Washington, DC 20008.

Contact Person: Craig A. Jordan, Chief, Scientific Review Branch, NIH/NIDCD/DER, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11766 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel.

Date: June 29, 2000.

Time: 11:30 am to 1:00 pm.

Agenda: To review and evaluate grant applications.

Place: Executive Plaza South, Room 400C, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call.

Contact Person: Melissa Stick, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD/NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11767 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee.

Date: June 1–2, 2000.

Open: June 1, 2000, 8:30 a.m. to 9:15 a.m.

Agenda: Discussion of administrative details relating to committee business and program review.

Place: Hyatt Arlington Hotel, Salon A Room, 1325 Wilson Blvd., Arlington, VA 22209.

Closed: June 1, 2000, 9:15 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Hyatt Arlington Hotel, Salon A Room, 1325 Wilson Blvd., Arlington, VA 22209.

Contact Person: Madelon C. Halula, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610; 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11768 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: May 31, 2000.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6700–B Rockledge, Room 2217, Bethesda, MD 20892 (telephone conference call).

Contact Person: M. Sayeed Quraishi, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2220, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610; 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: May 4, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11769 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel; Internet Connections for Medical Institutions.

Date: June 8–9, 2000.

Time: June 8, 2000, 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Time: June 9, 2000, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Sharee Pepper, Scientific Review Administrator, Health Scientist Administrator, Office of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, (301) 594–4933.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11759 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of health

Center for Scientific Review; Notice of Closed meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 10, 2000.

Time: 10 am to 11 am.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carl D. Banner, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (301) 435–1251, bannerc@drg.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 10, 2000.

Time: 10:30 am to 12 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Priscilla B. Chen, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1787.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 3, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11758 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552(b)(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 10, 2000.

Time: 1:00 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcia Litwack, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 16, 2000.

Time: 10:00 am to 11:00 am.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gloria B. Levin, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7848, Bethesda, MD 20892, (301) 435–1017, leving@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 17, 2000.

Time: 11:00 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence N. Yager, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, 301–435–0903, yagerl@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333,

93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 4, 2000.

Anna Snouffer,

Acting Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–11763 Filed 5–10–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of the latest forms of automated collection techniques or other forms of information technology.

Proposed Project: 2001 National Household Survey on Drug Abuse—(0930–0110, Revision)

SAMHSA's National Household Survey on Drug Abuse (NHSDA) is a survey of the civilian, noninstitutionalized population of the United States 12 years old and older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources.

For the 2001 NHSDA, additional questions in the following substantive areas are planned: serious mental illness for adults; selected mental disorders for youth (12 to 17 years old); one question regarding state Children's Health Insurance Program (CHIP) coverage for respondents (12 to 19 years old); revised questions on cigarette dependence; questions on marketplace issues and knowledge of state laws regarding marijuana use; questions on smoking ''bidis'' and ''kreteks'' (flavored cigarettes); and two questions that use the ''item count'' methodology to estimate use of specific hard-core drugs. The remaining modular components of the NHSDA questionnaire will remain essentially unchanged except for minor modifications to wording and selective elimination of sufficient questions to allow for the additional burden of the questions listed above.

As in 1999 and 2000, the sample size of the survey for 2001 will be sufficient to permit prevalence estimates for each of the fifty states and the District of Columbia. The total annual burden estimate is 94,945 hours as shown below:

	Number of respondents	Responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Household screener	241,500	1	0.083	20,045 hrs.
NHSDA	70,000	1	1.07	74,900
Total				94,945

Please send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Parklawn Building, 5600 Fishers Lane, Room 16–105, Rockville, Maryland 20857. Written comments should be received within 60 days of this notice.

Dated: May 5, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–11795 Filed 5–10–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. Docket No. FR–4491–N–04]

Draft SEQRA/NEPA Environmental Impact Report/Environmental Impact Statement (EIR/EIS); City of Yonkers, NY; Affordable Housing Ordinance (AHO) Mandated By a 1988 Federal Long-Term Plan Order

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: The Department of Housing and Urban Development gives this notice to the public that the City of Yonkers, New York, intends to prepare an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for a proposed apartment project located at 1105–1135 Warburton Avenue containing 524 units, 58 units (11% of the total units) of which are intended to be affordable housing.

This notice is in accordance with regulations of the Council on Environmental Quality as described in 40 CFR parts 1500–1508. Federal agencies having jurisdiction by law, special expertise, or other special interest should report their interests and indicate their readiness to aid in the EIR/EIS efforts as a ''Cooperating Agency''. Particularly solicited is information on reports or other environmental studies planned or completed in the project area, major issues and dates which the EIR/EIS should consider and recommend mitigation measures and alternatives associated with the proposed project.

A Draft EIR/EIS will be completed and pubished about June 30, 2000 for the proposed action described herein. Comments relating to the Draft EIR/EIS

are requested and will be accepted by the contact person listed below. When the Draft EIR/EIS is completed, a notice will be sent to individuals and groups known to be interested in the Draft EIR/EIS. Any person or agency interested in receiving a notice and making comment on the Draft EIR/EIS should contact the person listed below.

ADDRESSES: All interested agencies, groups and persons are invited to submit written comments on the within-named project and the Draft EIR/EIS to: Lee Ellman, Planning Director, Department of Planning and Development, City of Yonkers, 87 Nepperhan Avenue, Suite 311, Yonkers, New York, 10701, (914) 377–6558. Comments pertaining to the proposed project should be received by the person and office named above within 15 days of the publication of this notice in order for all comments to be considered in the preparation of the Draft EIR/EIS.

SUPPLEMENTARY INFORMATION: The City of Yonkers, acting on behalf of the U.S. Department of Housing and Urban Development will prepare an EIR/EIS to analyze the potential impacts of developing a 4.6 acre property, located on the west side of Warburton Avenue, north of Odell Avenue. The proposed project would include 524 units of housing with a 2-building rental apartment complex. It is proposed that 58, studio, one and two bedroom affordable units will be mixed with market rate units.

Amenities of the complex are to include a fitness center, swimming pool, a club room and enclosed parking for use by residents. The entire building is expected to be 597,380 square feet in size with 705 parking spaces.

A 0.91 acre portion is wetland. On site mitigation is expected to retain a portion of the wetland. Off site mitigation will create additional wetland areas. Both of these actions will be subject to approval by the Army Corps of Engineers under application number 1999–10770–YN.

The project is expected to take advantage of 80/20 Program tax exempt financing and federal tax credits to offset the loss of revenue from the affordable housing units.

Need for the EIS

It has been determined that the project may constitute an action significantly affecting the quality of the human environment and an Environmental Impact Report/Environmental Impact Statement will be prepared by the City of Yonkers in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91–190) on such project.

Responses to this notice will be used to:

1. Determine significant environmental issues
2. Identify data which the EIS/EIR should address, and,
3. Identify agencies and other parties which will participate in the EIR/EIS process and the basis for their involvement.

This notice is in accordance with the regulations of Housing and Urban Development under its rule (HUD Title 24, Part 58, Subpart G, Section 58.55) and of the Council on Environmental Quality under its rule (40 CFR part 1500–1508).

Scoping

This notice is part of the process used for scoping the EIR/EIS. Responses will help determine the significant environmental issues, identify data which the EIR/EIS should address, and help identify cooperating agencies.

A scoping session to determine the issues of the Draft EIR/EIS was opened on March 23, 2000. The closing of the scoping session will not be less than fifteen (15) days after the publication of this notice.

The Draft EIR/EIS will be published on or about June 30, 2000 and will be on file, and available for public inspection, at the address listed above. Copies may also be obtained upon request at the same address.

This notice shall be in effect for one year. If one year after the publication of the Notice in the **Federal Register** a Draft EIS has not been filed on the project, then the Notice for that project shall be cancelled. If the Draft EIS is expected more than one year after the publication of this Notice, a new updated Notice shall be published.

Dated: May 5, 2000.

Richard H. Broun,

Director, Office of Community Viability.

[FR Doc. 00–11751 Filed 5–10–00; 8:45 am]

BILLING CODE 4210–29–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.*):

Applicant: James A. Miner, Duluth, MN, PRT–024284.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Jack Sprayberry, Cloudcroft, NM, PRT–025803.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Daniel H. Smith, Jr., San Jose, CA, PRT–025801.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Steven E. Hopkins, Fairfield, CA, PRT–025798.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Nancy Hecox, Selah, WA, PRT–021715.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: David M. Russell, Richardson, TX, PRT–026604.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Timothy R. Hauck, Mt. Pleasant, MI, PRT–026605.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Rusty R. Rokita, Hardin, MT, PRT–026606.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Juan F. Gutierrez, Birmingham, AL, PRT–026607.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammal

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: James Adams, Fruitport, MI, PRT–026025.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: William J. Freeman, Tullahoma, TN, PRT–026124.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: Jon C. Bumstead, Newaygo, MI 026138.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Rocky Hall, Henderson, TX, PRT–025796.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

Applicant: Rocky Hall, Henderson, TX, PRT–025795.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

Applicant: Terry Luetgert, Geneva, IL, PRT–026126.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Ron Winstead, McLean, IL, PRT–026127.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the McClintock Channel polar bear population, Northwest Territories, Canada for personal use.

Applicant: Michael E. O'Banion, Bettendorf, IA, PRT–026608.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: David L. Swenson, Hudson, WI, PRT–026610.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: Richard T. Adams, Verdi, NV, PRT–026611.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: Dennis L. Kemmick, Columbia, PA, PRT–026613.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: John D. Freitag, Trappe, MD, PRT–026616.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: David Hartman, Canfield, OH, PRT–026772.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Melvin Wilson, Chehalis, WA, PRT–026768.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

Applicant: William E. Schwartz, Bossier City, LA, PRT–026830.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Resolute Bay polar bear population, Northwest Territories, Canada for personal use.

Applicant: Leonard Bernstein, New Milford, NJ, PRT–026771.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Lancaster Sound polar bear population, Northwest Territories, Canada for personal use.

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: May 5, 2000.

Kristen Nelson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–11785 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, DOI.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10 (a)(1)(A) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*).

Permit No. TE–776608

Applicant: Monk and Associates, Walnut Creek, California.

The applicant requests a permit to take (capture and handle) the California tiger salamander (*Ambystoma*

californiense) in conjunction with presence or absence surveys in Santa Barbara County, California for the purpose of enhancing its survival.

Permit No. TE–025200

Applicant: Kathleen L. Whitney, Santa Barbara, California.

The applicant requests a permit to take (harass by survey, locate and monitor nests, capture, band, and release) the southwestern willow flycatcher (*Empidonax traillii extimus*) and take (monitor nests, capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with scientific research through out each species range in California for the purpose of enhancing their survival.

Permit No. TE–025197

Applicant: Lockheed Martin Environmental Services, Las Vegas, Nevada.

The applicant requests a permit to take (harass by survey, capture and handle, collect tissue samples, and collect voucher specimens) the razorback sucker (*Xyrauchen texanus*) and Colorado squawfish (*Ptychocheilus lucius*) in conjunction with presence or absence surveys and scientific research throughout each species range for the purpose of enhancing their survival.

Permit No. TE–025394

Applicant: David B. Waller, San Diego, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout its range for the purpose of enhancing its survival.

Permit No. TE–837308

Applicant: John K. Konecny, Escondido, California.

The permittee requests an amendment to his permit to: take (harass by survey) the Yuma clapper rail (*Rallus longirostris yumanensis*); take (harass by survey, locate and monitor nests, capture, band, and release) the southwestern willow flycatcher (*Empidonax traillii extimus*); and take (monitor nests, capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout each species range in the State of Arizona for the purpose of enhancing their survival.

Permit No. TE–826200

Applicant: California Department of Parks and Recreation, Bay Area District, Pescadero, California.

The permittee requests an amendment to his permit to take (capture) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and take (capture, mark) the California red-legged frog (*Rana aurora draytonii*) in conjunction with population monitoring and habitat enhancement within Ano Nuevo State Park, California for the purpose of enhancing their survival.

Permit No. TE–025434

Applicant: Russell N. Holmes, Bureau of Land Management, Roseburg, Oregon.

The applicant requests a permit to remove and reduce to possession specimens of *Plagiobothrys hirtus* (rough popcornflower) in conjunction with recovery efforts within Douglas County, Oregon for the purpose of enhancing its survival.

Permit No. TE–025732

Applicant: Samuel S. Sweet, University of California, Santa Barbara, California.

The applicant requests a permit to take (capture and handle) the California tiger salamander (*Ambystoma californiense*) in conjunction with presence or absence surveys in Santa Barbara County, California for the purpose of enhancing its survival.

Permit No. TE–025944

Applicant: Chris Farmer, Santa Barbara, California.

The applicant requests a permit to: take (harass by survey and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*); take (monitor nests) the least Bell's vireo (*Vireo bellii pusillus*); and take (harass by survey) the California least tern (*Sterna antillarum browni*) in conjunction with presence or absence surveys throughout each species range in California for the purpose of enhancing their survival.

Permit No. TE–026485

Applicant: Dr. David Kingsley, Stanford University School of Medicine, Stanford, California.

The applicant requests a permit to take (capture, handle, and collect) the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with genetic research throughout the species range in California for the purpose of enhancing its survival.

DATES: Written comments on these permit applications must be received on or before June 12, 2000.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Thomas J. Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00–11796 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Sport Fishing and Boating Partnership Council

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: As provided in Section 10(a)(2) of the Federal Advisory Committee Act, the Fish and Wildlife Service announces a meeting designed to foster partnerships to enhance public awareness of the importance of aquatic resources and the social and economic benefits of recreational fishing and boating in the United States. This meeting, sponsored by the Sport Fishing and Boating Partnership Council (Council), is open to the public, and interested persons may make oral statements to the Council or may file written statements for consideration.

DATES: June 6, 2000, 1:30 p.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Radisson Hotel Old Town, 901 N. Fairfax St., Alexandria, Virginia 22314, telephone (703) 683–6000, FAX (703) 683–7597.

Summary minutes of the conference will be maintained by the Council Coordinator at 4040 N. Fairfax Dr., Room 132A, Arlington, VA 22203, and will be available for public inspection during regular business hours within 30

days following the meeting. Personal copies may be purchased for the cost of duplication.

FOR FURTHER INFORMATION CONTACT: Laury Parramore, Council Coordinator, at (703) 358–1711.

SUPPLEMENTARY INFORMATION: The Sport Fishing and Boating Partnership Council was formed in January 1993 to advise the Secretary of the Interior through the Fish and Wildlife Service Director about sportfishing and boating issues. The Council represents the interests of the public and private sectors of the sport fishing and boating communities and is organized to enhance partnerships among industry, constituency groups, and government. The 18-member Council includes the director of the Service and the president of the International Association of Fish and Wildlife Agencies, who both serve in ex officio capacities. Other Council members are directors from state agencies responsible for managing recreational fish and wildlife resources and individuals who represent the interests of saltwater and freshwater recreational fishing, recreational boating, the recreational fishing and boating industries, recreational fisheries resources conservation, aquatic resource outreach and education, and tourism. On June 6, 20000, the Council will convene to discuss: (1) Progress on a report containing recommendations for improving the National Fish Hatchery System. The report was requested by the Director of the Fish and Wildlife Service and is being written by the Hatchery Project Steering Committee, a subgroup of the Council's Technical Working Group. (2) The Council's work in its role as a facilitator of discussions with Federal and State agencies and other sportfishing and boating interests concerning a variety of national boating and fisheries management issues. (3) The Council's role in providing the Interior Secretary with information about the implementation of the Strategic Plan for the National Outreach and Communications Program. The Secretary approved the plan in February 1999, and the 5-year, $36 million federally funded outreach campaign authorized by the 1998 Sportfishing and Boating Safety Act is now being implemented by the Recreational Boating and Fishing Foundation, a private, nonprofit organization.

Dated: May 3, 2000.

John G. Rogers,

Deputy Director.

[FR Doc. 00–11517 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(WY–060—1320–EL, WYW141435)

Availability of a Final Environmental Impact Statement on the Horse Creek Federal Coal Lease Application in the Wyoming Powder River Basin

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of a Final Environmental Impact Statement on the Horse Creek Federal coal lease application in the decertified Powder River Federal Coal Production Region, Wyoming.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and implementing regulations, and other applicable statutes, the Bureau of Land Management (BLM) announces the availability of the Final Environmental Impact Statement (FEIS) for the Horse Creek Federal coal lease application in the Wyoming Powder River Basin pursuant to 43 CFR 3425.3. This Federal coal lease application has been assigned case file number WYW141435. The FEIS analyzes the impacts of issuing a Federal coal lease for the proposed Horse Creek Federal coal tract. The Horse Creek tract is being considered for sale as a result of a coal lease application received from the Antelope Coal Company (ACC) on February 14, 1997. The tract includes approximately 2,838 acres containing approximately 356.5 million tons of geologically in-place Federal coal reserves in Campbell and Converse Counties, Wyoming. It was applied for as a maintenance tract for ACC's adjacent Antelope Mine, located in northern Converse County, Wyoming. ACC is a subsidiary of Kennecott Energy Company.

DATES: A 30-day availability period for the FEIS will start on the date that the Environmental Protection Agency publishes a notice of availability of the FEIS in the **Federal Register**. Following the 30-day availability period, a Record of Decision will be prepared and distributed.

ADDRESSES: Please address questions, comments, or requests for copies of the FEIS to the Casper District Office, Bureau of Land Management, Attn: Nancy Doelger, 2987 Prospector Drive, Casper, Wyoming 82604. Fax them to (307) 261–7587 or e-mail them to casper__wymail@blm.gov (Attn: Nancy Doelger).

FOR FURTHER INFORMATION CONTACT: Nancy Doelger or Mike Karbs at the above address or phone: 307–261–7600.

SUPPLEMENTARY INFORMATION: The application for the Horse Creek Federal coal tract was filed as a maintenance tract lease-by-application (LBA) under the provisions of 43 Code of Federal Regulations (CFR) 3425.1.

On February 14, 1997, ACC filed coal lease application WYW141435 for the Horse Creek Federal coal tract with the BLM. On May 1, 1998, ACC modified the Horse Creek application. The modified Horse Creek Federal coal tract includes the following lands:

T. 41 N., R. 71 W., 6th PM Wyoming
Sec. 14, lots 5 thru 7, and 10 thru 15;
Sec. 15, lots 6 thru 11, and 14 thru 16;
Sec. 22, lots 1, 3 thru 6, and 9 thru 13;
Sec. 23, lots 2 thru 7, and 10 thru 16;
Sec. 25, lots 11 and 12 (S ½);
Sec. 26, lots 1 thru 8, 12, and 13;
Sec. 27, lots 1 thru 3, 5, 12 thru 14, and 16;
Sec. 34, lots 1, 7, 8 thru 10, and 16;
Sec. 35, lots 8 thru 10.

The area described contains 2,837.91 acres more or less with an estimated 356.5 million tons of geologically in-place coal.

The Antelope Mine, which is adjacent to the lease application area, has an approved mining and reclamation plan from the Land Quality Division of the Wyoming Department of Environmental Quality and an approved air quality permit from the Air Quality Division of the Wyoming Department of Environmental Quality to mine up to 30 million tons of coal per year. According to the application filed for the Horse Creek Federal coal tract, the maintenance tract would be mined to extend the life of the existing mine.

The Powder River Regional Coal Team (RCT) reviewed the Horse Creek Federal coal lease application at their meeting on April 23, 1997, in Casper, Wyoming, and recommended that it be processed. The RCT was notified in writing of the modified tract configuration.

A public hearing was held at 7:00 p.m. on Wednesday, December 8, 1999, at the Holiday Inn, 2009 S. Douglas Highway, Gillette, Wyoming. The purpose of the hearing was to receive comments on the FEIS, on the fair market value, the maximum economic recovery, and the proposed competitive sale of the coal included in the proposed Horse Creek Federal coal tract. Comments on the DEIS were accepted for 60 days following November 12, 1999, the date that the Environmental Protection Agency (EPA) published their notice of availability of the FEIS in the **Federal Register**. The comment period for the Draft Environmental Impact Statement (DEIS) ended on January 12, 2000. Nine comments were

received on the DEIS and these are included with responses in the FEIS.

The FEIS analyzes three alternatives. The Proposed Action is to hold a competitive sealed-bid sale and issue a lease for the tract as applied for to the successful qualified bidder, if the bid meets or exceeds the fair market value of the tract as determined by the BLM. This is the preferred alternative of the BLM. The second alternative, Alternative 1, is the No Action Alternative which assumes that the tract will not be leased. The third alternative, Alternative 2, is to hold a competitive sealed-bid sale and issue a lease for the tract as modified by BLM to the successful qualified bidder, if the bid meets or exceeds the fair market value of the tract as determined by the BLM.

The Office of Surface Mining Reclamation and Enforcement is a cooperating agency in the preparation of the EIS because it is the Federal agency that would review the mining plans for the tract if it is leased, and recommend approval or disapproval of the mining plans to the Secretary of the Interior.

The lease application area is within the boundaries of the Thunder Basin National Grasslands. Some of the surface lands in the area were formerly under the jurisdiction of the United States and were administered by the U.S. Forest Service (USFS) as part of the Thunder Basin National Grasslands. As a result of recent land exchanges between the USFS and local landowners, however, there are no longer any surface lands within the lease application area that are under the jurisdiction of the USFS, and as a result, the USFS is not a cooperating agency in the preparation of this EIS.

Issues of concern that were identified related to this lease application include the potential impacts to wetlands, aquifers, agricultural producers, wildlife, wildlife habitat, wildlife-based recreation, cultural resources, public land access, and regional visibility that may occur if a lease is issued for this tract, and the potential for conflict with development of existing oil and gas leases in this area including coal bed methane. There are no producing oil or gas wells on the lease application area.

Comments received on the FEIS during the 30-day availability period, including names and street addresses of respondents, will be available for public review at the Bureau of Land Management, Casper Field Office, 2987 Prospector Drive, Casper, Wyoming, during regular business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the 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 of officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: May 5, 2000.

Alan R. Pierson,

State Director.

[FR Doc. 00–11797 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–ET; Nev–059798]

Public Land Order No. 7443; Partial Revocation of Public Land Order No. 3512; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a public land order insofar as it affects 700.12 acres of public land withdrawn for use by the Bureau of Reclamation for the Robert B. Griffith Water Project. The land is no longer needed for the purpose for which it was withdrawn and the revocation is needed to facilitate a pending land exchange. The land will remain closed to location and entry under the mining laws, and from operation of the mineral leasing and geothermal leasing laws in accordance with Section 4(c) of the Southern Nevada Public Land Management Act of 1998.

EFFECTIVE DATE: June 12, 2000.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 775–861–6532.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 3512, which withdrew public land for the Bureau of Reclamation's Robert B. Griffith Project, is hereby revoked insofar as it affects the following described land:

Mount Diablo Meridian

T. 21 S., R. 63 E.,
Sec. 26, lots 1, 6 to 13, inclusive, 16, 18 to 21, inclusive, and 23;
Sec. 27, SE¼;
Sec. 34, lots 8, 10 to 13, inclusive, 15, 17, 24, and 26.
Sec. 35, lot 11.

The area described contains 700.12 acres in Clark County.

2. The land described in paragraph 1 is hereby made available for disposal in accordance with Section 4 of the Southern Nevada Public Land Management Act of 1998, Public Law 105–263, 112 Stat. 2343, *et seq.*

Dated: April 28, 2000.

Sylvia V. Baca,

Assistant Secretary of the Interior.

[FR Doc. 00–11850 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430-ET; GP0–0063; (OR–19008, OR–19087)]

Public Land Order No. 7444; Revocation of Executive Order Dated January 19, 1917, and Partial Revocation of Secretarial Order Dated January 19, 1917; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in its entirety and partially revokes a Secretarial order as to 3,690.67 acres of lands withdrawn for Bureau of Land Management Powersite Reserve No. 582 and Water Power Designation No. 3. The lands are no longer needed for the purpose for which they were withdrawn. This action will open approximately 3,690.67 acres to surface entry, subject to other segregations of record. All of the lands have been and will remain open to mining and mineral leasing subject to other segregations of record.

EFFECTIVE DATE: August 10, 2000.

FOR FURTHER INFORMATION CONTACT: Allison O'Brien, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6171.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order dated January 19, 1917 and the Secretarial Order dated January 19, 1917, which established Bureau of Land Management Power Site Reserve No. 582 and Water Power Designation No. 3 respectively, are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

T. 41 S., R. 5 E.,
Sec. 13, lots 1 and 2.
T. 40 S., R. 6 E.,
Sec. 1, lots 5, 6, 7, and 10, and NW¼SE¼;
Sec. 11, E½SW¼ and SE¼;
Sec. 13;
Sec. 23, lots 1 to 10, inclusive, SE¼ NE¼, W½NW¼, N½SE¼, and SW¼SE¼;
Sec. 27, lot 1, NE¼NE¼, S½NE¼, N½SE¼ and SW¼SE¼;
Sec. 35, lots 1 to 5, inclusive, and E½W½.
T. 41 S., R. 6 E.,
Sec. 3, N½NE¼, SE¼NE¼, NW¼, W½SW¼, NE¼SE¼ and S½SE¼;
Sec. 5, SE¼SE¼;
Sec. 7, lots 2, 3, 4, 9, 10, 11, and 12, NE¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼NE¼, S½NE¼, NW¼, SE¼.
The areas described aggregate approximately 3,690.67 acres in Klamath County.

2. At 8:30 a.m. on August 10, 2000, the lands described in paragraph 1 will be opened to the operation of the public land laws generally, subject to valid and existing rights, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m. on August 10, 2000, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The State of Oregon has a preference right as to the lands described in paragraph 1, except for other segregations of record, for public highway right-of-way or material sites for a period of 90 days from the date of publication of this order and any location, entry, selection, or subsequent patent shall be subject to any rights granted the State as provided by the Act of June 10, 1920, Section 24, as amended, 16 U.S.C. 818 (1994).

Dated: April 28, 2000.

Sylvia V. Baca,

Assistant Secretary of the Interior.

[FR Doc. 00–11849 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–020–00–1430–ES; NMNM 102549]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in Santa Fe County, New Mexico have been examined and found suitable for classification for lease or conveyance to Santa Fe County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Santa Fe County proposes to use the lands for a recreation area and community center.

New Mexico Principal Meridian

T. 20 N., R. 9 E.,
Sec. 4, lot 35.
Containing approximately 5.76 acres.

The lands are not needed for Federal Purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/conveyance, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Taos Resource Area, 226 Cruz Alta, Taos, NM 87571.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Field Manager, BLM Taos Field Office, 226 Cruz Alta Road, Taos, New Mexico 87571.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a recreation area and community center location for Santa Fe County. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for the proposed use.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register.**

Dated: May 1, 2000.

Ron Huntsinger,

Field Manager.

[FR Doc. 00–11753 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–050–4210–05; UTU–75929]

Realty Actions; Sales, Leases etc; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public lands in Sanpete County, Utah, have been examined and found suitable for classification for conveyance to Sanpete County Sanitary Landfill Cooperative under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Sanpete County proposes to use the lands for a Class I landfill.

Salt Lake Meridian

T.19 S., R.1 E.
Section 24: SE¼SW¼, SW¼SE¼,
Section 25: W½NE¼, E½NW¼, NE¼SW¼, NW¼SE¼, S½SE¼.
containing 400 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Domestic livestock grazing use by J.D. Jackson as holder of grazing permit No. 435262 for the Gunnison Valley Allotment. The right of the permittee to graze livestock on the public land identified above pursuant to the terms and conditions of his permit and this clause shall expire on August 31, 2002.

5. Domestic livestock grazing use by Bryce Christensen as holder of grazing permit No. 435360 for the Sanpitch Allotment. The right of the permittee to graze livestock on the public land identified above pursuant to the terms and conditions of his permit and this clause shall expire on August 31, 2002.

Detailed information concerning this action is available at the office of Bureau of Land Management, 150 East 900 North, Richfield, Utah, 84701.

Publication of this notice constitutes notice to the grazing permittees of the Sanpitch and Gunnison Valley Allotments that their grazing leases may be directly affected by this action. Specifically, the permitted Animal Unit Months (AUMs) and acres in Sanpitch allotment will be reduced by 110 acres and 9 AUMs. The Gunnison Valley allotment will be reduced by 270 acres and 51 AUMs.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publications of this notice, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Richfield Field Manager, Richfield Field Office, 150 East 900 North, Richfield, Utah 84701. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not related to the suitability of the land for a landfill.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: May 3, 2000.

Jerry Goodman,

Richfield Field Manager.

[FR Doc. 00–11852 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–D9–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–960–1910–BJ–4377] ES–50669, Group 163, Wisconsin]

Notice of Filing of Plat Survey; Wisconsin

The plat of the dependent resurvey of a portion of the east and north boundaries, and a portion of the subdivisional lines, Township 51 North, Range 4 West, 4th Principal Meridian, Wisconsin, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on June 12, 2000.

The survey was requested by the Bureau of Indian Affairs.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., June 12, 2000.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: April 27, 2000.

Stephen G. Kopach,

Chief Cadastral Surveyor.

[FR Doc. 00–11851 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–GJ–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 a revision to a currently approved information collection (OMB Control Number 1010–0071).

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 revise the currently approved collection of information discussed below on relief or reduction in royalty rates. 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 July 10, 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.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 203, Relief or Reduction in Royalty Rates.

OMB Control Number: 1010–0071.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended by Public Law 104–58, Deep Water Royalty Relief Act (DWRRA), gives the Secretary of the Interior (Secretary) the authority to reduce or eliminate royalty or any net profit share specified in OCS oil and gas leases to promote increased production.

The DWRRA also authorized the Secretary to suspend royalties when necessary to promote development or recovery of marginal resources on producing or non-producing leases in the Gulf of Mexico (GOM) West of 87 degrees, 30 minutes West longitude.

Section 302 of the DWRRA provides that new production from a lease in existence on November 28, 1995, in a water depth of at least 200 meters, and in the GOM west of 87 degrees, 30 minutes West longitude qualifies for royalty suspension in certain situations. To grant a royalty suspension, the Secretary must determine that the new production or development would not be economic in the absence of royalty relief. The Secretary must then determine the volume of production on which no royalty would be due in order to make the new production from the lease economically viable. This determination must be done on a case-by-case basis.

In addition, Federal policy and statute require us to recover the cost of services that confer special benefits to identifiable non-Federal recipients. The Independent Offices Appropriation Act (31 U.S.C. 9701), OMB Circular A–25, and the Omnibus Appropriations Bill (Pub. L. 104–133, 110 Stat. 1321, April 26, 1996) authorize MMS to collect these fees to reimburse us for the cost to process applications or assessments.

Regulations at 30 CFR part 203 implement these statutes and policy and require respondents to pay a fee to request royalty relief. Section 30 CFR 203.3 states that, ''We will specify the necessary fees for each of the types of royalty-relief applications and possible MMS audits in a Notice to Lessees. We will periodically update the fees to reflect changes in costs as well as provide other information necessary to administer royalty relief.'' Our submission to OMB will request approval of revised application fees and establishment of a new category of applications (special relief for marginal operations) and associated fee. The fee revisions are based on our experience in administering the program over the past several years.

Responses are required to obtain or retain a benefit. Proprietary information respondents submit is protected according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2) and 30 CFR 03.63(b) and 30 CFR 250.196. No items of a sensitive nature are collected.

Frequency: The frequency is on occasion.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: The currently approved burden for this information collection is 14,704 hours. Due to a decrease in the estimated number of applications submitted each year, we will be decreasing the annual burden to 4,855 hours (refer to burden chart).

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are two non-hour costs associated with this information collection. The currently approved non-hour cost burden is $1,833,250. Due to a decrease in the estimated number of applications submitted each year and the revised fee schedule, we will be decreasing the annual cost burden to $661,000. This estimate is based on:

(a) Application and audit fees. The total annual estimated cost burden for these fees is $345,600 (refer to burden chart).

(b) Cost of reports prepared by independent certified public accountants. Under § 203.81, a report prepared by an independent certified public accountant (CPA) must accompany the application and post-production report (except expansion project, short form, and preview assessment applications are excluded). The OCS Lands Act applications will require this report only once; the DWRRA applications will require this report at two stages—with the application and post-production development report for successful applicants. We estimate approximately 7 submissions each year at an average cost of $45,000 per report, for a total estimated annual cost burden of $315,000.

BURDEN BREAKDOWN CHART

Reporting or recordkeeping requirement 30 CFR Part 203	Application/Audit Fees		
	Annual responses	Hours per response	Annual burden hours
OCS Lands Act Reporting			
Application—leases that generate earnings that can't sustain continued production (end-of-life lease).	2 Applications	200 hours	400
	Application 2 × $12,000 = $24,000* Audit 1 × $10,000 = $10,000		
Application—special relief for marginal producing lease (expect less than 1 per year-new category).	1 Application	250 hours	250
	Application 1 × $15,000 = $15,000* Audit 1 × $10,000 = $10,000		
§ 203.55 Renounce relief arrangement (seldom, if ever will be used; minimal burden to prepare letter).	1 Letter	1 hour	1
§ 203.81 Required reports.	Burden included with applications		
OCS Lands Act Reporting Subtotal	4 responses	N/A	651 hours
	Processing Fees = $59,000		
DWRAA Reporting			
Application—leases in designated areas of GOM deep water acquired in lease sale before 11/28/95 and are producing (deep water expansion project).	1 Application	600 hours	600
	Application 1 × $39,000 = $39,000 No Audit		
Application—leases in designated areas of deep water GOM, acquired in lease sale before 11/28/95 or after 11/28/2000, that have not produced (pre-act or post-2000 deep water leases).	1 Application	1,000 hours	1,000

BURDEN BREAKDOWN CHART—Continued

Reporting or recordkeeping requirement 30 CFR Part 203	Application/Audit Fees		
	Annual responses	Hours per response	Annual burden hours
Application—short form to add or assign pre-act lease	Application 1 × $49,000 = $49,000* Audit 1 × $25,000 = $25,000 1 Application	40 hours	40
Application—preview assessment (seldom if ever will be used as applicants opt for binding determination by MMS instead; minimal burden if used).	Application 1 × $1,000 = $1,000 No Audit 1 Application	900 hours	900
Application—special relief for marginal expansion project or marginal non—producing lease (expect less than 1 per year-new category).	Application 1 x $46,600 = $46,600 No Audit 1 Application	1,000 hours	1,000
Redetermination	Application 1 × $49,000 = $49,000 Audit 1 × $20,000 = $20,000 1Redetermination	500 hours	500
§ 203.70 Submit fabricator's confirmation report	Application 1 × $32,000 = $32,000* Audit 1 × $25,000 = $25,000 2 Reports	20 hours	40
§ 203.70 Submit post-production development report	2 Reports*	50 hours	100
§ 203.77 Renounce relief arrangement (seldom, if ever, will be used; minimal burden to prepare letter).	1 Letter	1 hour	1
§ 203.79(a) Request reconsideration of MMS field designation	1 Request	5 hours	5
§ 203.79(c) Request extension of deadline to start construction	1 Request	2 hours	2
§ 203.81 Required reports.	Burden included with applications		0
DWRRA Reporting Subtotal	13 Reponses	N/A	4,188 Hours
	Processing Fees = $286,600		
Recordkeeping Burden			
§ 203.91 Retain supporting cost records for post-production development/fabrication reports (records retained as usual/customary business practice; minimal burden to make available at MMS request.	2 Record-keepers	8	16 Hours
Total Annual Burden	19 Responses	N/A	4,855 Hours

*CPA certification expense burden also imposed on applicant.

*Comments:*3 We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, 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. In addition to the costs previously discussed, we need to know if you have other 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: May 2, 2000.

John V. Mirabella,

Acting Chief, Engineering and Operations Division.

[FR Doc. 00–11853 Filed 5–10–00; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

Summary of Commission Practice Relating to Administrative Protective Orders

AGENCY: U.S. International Trade Commission.

ACTION: Summary of Commission practice relating to administrative protective orders.

SUMMARY: Since February 1991, the U.S. International Trade Commission (''Commission'') has issued an annual report on the status of its practice with respect to violations of its administrative protective orders (''APOs'') in investigations under Title VII of the Tariff Act of 1930 in response to a direction contained in the Conference Report to the Customs and Trade Act of 1990. Over time, the Commission has added to its report discussions of APO breaches in Commission proceedings other than Title VII and violations of the Commission's rule on bracketing business proprietary information (''BPI'') (the ''24-hour rule''), 19 CFR 207.3(c). This notice provides a summary of investigations of breaches in Title VII investigations for the period ending December 31, 1999. There were no investigations of breaches for other Commission proceedings or for 24-hour rule violations during that period. The Commission intends that this report educate representatives of parties to Commission proceedings as to some specific types of APO breaches encountered by the Commission and the corresponding types of actions the Commission has taken.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205–3088. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 205–1810. General information concerning the Commission can also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION: Representatives of parties to investigations conducted under Title VII of the Tariff Act of 1930 may enter into APOs that permit them, under strict conditions, to obtain access to BPI of other parties. See 19 U.S.C. 1677f; 19 CFR 207.7. The discussion below describes APO breach investigations that the Commission has completed, including a description of actions taken in response to breaches. The discussion covers breach investigations completed during calendar year 1999.

Since 1991, the Commission has published annually a summary of its actions in response to violations of Commission APOs and the 24-hour rule. See 56 *FR* 4846 (Feb. 6, 1991); 57 *FR* 12,335 (Apr. 9, 1992); 58 *FR* 21,991 (Apr. 26, 1993); 59 *FR* 16,834 (Apr. 8, 1994); 60 *FR* 24,880 (May 10, 1995); 61 *FR* 21,203 (May 9, 1996); 62 *FR* 13,164 (March 19, 1997); 63 *FR* 25064 (May 6, 1998); 64 *FR* 23355 (April 30, 1999). This report does not provide an exclusive list of conduct that will be deemed to be a breach of the Commission's APOs. APO breach inquiries are considered on a case-by-case basis.

As part of the effort to educate practitioners about the Commission's current APO practice, the Commission Secretary issued in April 1996 a revised edition of *An Introduction to Administrative Protective Order Practice in Antidumping and Countervailing Duty Investigations* (Pub. No. 2961). This document is available upon request from the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, tel. (202) 205–2000.

I. In General

The current APO form for antidumping and countervailing duty investigations, which the Commission has used since March 1995, requires the applicant to swear that he or she will:

(1) Not divulge any of the BPI obtained under the APO and not otherwise available to him, to any person other than—

(i) personnel of the Commission concerned with the investigation,

(ii) the person or agency from whom the BPI was obtained,

(iii) a person whose application for disclosure of BPI under this APO has been granted by the Secretary, and

(iv) other persons, such as paralegals and clerical staff, who (a) are employed or supervised by and under the direction and control of the authorized applicant or another authorized applicant in the same firm whose application has been granted; (b) have a need thereof in connection with the investigation; (c) are not involved in competitive decisionmaking for the interested party which is a party to the investigation; and (d) have submitted to the Secretary a signed Acknowledgment for Clerical Personnel in the form attached hereto (the authorized applicant shall sign such acknowledgment and will be deemed responsible for such persons' compliance with the APO);

(2) Use such BPI solely for the purposes of the Commission investigation [or for binational panel review of such Commission investigation or until superceded by a judicial protective order in a judicial review of the proceeding];

(3) Not consult with any person not described in paragraph (1) concerning BPI disclosed under this APO without first having received the written consent of the Secretary and the party or the representative of the party from whom such BPI was obtained;

(4) Whenever materials (*e.g.,* documents, computer disks, etc.) containing such BPI are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container (N.B.: storage of BPI on so-called hard disk computer media is to be avoided, because mere erasure of data from such media may not irrecoverably destroy the BPI and may result in violation of paragraph C of the APO);

(5) Serve all materials containing BPI disclosed under this APO as directed by the Secretary and pursuant to section 207.7(f) of the Commission's rules;

(6) Transmit such document containing BPI disclosed under this APO:

(i) with a cover sheet identifying the document as containing BPI,

(ii) with all BPI enclosed in brackets and each page warning that the document contains BPI,

(iii) if the document is to be filed by a deadline, with each page marked ''Bracketing of BPI not final for one business day after date of filing,'' and

(iv) if by mail, within two envelopes, the inner one sealed and marked ''Business Proprietary Information—To be opened only by [name of recipient]'', and the outer one sealed and not marked as containing BPI;

(7) Comply with the provision of this APO and section 207.7 of the Commission's rules;

(8) Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (*e.g.,* change in personnel assigned to the investigation);

(9) Report promptly and confirm in writing to the Secretary any possible breach of the APO; and

(10) Acknowledge that breach of the APO may subject the authorized applicant and other persons to such sanctions or other actions as the Commission deems appropriate including the administrative sanctions

and actions set out in this APO. The APO further provides that breach of protective order may subject an applicant to:

(1) Disbarment from practice in any capacity before the Commission along with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;

(2) Referral to the United States Attorney;

(3) In the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate professional association;

(4) Such other administrative sanctions as the Commission determines to be appropriate, including public release of or striking from the record any information or briefs submitted by, or on behalf of, such person or the party he represents; denial of further access to business proprietary information in the current or any future investigations before the Commission; and issuance of a public or private letter of reprimand; and

(5) Such other actions, including but not limited to, a warning letter, as the Commission determines to be appropriate.

Commission employees are not signatories to the Commission's APOs and do not obtain access to BPI through APO procedures. Consequently, they are not subject to the requirements of the APO with respect to the handling of BPI. However, Commission employees are subject to strict statutory and regulatory constraints concerning BPI, and face potentially severe penalties for noncompliance. *See* 18 U.S.C. 1905; Title 5, U.S. Code; and Commission personnel policies implementing the statutes. Although the Privacy Act (5 U.S.C. 552a) limits the Commission's authority to disclose any personnel action against agency employees, this should not lead the public to conclude that no such actions have been taken.

An important provision of the Commission's rules relating to BPI is the ''24-hour'' rule. This rule provides that parties have one business day after the deadline for filing documents containing BPI to file a public version of the document. The rule also permits changes to the bracketing of information in the proprietary version within this one-day period. No changes— other than changes in bracketing—may be made to the proprietary version. The rule was intended to reduce the incidence of APO breaches caused by inadequate bracketing and improper placement of BPI. The Commission urges parties to make use of the rule. If a party wishes to make changes to a document other than bracketing, such as typographical changes or other corrections, the party must ask for an extension of time to file an amendment document pursuant to section 201.14(b)(2) of the Commission's rules.

II. Investigations of Alleged APO Breaches

Upon finding evidence of a breach or receiving information that there is a reason to believe one has occurred, the Commission Secretary notifies relevant offices in the agency that an APO breach investigation file has been opened. Upon receiving notification from the Secretary, the Office of General Counsel (OGC) begins to investigate the matter. The OGC prepares a letter of inquiry to be sent to the alleged breacher over the Secretary's signature to ascertain the alleged breacher's views on whether a breach has occurred. If, after reviewing the response and other relevant information, the Commission determines that a breach has occurred, the Commission often issues a second letter asking the breacher to address the questions of mitigating or aggravating circumstances and possible sanctions or other actions. The Commission then determines what action to take in response to the breach. In some cases, the Commission has determined that although a breach has occurred, sanctions are not warranted, and therefore has found it unnecessary to issue a second letter concerning what sanctions might be appropriate. Instead, it issues a warning letter to the individual. The Commission retains sole authority to determine whether a breach has occurred and, if so, the appropriate action to be taken.

The records of Commission investigations of alleged APO breaches in antidumping and countervailing duty cases are not publicly available and are exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552, section 135(b) of the Customs and Trade Act of 1990, and 19 U.S.C. 1677f(g).

The breach most frequently investigated by the Commission involves the APO's prohibition on the dissemination of BPI to unauthorized persons. Such dissemination usually occurs as the result of failure to delete BPI from public versions of documents filed with the Commission or transmission of proprietary versions of documents to unauthorized recipients. Other breaches have included: the failure to bracket properly BPI in proprietary documents filed with the Commission; the failure to report immediately known violations of an APO; and the failure to supervise adequately non-legal personnel in the handling of BPI.

Counsel participating in Title VII investigations have recently reported to the Commission two potential breaches involving the electronic transmission of public versions of documents. In both cases, the document transmitted appears to be a public document with BPI omitted from brackets. However, the BPI is actually retrievable by manipulating codes in the computer software programs. The Commission is currently conducting investigations of these potential breaches and has not made any determination at this time.

The Commission advised in the preamble to the notice of proposed rulemaking in 1990 that it will permit authorized applicants a certain amount of discretion in choosing the most appropriate method of safeguarding the confidentiality of the information. However, the Commission cautioned authorized applicants that they would be held responsible for safeguarding the confidentiality of all BPI to which they are granted access and warned applicants about the potential hazards of storage on hard disk. The caution in that preamble is restated here:

> [T]he Commission suggests that certain safeguards would seem to be particularly useful. When storing business proprietary information on computer disks, for example, storage on floppy disks rather than hard disks is recommended, because deletion of information from a hard disk does not necessarily erase the information, which can often be retrieved using a utilities program. Further, use of business proprietary information on a computer with the capability to communicate with users outside the authorized applicant's office incurs the risk of unauthorized access to the information through such communication. If a computer malfunctions, all business proprietary information should be erased from the machine before it is removed from the authorized applicant's office for repair. While no safeguard program will insulate an authorized applicant from sanctions in the event of a breach of the administrative protective order, such a program may be a mitigating factor. Preamble to notice of proposed rulemaking, 55 Fed. Reg. 24,100, 21,103 (June 14, 1990).

Sanctions for APO violations serve two basic interests: (a) preserving the confidence of submitters of BPI in the Commission as a reliable protector of BPI; and (b) disciplining breachers and deterring future violations. As the Conference Report to the Omnibus Trade and Competitiveness Act of 1988 observed, ''the effective enforcement of limited disclosure under administrative protective order depends in part on the extent to which private parties have

confidence that there are effective sanctions against violation.'' H.R. Conf. Rep. No. 576, 100th Cong., 1st Sess. 623 (1988).

The Commission has worked to develop consistent jurisprudence, not only in determining whether a breach has occurred, but also in selecting an appropriate response. In determining the appropriate response, the Commission generally considers mitigating factors such as the unintentional nature of the breach, the lack of prior breaches committed by the breaching party, the corrective measures taken by the breaching party, and the promptness with which the breaching party reported the violation to the Commission. The Commission also considers aggravating circumstances, especially whether persons not under the APO actually read the BPI. The Commission considers whether there are prior breaches by the same person or persons in other investigations and multiple breaches by the same person or persons in the same investigation.

The Commission's rules permit economists or consultants to obtain access to BPI under the APO if the economist or consultant is under the direction and control of an attorney under the APO, or if the economist or consultant appears regularly before the Commission and represents an interested party who is a party to the investigation. 19 CFR 207.7(a)(3)(B) and (C). Economists and consultants who obtain access to BPI under the APO under the direction and control of an attorney nonetheless remain individually responsible for complying with the APO. In appropriate circumstances, for example, an economist under the direction and control of an attorney may be held responsible for a breach of the APO by failing to redact APO information from a document that is subsequently filed with the Commission and served as a public document. This is so even though the attorney exercising direction or control over the economist or consultant may also be held responsible for the breach of the APO.

III. Specific Investigations in Which Breaches Were Found

The Commission presents the following case studies to educate users about the types of APO breaches found by the Commission. The case studies provide the factual background, the actions taken by the Commission, and the factors considered by the Commission in determining the appropriate actions. The Commission has not included some of the specific facts in the descriptions of investigations where disclosure of such facts could reveal the identity of a particular breacher. Thus, in some cases, apparent inconsistencies in the facts set forth in this notice result from the Commission's inability to disclose particular facts more fully.

Case 1. At the direction of the lead attorney in an investigation, a law firm secretary sent copies of a hearing transcript to three of the law firm's clients who were nonsignatories to the APO. The lead attorney became aware of a potential breach of the APO when one of the clients advised him that he had received the *in camera* version of the hearing transcript. The attorney made arrangements to have one transcript returned without being reviewed and a second returned without the envelope being opened. The attorney had Federal Express intercept the third copy before it was delivered; it was returned unopened. The attorney informed the Commission's Secretary ten days after becoming aware of the potential breach. The Commission determined that the lead attorney and a secretary had breached the APO by transmitting the *in camera* transcript of the Commission hearing to persons who were not signatories of the APO. In reaching its decision to issue warning letters to the attorney and the secretary, the Commission considered that this was the only breach in which they had been involved, the breach was unintentional, prompt action was taken to remedy the breach, and there was no information available to suggest that the BPI disclosed was actually reviewed by persons not already on the APO. In addition, the Commission noted in the warning letter to the secretary that she had been acting under the direction of an attorney. The 10-day delay in advising the Commission of the breach was mitigated by the fact that the attorney had been out of the country and prompt action had been taken to retrieve the documents. Noting that the breach arose from a systematic omission of procedures at the law firm for checking Commission documents for BPI, the Commission recommended that the attorney and the firm review their practices for handling Commission documents under the Commission's administrative protective order procedures in order to prevent a recurrence of this type of incident. The Commission determined that the other attorney in the law firm who was a signatory of the APO did not breach the APO.

Case 2. An attorney for a party to a Commission investigation informed the Commission by letter that a lead attorney representing another party to the investigation failed to comply with the return or destruction requirements of the APO. Specifically, the lead attorney failed to destroy the APO documents within 60 days after completion of the investigation; he failed to provide certification of destruction from all attorneys in his firm on the APO; and he provided a certificate for an attorney who was not on the APO. The lead attorney did file a certificate of destruction more than two years later than required by the APO.

In responding to the Commission's letter of inquiry, the attorney admitted that there had been a technical violation of the APO, but he explained that the material had been mistakenly retained during the period that the Department of Commerce investigation was under appeal. During that time the material had been secured in a locked file cabinet, no unauthorized persons viewed the material, and it was destroyed promptly at the conclusion of the Commerce appeal process. He also explained that one attorney had left the firm and was unavailable to provide a certificate of destruction. The non-APO attorney who had signed a certificate of destruction actually had no access to the APO materials.

The Commission determined that a breach had occurred for failing to meet the deadlines in the APO to return or destroy and for failing to certify to the destruction of the materials issued to him under the APO. The Commission noted that the deadlines in the APO are clearly stated and the waiver of the 60-day destruction or return deadline is provided for only in the case of an appeal of the Commission determination, not for an appeal of a Commerce determination. The Commission issued a private letter of reprimand to the attorney. The letter dictated additional restrictions and requirements with which the lead attorney must comply until the record of the breach is expunged, two years from the date of the private letter of reprimand. In reaching its decision on the sanction, the Commission considered that this was the third APO breach by this attorney within a short period of time and that this attorney appears before the Commission on a regular basis. Noting that the breach did not appear to have involved willful misbehavior or gross negligence, it was decided that a public letter of reprimand was not called for in that instance. The attorney was warned, however, that if he is found to have committed another APO breach before his prior breaches are expunged, the Commission would consider a more public form of sanction.

Case 3. Counsel in an investigation filed the public version of a document which contained BPI. The BPI had not been bracketed in the confidential version of the brief, and, therefore, was not redacted from the public version of the document. Once counsel became aware of the potential breach, they immediately contacted counsel identified on both the public and APO service lists and instructed them to destroy the pages containing the unredacted BPI. On the next business day, counsel notified the Commission's Secretary of the possible breach and filed corrected pages with the parties and with the Commission.

The Commission determined that two of the three attorneys who signed the document breached the APO by failing to redact BPI from a public version of the document. In making its determination to issue a private letter of reprimand to the lead attorney, the Commission considered that, although the breaches appeared to have been inadvertent and the attorney made prompt efforts to limit the possibility of disclosure to persons not already under the APO, the attorney was involved in multiple breaches over a relatively short period.

In determining not to sanction the second attorney, but instead to issue a letter of warning to that attorney, the Commission considered that this was the only breach in which this attorney had been involved, the breach was unintentional, and that prompt action was taken to remedy the breach.

The Commission determined that the third attorney whose name appeared on the document did not breach the APO because he did not have any responsibility in the preparation or filing of the document.

Case 4. Counsel representing a party to an investigation filed a public document which contained a page from which bracketed information had not been redacted. Counsel discovered the error, contacted the Commission's Office of the Secretary the morning after the filing, and corrected the public version of the document before it was placed on file for public inspection. Counsel stated in their affidavits that the error was discovered and corrected prior to service of the public version on the other parties to the investigation, so that no unauthorized person actually saw business proprietary information. In their response to the Commission inquiry, counsel contended that no breach occurred because, although the information in question was bracketed in the documents they cited, it was publicly available from other sources.

The Commission determined that three attorneys breached the APO. Two of the attorneys failed to redact certain bracketed information which contained specific statements not publicly available. They did not breach the APO with regard to their failure to redact information which was in the public domain at the time they filed their document with the Commission. The Commission determined that the third attorney, the lead attorney, breached the APO by failing to provide adequate supervision over the handling of BPI or to delegate supervisory authority in a reasonable manner. In determining to issue private letters of reprimand to the three attorneys, the Commission considered that the one of the attorneys was involved in three separate breaches and two of the attorneys were involved in two separate breaches of Commission APOs within a short period of time. Mitigating factors were that they reported and corrected the breach promptly and that the firm strengthened its APO procedures subsequent to the breaches. With regard to the lead attorney, the Commission considered that delegating final authority for APO compliance to an attorney who had committed two breaches over a short period of time and a junior attorney who had recently committed an APO breach was not reasonable when there was another experienced attorney available who could have overseen their work. Because one of the attorneys had been involved in three separate breaches over a short period of time and other attorneys in his firm had also been involved in multiple breaches during the same period, the Commission required that the attorney, prior to his next appearance in a Commission investigation, prepare and conduct an APO compliance class for all firm attorneys and staff, and submit to the Commission any materials used in the class and certifications that the class occurred and that all such attorneys and staff attended. The Commission determined that an attorney and a law clerk who were not involved in the preparation of the document did not breach the APO.

Case 5. An attorney and an economic consultant representing a party in a Commission investigation filed a public document which contained unbracketed and undeleted BPI. The potential breach was discovered by both the Commission staff and the counsel on the day the document was filed, and counsel took immediate action to retrieve all of the service copies of the unbracketed document and destroy them. The error was discovered and remedial action was taken quickly enough that the document filed with the Commission was not made available to the public either as hard copy or through the electronic system.

The Commission determined that the attorney and the economic consultant employed by the law firm had breached the APO by not protecting BPI. They mislabeled the document containing BPI as public; they failed to place a warning on each page of the document that contained BPI; and they failed to bracket the BPI and remove it from a public version of the document. In reaching its breach determination, the Commission considered that failure to follow the APO rules and thereby leaving BPI unprotected and potentially available to be disclosed is sufficient to constitute a breach.

The Commission did not issue a sanction but instead issued warning letters to the attorney and economic consultant. In reaching its decision on sanctions, the Commission considered that the breach was unintentional, neither the attorney nor the economist had previously breached a Commission APO, and the law firm acted quickly to mitigate any harmful effects of the breach. The Commission determined that two attorneys, one of whom was the lead attorney, did not breach the APO because they were not involved in the preparation, review, signing or filing of the document. In its letter to the lead attorney, the Commission acknowledged his immediate action to mitigate the effects of the errors which led to the breach.

Case 6. An associate with a law firm representing a party to an investigation prepared an outline of testimony for a client/witness who was a nonsignatory to the APO and, although he had been advised earlier in the day by the lead attorney that the information was BPI, he included the BPI covered under the APO in the outline. The associate then sent an e-mail message to the client with the outline as an attachment. The potential breach was discovered by the lead attorney when he reviewed the outline the next day, and he immediately took steps to retrieve and replace the outline containing the BPI before it was read by the nonsignatory and to inform the Commission Secretary of the potential breach.

The Commission determined that the associate attorney breached the APO by transmitting to a client who was not a signatory to the APO a document which he prepared that contained BPI. In reaching its decision to issue a warning letter, the Commission considered that this was the only breach in which the attorney was involved, that the breach

was unintentional, that prompt action was taken to remedy the breach, and that neither the client nor any other non-signatory of the APO actually read the document. The Commission determined that the other attorneys on the APO, including the lead attorney, did not breach the APO because they did not participate in the breach.

IV. Investigations in Which No Breach Was Found

During 1999, the Commission completed two investigations in which no breach was found.

Case 1. An attorney in an investigation filed a public version of a document which contained bracketed but unredacted information. The bracketed information consisted of citations to submissions by two parties to the investigation which were contained in a footnote of the document. The Commission determined that the attorney did not breach the APO by failing to redact the information because the information revealed was publicly available, and the only information which could be inferred from the citations was otherwise publicly available.

Case 2. An attorney in an investigation obtained under an APO release of documents a copy of a telephone note containing a summary of a conversation between a Commission employee and an employee of the Department of Commerce (Commerce). The attorney called the Commerce employee and discussed the contents of the note with him. The Commerce employee advised the Commission employee of his concern that the attorney's call involved a possible breach of the APO. The Commission determined that the attorney did not breach the APO because the Commerce employee was the person who provided the BPI to the Commission, and an attorney's discussion of information released under the APO with the person or agency from whom the BPI was obtained is permissible.

Issued: May 5, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–11878 Filed 5–10–00; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2065–00; AG Order No. 2302–2000]

RIN 1115–AE26

Extension of Designation of Honduras Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends the Attorney General's designation of Honduras under the Temporary Protected Status (TPS) program until July 5, 2001. Eligible nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who registered during the initial registration period, which ended on August 20, 1999, or who registered after the date under the late initial registration provision. Persons who are eligible for late initial registration may register for TPS during this extension.

EFFECTIVE DATES: The extension of the TPS designation for Honduras is effective July 6, 2000, and will remain in effect until July 5, 2001. The 30-day re-registration period begins May 11, 2000 and will remain in effect until June 12, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Hardin, Residence and Status Services Branch, Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Honduras Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of an extension or a designation, the Attorney General must review conditions in the designated foreign state. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General determines that the foreign state continues to meet the conditions for designation, the period of designation is extended, pursuant to section 244(b)(3)(C) of the Act. 8 U.S.C. 1254a(b)(3)(C). Through such an extension, TPS is available only to persons who have been continuously physically present since January 5, 1999, and have continuously resided in the United States from December 30, 1998.

Why Did the Attorney General Decide to Extend the TPS Designation for Honduras?

On January 5, 1999, the Attorney General initially designated Honduras for TPS for a period of 18 months. 64 FR 524 (Jan. 5, 1999). The Departments of State and Justice have recently reviewed conditions within Honduras. The review resulted in a consensus that a 12-month extension is warranted. The reasons for the extension are explained in a State Department memorandum that states: ''The conditions which led to the original designation are less severe, but continue to cause substantial disruption to living conditions in Honduras.'' The memorandum also states that ''[a]ccording to best estimates, roughly half of the destruction in Honduras remains unaddressed, and 12,000 people remain homeless while many more are in temporary shelters.''

The State Department memorandum concludes that reconstruction efforts should make significant progress during the 2000 calendar year. An Immigration and Naturalization Service memorandum concurs with the State Department, finding that Honduras has made little progress in recovering from Hurricane Mitch and that the minor reconstruction that has taken place has not sufficiently countered the devastation to warrant the termination of TPS. For example, the memorandum reports that ''[i]n many cases, survivors of Mitch are in the same situation they were in a year ago with estimates of between 30,000 and 250,000 remaining in temporary shelters surviving on provisions from the World Food Program.''

Based on these recommendations, the Attorney General finds the situation in Honduras meets the conditions for extension under section 244(b)(3)(C) of the Act. 8 U.S.C. 1254a(b)(3)(C). There continues to be a substantial, but temporary, disruption of living conditions in Honduras as a result of environmental disaster, and Honduras continues to be unable, temporarily, to handle adequately the return of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i)–(ii). Therefore, the review failed to show that country conditions have improved to a degree that supports termination. Even in cases where conditions have improved, the Act provides for automatic extension in the absence of a determination by the Attorney General that country conditions no longer support a TPS designation. Since the Attorney General did not determine that

the conditions in Honduras no longer warrant TPS, the designation is automatically extended.

On the basis of these findings, an extension of the TPS designation for Honduras is warranted for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS, How Do I Register for an Extension?

Only persons previously granted TPS or those with pending applications under the initial Honduras designation may apply for an extension by filing a Form I–821, Application for Temporary Protected Status, without the fee, during the re-registration period that begins May 11, 2000 and ends June 12, 2000. Additionally, you must file a Form I–765, Application for Employment Authorization. See the chart below to determine whether you must submit the one-hundred dollar ($100) filing fee with the Form I–765.

CHART 1

If	Then
You are applying for employment authorization through July 5, 2001.	You must complete and file the Form I–765, Application for Employment Authorization, with the one-hundred dollar ($100) fee.
You already have employment authorization or do not require employment authorization.	You must complete and file the Form I–765 with no fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file the Form I–765, a fee waiver request, and the requisite affidavit (and any other information), in accordance with 8 CFR 244.20.

To re-register for TPS, you also must include two identification photographs (1½″ x 1½″).

Is Late Initial Registration Possible?

Yes. In addition to timely re-registration, late initial registration is possible for some persons from Honduras under 8 CFR 244.2(f)(2). Late initial registration applicants must meet the following requirements:

- Be a national of Honduras (or an alien having no nationality who last habitually resided in Honduras);
- Have been continuously physically present in the United States since January 5, 1999;
- Have continuously resided in the United States since December 30, 1998; and
- Be admissible as an immigrant, except as provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the initial registration period from January 5, 1999, through July 5, 1999, he or she:

- Was in valid nonimmigrant status, or had been granted voluntary departure status or any relief from removal;
- Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal pending or subject to further review or appeal;

Was a parolee or has a pending request for reparole; or

Was the spouse or child of an alien currently eligible to be a TPS registrant. 8 CFR 244.2(f)(2).

An applicant for late initial registration must register no later than sixty (60) days from the expiration or termination of the qualifying condition. 8 CFR 244.2(g).

Where Should I File for an Extension of TPS?

Persons seeking to register for an extension of TPS must submit an application and accompanying materials to the Immigration and Naturalization Service's Service Center that has jurisdiction over the applicant's place of residence.

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia, or in the U.S. Virgin Islands, please mail your application to: Vermont Service Center, ATTN: TPS, 75 Lower Welden Street, St. Albans, VT 05479.

If you live in Arizona, California, Guam, Hawaii or Nevada, please mail your application to: California Service Center, ATTN: TPS, 24000 Avila Road, 2nd Floor Laguna Niguel, CA 92677–8111.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, please mail your application to: Texas Service Center, P.O. Box 850997, Mesquite, TX 75185–0997.

If you live elsewhere in the United States, please mail your application to: Nebraska Service Center, P.O. Box 87821, Lincoln, NE 68501–7821.

When Can I Register for an Extension of TPS?

The 30-day re-registration period begins May 11, 2000 and will remain in effect until June 12, 2000.

Can I Apply for an Extension of My Work Authorization if I Have Been Granted Employment Authorization on the Basis of My Pending Form I–821, and as of July 5, 2000, My Form I–821 Is Still Pending?

Yes, you can apply for an extension of your employment authorization. Follow the instructions in Chart 1 and submit your application to the service center that has jurisdiction over your place of residence during the 30-day registration period listed above.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not preclude or affect an application for asylum or any other immigration benefit. A national of Honduras (or alien having no nationality who last habitually resided in Honduras) who is otherwise eligible for TPS and has applied for or plans to apply for asylum, but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's ability to register for TPS, although the grounds of denial may also be grounds of denial for TPS. For example, a person who has been convicted of an aggravated felony is not eligible for asylum or TPS.

Does This Extension Allow Nationals of Honduras (or Aliens Having No Nationality Who Last Habitually Resided in Honduras) Who Entered the United States After December 30, 1998, To File for TPS?

No. This is a notice of an extension of the TPS designation for Honduras, not a notice of redesignation of Honduras under the TPS program. An extension of TPS does not change the required dates of continuous physical presence and residence in the United States, and does not expand the TPS program to include nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who arrived in the United States after the date of the initial designation, in this case, January 5, 1999, or the date designated for continuous residence, in this case, December 30, 1998.

Notice of Extension of Designation of Honduras Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(3)(A) and (C), and (b)(1) of the Act, I have consulted with the appropriate agencies of the Government concerning whether the conditions under which Honduras was initially designated for TPS continue to exist. As a result, I determine that the conditions for the initial designation of TPS for Honduras continue to be met. 8 U.S.C. 1254a(b)(3)(A) and (C), (b)(1). Accordingly, I order as follows:

(1) The designation of Honduras under section 244(b) of the Act is extended for an additional 12-month period from July 6, 2000, until July 5, 2001. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 100,000 nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) who have been granted TPS and who are eligible for re-registration.

(3) In order to be eligible for TPS during the period from July 6, 2000, through July 5, 2001, a national of Honduras (or alien having no nationality who last habitually resided in Honduras) who received a grant of TPS (or has an application pending) during the initial period of designation from January 5, 1999, until July 5, 2000, must re-register for TPS by filing a new Application for Temporary Protected Status, Form I–821, along with an Application for Employment Authorization, Form I–765, within the 30-day period beginning May 11, 2000 and ending on June 12, 2000. Late re-registration will be allowed only for good cause pursuant to 8 CFR 244.17(c).

(4) Pursuant to section 224(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before July 5, 2001, the designation of Honduras under the TPS program to determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the reasons underlying it, will be published in the **Federal Register**.

(5) Information concerning the TPS program for nationals of Honduras (or aliens having no nationality who last habitually resided in Honduras) will be available at local Service offices upon publication of this notice and on the INS website at http://www.ins.usdoj.gov.

Dated: May 5, 2000.

Janet Reno,

Attorney General.

[FR Doc. 00–11786 Filed 5–10–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2064–00; AG Order No. 2301–2000]

RIN 1115–AE26

Extension of Designation of Nicaragua Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends the Attorney General's designation of Nicaragua under the Temporary Protected Status (TPS) program until July 5, 2001. Eligible nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) may re-register for TPS and an extension of employment authorization. Re-registration is limited to persons who registered during the initial registration period, which ended on August 20, 1999, or who registered after that date under the late initial registration provision. Persons who are eligible for late initial registration may register for TPS during this extension.

EFFECTIVE DATES: The extension of the TPS designation for Nicaragua is effective July 6, 2000, and will remain in effect until July 5, 2001. The 30-day re-registration period begins May 11, 2000 and will remain in effect until June 12, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Hardin, Residence and Status Services Branch, Adjudications, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–4754.

SUPPLEMENTARY INFORMATION:

What Authority Does the Attorney General Have To Extend the Designation of Nicaragua Under the TPS Program?

Section 244(b)(3)(A) of the Immigration and Nationality Act (Act) states that at least 60 days before the end of an extension or a designation, the Attorney General must review conditions in the designated foreign state. 8 U.S.C. 1254a(b)(3)(A). If the Attorney General determines that the foreign state continues to meet the conditions for designation, the period of designation is extended, pursuant to section 244(b)(3)(C) of the Act. 8 U.S.C. 1254a(b)(3)(C). Through such an extension, TPS is available only to persons who have been continuously physically present since January 5, 1999, and have continuously resided in the United States from December 30, 1998.

Why Did the Attorney General Decide To Extend the TPS Designation for Nicaragua?

On January 5, 1999, the Attorney General initially designated Nicaragua for TPS for a period of 18 months. 64 FR 526 (Jan. 5, 1999). The Departments of State and Justice have recently reviewed conditions within Nicaragua. The review resulted in a consensus that a 12-month extension is warranted. The reasons for the extension are explained in a State Department memorandum that states: ''The conditions which led to the original designation are less severe, but continue to cause substantial disruption to living conditions in Nicaragua.'' The memorandum also states that ''a significant portion of the U.S. and international aid promised for assisting in reconstruction is still being delivered.''

The State Department memorandum concludes that reconstruction efforts should accelerate during the 2000 calendar year. An Immigration and Naturalization Service memorandum concurs with the State Department, finding that although Nicaragua has made some progress in recovering from Hurricane Mitch, the recovery has been very slow, especially in the areas of housing and infrastructure. For example, the memorandum reports that ''[a]ccording to [a] Nicaraguan non-governmental umbrella organization * * * of the tens of thousands of houses destroyed by Mitch, only 2,500 had been replaced a year after the storm struck.''

Based on these recommendations, the Attorney General finds the situation in Nicaragua meets the conditions for extension of TPS under section 244(b)(3)(C) of the Act. 8 U.S.C. 1254a(b)(3)(C). There continues to be a substantial, but temporary, disruption of living conditions in Nicaragua as a result of an environmental disaster, and Nicaragua continues to be unable, temporarily, to handle adequately the return of its nationals. 8 U.S.C. 1254a(b)(1)(B)(i)–(ii). Therefore, the review failed to show that country conditions have improved to a degree that supports termination. Even in cases where conditions have improved, the Act provides for automatic extension in the absence of a determination by the

Attorney General that country conditions no longer support a TPS designation. Since the Attorney General did not determine that the conditions in Nicaragua no longer warrant TPS, the designation must be extended.

On the basis of these findings, an extension of the TPS designation for Nicaragua is warranted for an additional 12-month period. 8 U.S.C. 1254a(b)(3)(C).

If I Currently Have TPS, How Do I Register for an Extension?

Only persons previously granted TPS or those with applications pending under the initial Nicaragua designation may apply for an extension by filing a Form I–821, Application for TPS, without the fee, during the re-registration period that begins May 11, 2000 and ends June 12, 2000. Additionally, you must file a Form I–765, Application for Employment Authorization. See the chart below to determine whether you must submit the one-hundred dollar ($100) filing fee with the Form I–765.

CHART 1

If	Then
You are applying for employment authorization through July 5, 2001.	You must complete and file the Form I–765, Application for Employment Authorization, with the one-hundred dollar ($100) fee.
You already have employment authorization or do not require employment authorization.	You must complete and file the Form I–765 with no fee.
You are applying for employment authorization and are requesting a fee waiver.	You must complete and file Form I–765, a fee waiver request, and the requisite affidavit (and any other information), in accordance with 8 CFR 244.20.

To re-register for TPS, you also must include two identification photographs (1½″ × 1½″).

Is Late Initial Registration Possible?

Yes. In addition to timely re-registration, late initial registration is possible for some persons from Nicaragua under 8 CFR 244.2(f)(2). Late initial registration applicants must meet the following requirements:

- Be a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua);
- Have been continuously physically present in the United States since January 5, 1999;
- Have continuously resided in the United States since December 30, 1998; and
- Be admissible as an immigrant, except as otherwise provided under section 244(c)(2)(A) of the Act, and not ineligible under section 244(c)(2)(B) of the Act.

Additionally, the applicant must be able to demonstrate that, during the initial registration period from January 5, 1999, through July 5, 1999, he or she:

- Was in valid nonimmigrant status, or had been granted voluntary departure status or any relief from removal;
- Had an application for change of status, adjustment of status, asylum, voluntary departure, or any relief from removal pending or subject to further review or appeal;
- Was a parolee or has a pending request for reparole; or
- Was the spouse or child of an alien currently eligible to be a TPS registrant.

8 CFR 244.2(f)(2).

An applicant for late initial registration must register no later than sixty (60) days from the expiration or termination of the qualifying condition. 8 CFR 244.2(g).

Where Should I File for an Extension of TPS?

Persons seeking to register for an extension of TPS must submit an application and accompanying materials to the Immigration and Naturalization Service's service center that has jurisdiction over the applicant's place of residence.

If you live in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, West Virginia, or in the U.S. Virgin Islands, please mail your application to: Vermont Service Center, Attn: TPS, 75 Lower Welden Street, St. Albans, VT 05479.

If you live in Arizona, California, Guam, Hawaii or Nevada, please mail your application to: California Service Center, Attn: TPS, 24000 Avila Road, 2nd Floor, Laguna Niguel, CA 92677–8111.

If you live in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, or Texas, please mail your application to: Texas Service Center, P.O. Box 850997, Mesquite, TX 75185–0997.

If you live elsewhere in the United States, please mail your application to: Nebraska Service Center, P.O. Box 87821, Lincoln, NE 68501–7821.

When Can I Register for an Extension of TPS?

The 30-day re-registration period begins May 11, 2000 and will remain in effect until June 12, 2000.

Can I Apply for an Extension of My Work Authorization if I Have Been Granted Employment Authorization on the Basis of My Pending Form I–821, and as of July 5, 2000, My Form I–821 Is Still Pending?

Yes, you can apply for an extension of your employment authorization. Follow the instructions in Chart 1 and submit your application to the service center that has jurisdiction over your place of residence during the 30-day registration period listed above.

How Does an Application for TPS Affect My Application for Asylum or Other Immigration Benefits?

An application for TPS does not preclude or affect an application for asylum or any other immigration benefit. A national of Nicaragua (or alien having no nationality who last habitually resided in Nicaragua) who is otherwise eligible for TPS and has applied for or plans to apply for asylum, but who has not yet been granted asylum or withholding of removal, may also apply for TPS. Denial of an application for asylum or any other immigration benefit does not affect an applicant's ability to register for TPS, although the grounds of denial may also be grounds of denial for TPS. For example, a person who has been convicted of an aggravated felony is not eligible for asylum or TPS.

Does This Extension Allow Nationals of Nicaragua (or Aliens Having No Nationality Who Last Habitually Resided in Nicaragua) Who Entered the United States After December 30, 1998, To File for TPS?

No. This is a notice of an extension of the TPS designation for Nicaragua, not a notice of redesignation of Nicaragua under the TPS program. An extension of TPS does not change the required dates of continuous physical presence and residence in the United States, and does not expand the TPS program to include nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who arrived in the United States after the date of the initial designation, in this case, January 5, 1999, or the date designated for

continuous residence, in this case, December 30, 1998.

Notice of Extension of Designation of Nicaragua Under the TPS Program

By the authority vested in me as Attorney General under sections 244(b)(3)(A) and (C), and (b)(1) of the Act, I have consulted with the appropriate agencies of the Government concerning whether the conditions under which Nicaragua was initially designated for TPS continue to exist. As a result, I determine that the conditions for the initial designation of TPS for Nicaragua continue to be met. 8 U.S.C. 1254a(b)(3)(A) and (C), (b)(1). Accordingly, I order as follows:

(1) The designation of Nicaragua under section 244(b) of the Act is extended for an additional 12-month period from July 6, 2000, until July 5, 2001. 8 U.S.C. 1254a(b)(3)(C).

(2) I estimate that there are approximately 6,000 nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) who have been granted TPS and who are eligible for re-registration.

(3) In order to be eligible for TPS during the period from July 6, 2000, through July 5, 2001, a national of Nicaragua (or an alien having no nationality who last habitually resided in Nicaragua) who received a grant of TPS (or has an application pending) during the initial period of designation from January 5, 1999, until July 5, 2000, must re-register for TPS by filing a new Application for Temporary Protected Status, Form I–821, along with an Application for Employment Authorization, Form I–765, within the 30-day period beginning May 11, 2000 and ending on June 12, 2000. Late re-registration will be allowed only for good cause pursuant to 8 CFR 244.17(c).

(4) Pursuant to section 244(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before July 5, 2001, the designation of Nicaragua under the TPS program to determine whether the conditions for designation continue to be met. 8 U.S.C. 1254a(b)(3)(A). Notice of that determination, including the reasons underlying it, will be published in the **Federal Register.**

(5) Information concerning the TPS program for nationals of Nicaragua (or aliens having no nationality who last habitually resided in Nicaragua) will be available at local Service offices upon publication of this notice and on the INS website at http://www.ins.usdoj.gov.

Dated: May 5, 2000.

Janet Reno,

Attorney General.

[FR Doc. 00–11787 Filed 5–10–00; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

May 5, 2000.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by June 27, 2000. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Ira L. Mills, on 202–219–5095 ext. 129.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Bureau of Labor Statistics, Office of Management and Budget, Room 10235, Washington, D.C. 20503.

The Office of Management and Budget is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Agency: Bureau of Labor Statistics.

Title: July 2000 Current Population Survey Supplement on Race and Ethnicity.

OMB Number: 1220–0155.

Reinstatement, with change, of a previously approved collection for which approval has expired.

Frequency: On occasion.

Affected Public: Individuals and households.

Number of Respondents: 120,000.

Estimated Time Per Respondent: 2 minutes.

Total Burden Hours: 4,000 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Description: The purpose of the July 2000 Current Population Survey (CPS) Supplement on Race and Ethnicity, conducted by the Bureau of Labor Statistics (BLS), is to investigate the effects of changes to the race and ethnicity questions that will be implemented in January 2003. These changes are designed to conform to the 1997 standards on the collection of racial and ethnic data issued by the Office of Management and Budget (OMB). The collection of these data now will allow the BLS to examine changes in the reporting of economic characteristics of racial and ethnic groups that are likely to result from implementation in 2003. The BLS also will use Supplement data to evaluate bridging alternatives for use with trend analysis. The supplement data can be used to inform other survey programs about the probable effects of adopting the new standards in their surveys.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 00–11828 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of April, 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the

workers' firm, or an appropriate subdivision, thereof, have become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely; and

(3) That increase of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–37,495; Wolverine Tube, Inc., Roxboro, NC

TA–W–37,397; Katz Lace Corp., New York, NY

TA–W–37,406; York Refrigeration, Waynesboro Div., Waynesboro, PA

TA–W–37,289; M. Glosser & Sons Scrap Yard, Johnstown, Pa

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–37,506; Ingersoll-Rand Transportation Organization, Los Angeles, CA

TA–W–37,517; United States Sales Corp., San Fernando, CA

TA–W–37,390; Target Retail Store, Mt. Carmel, IL

TA–W–37,392; Alphabet, Inc., El Paso, TX

TA–W–37,474; Now Fabrics, Inc., New York, NY

TA–W–37,472; MCNIC Oil and Gas Co., Detroit, MI

TA–W–37,542; GPM, Bartlesville, OK

TA–W–37,435; Oshkosh B'Gosh, Inc., Oshkosh Distribution Center, Oshkosh, WI

TA–W–37,495;

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–37,500; Ultra Building Systems, Inc., Hackensack, NJ

TA–W–37,490; Brechteen, Chesterfield, MI

TA–W–37,259; ASC (Automobile Specialist Convertible), Rancho Dominquez, CA

TA–W–37,481; Inland Refining, Woods Cross, UT

TA–W–37,402; Midas, Inc., Bedford Park, IL

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–37,404; Border Apparel Laundry, Inc., El Paso, TX

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification. Sales or production did not decline during the relevant period as required for certification.

TA–W–37,459; Rohm and Haas Co., Philadelphia, PA

The investigation revealed that criteria (1) has not been met. A significant number or proportion of the workers did not become totally or partially separated from employment as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–37,267; Haas Tailoring Co, Baltimore, MD: January 11, 1999.

TA–W–37,370; Lees Curtain Co., Inc., Mansfield, MO: February 1, 1999.

TA–W–37,391; Hewlett Packard, San Jose, CA: February 8, 1999.

TA–W–37,128; Nucor Corp., Nucor Fastener Div., Conway AR: November 12, 1998.

TA–W–37,430; Square D Co., Oshkosh, WI: February 17, 1999.

TA–W–37,381; United States Leather, Inc., Pfister & Vogel Leather, Milwaukee, WI: February 4, 1999.

TA–W–37,205; Belmont Garment Dyers, Formerly Reading Dyeing & Finishing, Inc., Reading, PA: December 12, 1998.

TA–W–37,377; Duro Finishing, Fall River, MA: February 9, 1999.

TA–W–37,443; Russell Corp., Jerzees Activewear, Geneva, AL: February 25, 1999.

TA–W–37,468 & A; Great American Knitting Mills, Inc., Pottstown, PA and Bally, PA: March 3, 1999.

TA–W–37,483; American Identify, Ocean Springs, MS: March 8, 1999.

TA–W–37,471; Huffy Bicycle Co., Southhaven, MS: February 24, 1999.

TA–W–37,538; North American Heaters, Franklin, TN: March 16, 1999.

TA–W–37,551; PDH Corp., d/b/a Omnigrid, Inc., Burlington, WA: March 24, 1999.

TA–W–37,512; London International Group LLC, Centre Plant, Dothan, AL: January 10, 1999.

TA–W–37,470; Radionic's Inc., Salinas, CA: September 13, 1998.

TA–W–37,418; Baker Atlas, Prudhoe Bay, AK: February 15, 1999.

TA–W–37,414; Propper International Sales, Inc., Waverly, TN: February 11, 2000.

TA–W–37,555; Alrose Shoe Co, Div. of Ballet Makers, Inc., Exeter, NH: March 28, 1999.

TA–W–37,466; Rochester Button Co., S. Boston, VA: March 1, 1999.

TA–W–37,436; Alliance Labeling & Decorating, Inc., Allentown, PA: February 15, 1999.

TA–W–37,497; Russell Athletic Div. of Russell Corp., Ashland, AL: March 10, 1999.

TA–W–37,432; Globe Manufacturing Corp., Latex Operations, Fall River, MA: February 24, 1999.

TA–W–37,494; Border Apparel, Inc., El Paso, TX: February 17, 1999.

TA–W–37,458; House of Perfection, Inc., Williston Manufacturing Co., Williston, SC: March 3, 1999.

TA–W–37,441; Kobe Precision, Inc., Hayward, CA: February 23, 1999.

TA–W–37,469; Sherwood Market House, Alliance, OH: March 6, 1999.

TA–W–37,424; Pincus Brothers-Maxwell, Philadelphia, PA: April 13, 1999.

TA–W–37,407; Briggs Manufacturing Co., Robinson, IL: February 24, 1999.

TA–W–37,528; Trinity Fitting & Flange Group, Inc., Ackerman, MS: March 11, 1999.

TA–W–37,540; Kimberly Clark Corp., Durafab, Inc., Cleburne, TX: March 28, 1999.

TA–W–37,428; Valley Cities Apparel, Sayre, PA: February 23, 1999.

TA–W–37,457 & A; Best Manufacturing Co., Johnson City Div., Johnson City, TN and Moss Point, MS: March 6, 1999.

TA–W–37,536; Telema Electronics, Inc., St. James, MO: March 21, 1999.

TA–W–37,431; Magnecomp Corp., Temecula, CA: May 1, 2000.

TA–W–37,507; American Identity, Canton, SD: March 8, 1999.

TA–W–37,479; Rocky Shoes & Boots, Inc., Nelsonville, OH: March 7, 1999.

TA–W–37,421; Whistler Automation Products, Novi, MI: October 12,, 1998.

TA–W–37,355; Medtronic Perfusion Systems, Minneapolis, MN: January 28, 1999.

TA–W–37,525; Old Deerfield Fabrics, Inc., Cedar Grove, NJ: March 8, 1999.

TA–W–37,480 & A, B, C; Chevron Information Technology Co (CITC),

A Div. of Chevron USA, Inc., Headquartered in San Ramon, CA, Concord, CA, Evanston, WY and all locations in the States of TX and LA: March 10, 1999.

TA–W–37,450; Xomox Corp., Cincinnati, OH: March 3, 1999.

TA–W–37,504; MTF, Inc., West Lawn, PA: March 15, 1999.

TA–W–37,526; Milco Industries, Inc., Bloomsburg, PA: March 21, 1999.

TA–W–37,445; Lenox, Inc., Smithfield, RI: February 28, 1999.

TA–W–37,453; Jantzen, Inc., Seneca, SC: February 28, 1999.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of April, 2000.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in ports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–03809; Fedco Automotive Components Co., Inc., Div. of Stant Corp., buffalo, NY

NAFTA–TAA–03692: Western Moulding Co., Snowflake, AZ

NAFTA–TAA–03814; Chevron Products Co., El Paso, TX

NAFTA–TAA–03723; Lees Curtain Co., Inc., Mansfield, MO

NAFTA–TAA–03781; Rochester Button Co., S. Boston, VA

NAFTA–TAA–03782; LaCrosse Footwear, Inc., La Crosse, WI

NAFTA–TAA–03713; Wolverine Tube, Inc., Roxboro, NC

NAFTA–TAA–03795; Rohm and Haas Co., Philadelphia, PA

NAFTA–TAA–03747; Briggs Manufacturing Co., Robinson, IL

NAFTA–TAA–03766; Valley Cities Apparel, Sayre, PA

NAFTA–TAA–03751; York Refrigeration, Waynesboro Div., Waynesboro, PA

NAFTA–TAA–03748; Circular Banding Co., In., Athens, GA

NAFTA–TAA–03813; C.P. Lighting, Inc., Pottsville, PA

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–03745; Alphabet, Inc., El Paso, TX

NAFTA–TAA–03854; Chevron Products Co., Roosevelt, UT

NAFTA–TAA–03817; United States Saes Corp., San Fernando, CA

NAFTA–TAA–03754; Oshkosh B'Gosh, Inc., Oshkosh Distribution Center, Oshkosh, WI

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA–TAA–03743; Border Apparel Laundry, Inc., El Paso, TX

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers in such workers' firm or an appropriate subdivision (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–03764; AMETEK, United States Gauge Div., Bartow, FL: February 21, 1999.

NAFTA–TAA–03847; Taylor Precision Products, L.P., Fletcher, NC: June 9, 2000.

NAFTA–TAA–03808; Woodgrain Millwork, Inc., Lakeview Operation, Lakeview, OR: March 15, 1999.

NAFTA–TAA–03807; Toshiba Display Devices, Inc., Horseheads, NY: March 9, 1999.

NAFTA–TAA–03684; Allied Signal, Honeywell, Inc., Torrance, CA: January 13, 1999.

NAFTA–TAA–03632; Belmont Garment Dyers, Formerly Beading Dyeing & Finishing, Inc., Reading, PA: December 9, 1998.

NAFTA–TAA–03772; Russell Corp., Jerzees Activewear, Geneva, AL: February 25, 1999.

NAFTA–TAA–03736; Square D Company, Oshkosh, WI: February 17, 1999.

NAFTA–TAA–03662; Alliance Labeling and Decorating, Inc., Allentown, PA: February 15, 1999.

NAFTA–TAA–03776; Pincus Brothers-Maxwell, Philadelphia, PA: March 2, 1999.

NAFTA–TAA–03791; House of Perfection, Inc., Williston Manufacturing Co., Williston, SC: March 8, 1999.

NAFTA–TAA–03727 A, B, C, D, & E; the Johnstown Knitting Mill Co. including the following divisions: Glenfield Div., Glenfield, NY: Montgomery St. Div., Johnstown, NY; Comrie Ave. Div., Johnstown, NY; Fort Plain Div., Fort Plain, NY; New York City Div., NY; and the Diana Knitting Corp., Johnstown, NY: February 3, 1999.

NAFTA–TAA–03826; Talema Electronics, Inc., St. James, MO: March 21, 1999.

NAFTA–TAA–03816; North American Heaters, Franklin, TN: March 16, 1999.

NAFTA–TAA–03815; Russell Athletic Div. of Russel Corp., Ashland, AL: March 10, 1999.

NAFTA–TAA–03792 & A; Great American Knitting Mills, Inc., Pottstown, PA and Bally, PA: March 6, 1999.

NAFTA–TAA–03798; Kimberly-Clark Corp., Durafab, Inc., Cleburne, TX: March 3, 1999.

NAFTA–TAA–03804; Border Apparel, Inc., El Paso, TX: February 17, 1999.

NAFTA–TAA–03712; Medtronic Perfusion Systems, Minneapolis, MN: January 28, 1999.

NAFTA–TAA–03770; TI Group Automotive Systems, Maquoketa, IA: February 15, 1999.

NAFTA–TAA–03806; MTF, Inc., West Lawn, PA: March 15, 1999.

NAFTA–TAA–03763; Ithaca Industries, Inc., Glennville, GA: February 28, 1999.

NAFTA–TAA–03700; Standard Candy Co., Hard Candy Div., Nashville, TN: January 31, 1999.

NAFTA–TAA–03841; Elisie Undergarment Corp., Hialeah, FL: April 7, 1999.

NAFTA–TAA–03824; Mattel Operations, Inc., a Div. of Mattel, Beaverton, OR: March 29, 1999.

I hereby certify that the aforementioned determinations were issued during the month of April, 2000. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 2, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

[FR Doc. 00–11825 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37, 511]

Avent Inc.; Kimberly-Clark Corporation, Tuscon, Arizona; Notice of Termination of Investment

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 27, 2000, in response to a worker petition which was filed by the company on behalf of workers at Avent Inc., a Division of Kimberly-Clark Corporation, located in Tucson, Arizona.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 28th day of April, 2000.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 00–11827 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 22, 2000 after publication in F.R.).

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 22, 2000, publication in F.R.).

The petition filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

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

Grant. D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

Appendix

PETITIONS INSTITUTED ON 04/17/2000

TA–W	Subject Firm (Petitioners)	Location	Date of petition	Product(s)
37,566	Bigsby Accessories, Inc (Wkrs)	Kalamazoo, MI	04/05/2000	vibrators, palm pedals, foot pedals.
37,567	Niemand Industries (Wrks)	Marion, AL	03/24/2000	cosmetic containers.
37,568	Oregon Manufacturing (Comp)	Klamath Falls, OR	03/24/2000	electronic assemblies.
37,569	National Castings (Comp)	Cicero, IL	03/16/2000	sideframes, bolsters, yokes.
37,570	Lilly Industries, Inc (Comp)	Paulsboro, NJ	03/07/2000	industrial coatings.
37,571	Rugged Sportswear LLC (Wrks)	LaGrange, NC	03/31/2000	sweatshirts, sweatpants, and sweatshorts.
37,572	Litton Data Systems (Wrks)	Agoura, CA	03/12/2000	printed circuit boards.
37,573	Santa Cruz Industries (Wrks)	Santa Cruz, CA	03/29/2000	point-of-purchase displays.
37,574	Illinois Tool Works Co (Wrks)	Mechanicsburg, PA	03/28/2000	plastic packaging.
37,575	Southeastern Apparel (Wrks)	Johnson City, TN	03/20/2000	denim jeans and cotton casual slacks.
37,576	Bar-Sew (Wrks)	Lehighton, PA	03/31/2000	ladies' blouses.
37,577	Electro-Tec Corp (Comp)	Blacksburg, VA	04/03/2000	slip rings for cat scans, military radar.
37,578	Vantiy Fair Intimates (Comp)	Jackson, AL	03/24/2000	intimate apparel.
37,579	Chicago Steel (Wrks)	Gadsen, AL	04/03/2000	material handlers.
37,580	Tally Sportsear (Wrks)	Lancaster, SC	04/03/2000	tee-shirts.
37,581	General Electric (IUE)	Tell City, IN	03/09/2000	dishwasher motors.
37,582	Forge Products Corp (Comp)	Cleveland, OH	03/15/2000	steel forging.
37,583	Trinity Industries (USWA)	Lyndora, PA	04/01/2000	fabrication of railroad parts.
37,584	Quebecor World, Inc (Comp)	St. Paul, MN	04/06/2000	commercial printing.
37,585	MESPO/MAMIYE (Wrks)	Hollis, NY	04/03/2000	umbrellas.
37,586	Enefco International (Comp)	Auburn, ME	04/04/2000	shoe counters.
37,587	Milco Industries (Wrks)	New York, NY	03/30/2000	sleepwear and loungewear.
37,588	Coloplast, Amotex Plant (Wrks)	Centre, AL	03/27/2000	mastectomy bras.
37,589	New America Wood Products (Wrks)	Winlock, WA	03/30/2000	hardwood dimensional lumber.
37,590	NGK Metals Corp (Wrks)	Reading, PA	04/05/2000	beryllium copper strip alloys.
37,591	Hazan Group (The) (UNITE)	Secaucus, NJ	04/04/2000	ladies' sportswear.

PETITIONS INSTITUTED ON 04/17/2000—Continued

TA–W	Subject Firm (Petitioners)	Location	Date of petition	Product(s)
37,592	Macedonia Fashions	Brooklyn, NY	03/27/2000	knitted goods.

[FR Doc. 00–11824 Filed 5–10–00 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 22, 2000.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than May 22, 2000.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 24th day of April 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 04/24/2000]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
37,593	Pennzoil—Quaker State (PACE)	Rouseville, PA	04/10/2000	Lubricant Fuels.
37,594	Manchester Manufacturer (Wkrs)	Manchester, OH	04/11/2000	Trousers.
37,595	Humpery's, Inc. (Wkrs)	Chicago, IL	04/03/2000	Leather Belts.
37,596	Bethlehem Corp. (The), (Co.)	Easton, PA	04/11/2000	Porcupine Processors.
37,597	Willamette Industries (Wkrs)	Lebanon, OR	04/04/2000	Conveyor Systems, LVL Presses.
37,598	Hatch, Inc. (Co.)	El Paso, TX	04/05/2000	Control Systems Integrators.
37,599	United States Enrichment (PACE)	Paducah, KY	04/10/2000	Uranium Hexaflouride.
37,600	Trinity Industries (UAW)	Mt. Orab, OH	04/05/2000	Rail Cars.
37,601	Styl-Rite Optics, Inc. (Wkrs)	Miami, FL	04/10/2000	Ophthalmic Frames.
37,602	Wil Gro Fertilizer (Co.)	Pryor, OK	04/03/2000	Anhydrous Ammonia.
37,603	A. Schulman, Inc. (PACE)	Orange, TX	04/24/2000	Plastic Products.
37,604	Coho Resources (Wkrs)	Dallas, TX	04/06/2000	Oil and Gas.
37,605	Hyperion Seating Corp. (Wkrs)	Lewisburg, TN	04/03/2000	Car Seats—Front and Rear.
37,606	Rocky Apparel (Wkrs)	Greenwood, MS	03/28/2000	Blue Jeans.
37,607	Henry I. Siegel (Co.)	Bruceton, TN	04/12/2000	Denim Jeans and Sportswear.
37,608	Concord Fabrics (Wkrs)	New York, NY	03/30/2000	Printed Cotton Fabric.
37,609	TI Group Automotive (Co.)	Valdosta, GA	03/28/2000	Engine and Transmission Oil Cooler Lines.
37,610	Tenk Machine and Tool (Wkrs)	Cleveland, OH	03/27/2000	Repair Steel Mill Equipment.
37,611	T and S Sewing, Inc. (Wkrs)	Hialeah Gardens, FL ...	04/04/2000	Ladies' Blouses and T-Shirts.
37,612	AST Research, Inc. (Wkrs)	Fort Worth, TX	04/10/2000	Desk Top Computers.
37,613	Sandvik Milford (IAMAW)	Branford, CT	04/04/2000	Bandsaw Blades.
37,614	Imation Corporation (Wkrs)	Oakdale, MN	04/07/2000	Electrophoto. Color Printer Components.
37,615	Mr. Coffee (Co.)	Glenwillow, OH	04/14/2000	Coffee and Tea Brewers.
37,616	Chavez Sings, Inc. (Co.)	El Paso, TX	03/31/2000	Custom-Made Signs.
37,617	Troutman Foundry (Co.)	Statesville, NC	04/10/2000	Grey Cast Iron Castings.
37,618	Minard Run Oil Co. (Wkrs)	Bradford, PA	04/02/2000	Natural Gas and Oil.
37,619	Furniture Crafters (Co.)	Grants Pass, OR	04/12/2000	Office Furniture.
37,620	Johanna York, Inc. (Co.)	New York, NY	04/14/2000	Dresses.
37,621	Westwood Lighting (Co.)	El Paso, TX	04/17/2000	Brass Lamps.
37,622	Milano Fashion Inc. (UNITE)	Passaic, NJ	04/06/2000	Ladies' Coats.
37,623	Lear Corporation (Wkrs)	El Paso, TX	04/14/2000	Dies for Crimping Cables.

[FR Doc. 00–11822 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3805]

Avent Inc. Kimberly-Clark Corporation Tucson, AZ; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 15, 2000, in response to a worker petition which was filed on behalf of workers at Avent Inc., Kimberly-Clark Corporation, Tucson, Arizona.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 28th day of April, 2000.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 00–11826 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103–182), hereinafter called (NAFTA–TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA–TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigation are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103–182) are eligible to apply for NAFTA–TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Director of DTAA not later than May 22, 2000.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown below not later than May 22, 2000.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C–4318, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 4th day of May 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's Office	Petition number	Articles produced
Swiss–M–Tex (Wkrs)	Travelers Rest, SC	03/21/2000	NAFTA–3,810	embroidered textile products.
Stant Manufacturing (IBB)	Connersvile, IN	03/16/2000	NAFTA–3,811	plated fuel rails.
Exide Corporation (Co.)	Reading, PA	03/22/2000	NAFTA–3,812	auto batteries.
C.P. Lighting (Wkrs)	Pottsville, PA	03/22/2000	NAFTA–3,813	finished table & floor lamps.
Chevron Products (UNITE)	El Paso, TX	03/22/2000	NAFTA–3,814	gasoline, diesel, propane & butane.
Russell Athletic Division (Co.)	Ashland, AL	03/22/2000	NAFTA–3,815	knit apparel.
North American Heaters (Co.)	Franklin, TN	03/20/2000	NAFTA–3,816	electrical heating elements.
United States Sales (Wkrs)	San Fernando, CA	03/20/2000	NAFTA–3,817	warehouse & distribution center.
Chic by H.I.S.—Sierra Pacific Apparel (Co.).	Visalia, CA	03/22/2000	NAFTA–3,818	jeans.
Anchor Lamina America (Wkrs)	Cheshire, CT	03/06/2000	NAFTA–3,819	die sets, machined plates etc.
Labeling Systems (Co.)	Oakland, NJ	03/27/2000	NAFTA–3,820	labeling machine.
Quebecor World (Co.)	Nashville, TN	03/27/2000	NAFTA–3,821	commercial printing of books, magazines.
American Recreation Products (Co.)	Mineola, TX	03/28/2000	NAFTA–3,822	sleeping bags.
Alliance Carolina Tool and Mold (Co.)	Arden, NC	03/27/2000	NAFTA–3,823	plastic injected molded parts.
Mattel Operations (Co.)	Beaverton, OR	04/03/2000	NAFTA–3,824	view master reels.
C and L Textiles (Co.)	Cooper City, FL	04/03/2000	NAFTA–3,825	men's & women's clothing.
Talema Electronics (Co.)	St. James, MO	03/29/2000	NAFTA–3826	toroidal transformers.
Ross Corporation (Co.)	Eugene, OR	03/29/2000	NAFTA–3,827	heavy logging equipment.
Oregon Manufacturing (Co.)	Klamath Falls, OR	03/29/2000	NAFTA–3,828	electronics.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's Office	Petition number	Articles produced
Hexcel Corporation (Wkrs)	Kent, WA	03/28/2000	NAFTA–3,829	air line space components.
Willamette Industrial (Wkrs)	Dallas, OR	03/28/2000	NAFTA–3,830	plywood.
Midwest Micro (Wkrs)	Iron Ridge, WI	03/27/2000	NAFTA–3,831	computer.
Finishing 2000 (UNITE)	El Paso, TX	04/03/2000	NAFTA–3,832	jeans.
Berne Apparel (Wkrs)	Berne, IN	04/03/2000	NAFTA–3,833	work apparel.
Seagate Technology (Wkrs)	Oklahoma City, OK	04/05/2000	NAFTA–3,834	hard drive.
American Industrial Container (UE)	Meadville, PA	04/07/2000	NAFTA–3,835	industrial containers.
Sony Professional Products (Wkrs)	Boca Raton, FL	04/05/2000	NAFTA–3,836	video screen/airline entertainment.
K and D Clothing (UNITE)	Philadelphia, PA	04/05/2000	NAFTA–3,837	men's suits.
Rugged Sportswear (Wkrs)	La Grange, NC	04/04/2000	NAFTA–3,838	sweatshirts, sweatpants & sweatshorts.
Ametek Aerospace (IUE)	Wilmington, MA	02/18/2000	NAFTA–3,839	cables and thermocouples.
Tally Sportswear (Wkrs)	Lancaster, SC	04/10/2000	NAFTA–3,840	t-shirts.
Elsie Undergarment (Wkrs)	Hialeah, FL	04/07/2000	NAFTA–3,841	lingerie.
IBM—International Business Machines (Wkrs).	Rochester, MN	03/03/2000	NAFTA–3,842	electronic computer products.
Trinity Industries (Wkrs)	Lyndora, PA	04/10/2000	NAFTA–3,843	railroad cars.
Thomson Consumer Electronics (IBEW)	Indianapolis, IN	04/11/2000	NAFTA–3,844	single sided printed circuit boards.
Howeywell (USWA)	Ironton, OH	04/12/2000	NAFTA–3,845	naphthalene.
Willamette (Wkrs)	Lebanon, OR	04/13/2000	NAFTA–3,846	lvl presses, convyor systems.
Taylor Precisions Products (Co.)	Fletcher, NC	04/07/2000	NAFTA–3,847	precisions measuring products.
Coho Resources (Wkrs)	Dallas, TX	04/13/2000	NAFTA–3,848	oil and gas.
A. Schulman (PACE)	Orange, TX	04/12/2000	NAFTA–3,849	polyurethane products.
Tecumseh Products (Wkrs)	Somerset, KY	03/06/2000	NAFTA–3,850	compressors.
ABC NACO (Co.)	Cicero, IL	04/10/2000	NAFTA–3,851	sideframes & bolsters.
Troutman Foundry (Co.)	Statesville, NC	04/17/2000	NAFTA–3,852	grey iron castings.
Hatch (CO.)	El Paso, TX	04/10/2000	NAFTA–3,853	power & control system integrators.
Chevron Products (Wkrs)	Roosevelt, UT	03/27/2000	NAFTA–3,854	lifting & transportation crude oil.
Minard Run Oil (Wkrs)	Bradford, PA	04/17/2000	NAFTA–3,855	crude oil & natural gas.
RHI Refractories America (USWA)	Womelsdorf, PA	04/18/2000	NAFTA–3,856	magnesia chrome refractories.
Fort James (Co.)	Clatskanie, OR	04/11/2000	NAFTA–3,857	groundwood speciality.
Raychem—Tyco Electronics (Co.)	Fuquay-Varina, NC	04/20/2000	NAFTA–3,858	telecommunication cable.
ICI Explosives (Co.)	Joplin, MO	04/25/2000	NAFTA–3,859	ammonium nitrate.
Pennzoil Quaker State (Co.)	Rouseville, PA	04/21/2000	NAFTA–3,860	oil.
Cross Supply (Wkrs)	Olney, IL	11/15/1999	NAFTA–3,861	oil.
Elcon Products International (Co.)	Fremont, CA	04/20/2000	NAFTA–3,862	electrical assemblies.
Westwood Lighting (Co.)	El Paso, TX	04/20/2000	NAFTA–3,863	lamps.
DTM Products—Flextronics In't (Wkrs)	Niwot, CO	04/19/2000	NAFTA–3,864	small plastic parts.
Sharp Manufacturing (Wkrs)	Memphis, TN	04/24/2000	NAFTA–3,865	television.
Furniture Crafts (Wkrs)	Grants Pass, OR	04/24/2000	NAFTA–3,866	office furniture.
Sensus Tech (USWA)	Uniontown, PA	04/12/2000	NAFTA–3,867	water meters.
Frontier Foundry (Wkrs)	Titusville, PA	04/26/2000	NAFTA–3,868	aluminum steel castings.
Cooper Energy Services (Co.)	Grove City, PA	04/27/2000	NAFTA–3,869	pistones.
Fairway Foods of Michigan (Wkrs)	Menominee, MI	04/25/2000	NAFTA–3,870	fruits & vegetables.
Mr. Coffee—Sunbeam Products (Co.)	Glenwillow, OH	04/17/2000	NAFTA–3,871	coffee & tea makers.
Philips Electronics North America (Co.)	Wartburg, TN	04/21/2000	NAFTA–3,872	power supply transformer.
Solectron (Co.)	Sunwancee, GA	04/25/2000	NAFTA–3,873	cellular mobile telephones.
Long Handles Shirts (Co.)	Monroe, NC	04/27/2000	NAFTA–3,874	men's knit shirts.
Motor Coils (IUE)	Braddock, PA	05/01/2000	NAFTA–3,875	traction motors.
Chavez Signs (Wkrs)	El Paso, TX	05/01/2000	NAFTA–3,876	plywood.

APPENDIX—Continued

Subject firm	Location	Date received at Governor's Office	Petition number	Articles produced
Erie Controls (Co.)	Milwaukee, WI	04/26/2000	NAFTA–3,877	electrical components.
Kongsberg (Wkrs)	Livania, MI	03/29/2000	NAFTA–3,878	seat heaters.

[FR Doc. 00–11823 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Notice of Meeting

Notice is hereby given of the date and location of the next meeting of the Federal Advisory Council on Occupational Safety and Health (FACOSH), established under Section 1–5 of Executive Order 12196 on February 6, 1980, and published in the **Federal Register**, February 27, 1980 (45 FR 1279). FACOSH will meet on May 31, 2000, starting at 1:30 p.m., in Room N–3437 A/B/C/D of the Department of Labor Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. The meeting will adjourn at approximately 3:30 p.m., and will be open to the public. All persons wishing to attend this meeting must exhibit a photo identification to security personnel.

Agenda items will include:

1. Call to Order
2. NASA Safety and Occupational Health Program Overview
3. Reports by Subcommittees
4. Status Reports on Pending Items
5. New Business
6. Adjournment

Written data, views or comments may be submitted, preferably with 20 copies, to the Office of Federal Agency Programs at the address provided below. All such submissions, received by May 25, 2000, will be provided to the members of the Federal Advisory Council and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Office of Federal Agency Programs by the close of business on May 25, 2000. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Those who request the opportunity to address the Federal Advisory Council may be allowed to speak, as time permits, at the discretion of the Chairperson. Individuals with disabilities who wish to attend the meeting and need special accommodations should contact John E. Plummer at the address indicated below.

For additional information, please contact John E. Plummer, Director, Office of Federal Agency Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, N.W., Washington, DC 20210, telephone number (202) 693–2122. An official record of the meeting will be available for public inspection at the Office of Federal Agency Programs.

Signed at Washington, DC, this 5th day of May 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–11821 Filed 5–10–00; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Cooperative Agreement for: Documentation of Successful ArtsREACH and Creative Links Grant Projects

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notification of Availability.

SUMMARY: The National Endowment for the Arts is requesting proposals leading to one (1) award of a Cooperative Agreement for an effort to document successful ArtsREACH and Creative Links grant projects for use as case studies by other community-based coalitions, and for public information. Approximately 30 successful ArtsREACH projects and 15 Creative Links projects will be documentation and two publications will be prepared for printing and web site posting. In addition, materials such as photographs, audio, and/or video tapes may be assembled and prepared for posting on the Agency Web site. Those interested in receiving the solicitation package should reference Program Solicitation PS 00–05 in their written request and include two (2) self-addressed labels. Verbal requests for the Solicitation will not be honored. It is anticipated that the Program Solicitation will also be posted on the Endowment's Web site at http://www.arts.gov.

DATES: Program Solicitation PS 00–05 is scheduled for release approximately May 26, 2000 with proposals due on June 28, 2000.

ADDRESSES: Requests for the Solicitation should be addressed to the National Endowment for the Arts, Grants & Contracts Office, Room 618, 1100 Pennsylvania Ave., NW, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: William Hummel, Grants & Contracts Office, National Endowment for the Arts, Room 618, 1100 Pennsylvania Ave., NW, Washington, D.C. 20506 (202/682–5482).

William I. Hummel,

Coordinator, Cooperative Agreements.

[FR Doc. 00–11854 Filed 5–10–00; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Carolina Power & Light Company

[Docket No. 50–261]

Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee), to withdraw its March 26, 1999, application for proposed amendment to Facility Operating License No. DPR–23 for the H. B. Robinson Steam Electric Plant, Unit No. 2, located in Darlington County, South Carolina.

The proposed amendment would have modified the facility technical specifications pertaining to the required action and completion time for the ultimate heat sink in the event that the

service water temperature exceeded 95°F.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on July 28, 1999 (64 FR 40905). However, by letter dated April 25, 2000, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 26, 1999, and the licensee's letter dated April 25, 2000, which withdrew 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 3rd day of May 2000.

For the Nuclear Regulatory Commission.

Ram Subbaratnam,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–11801 Filed 5–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Number 40–6622]

Pathfinder Mines Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Application from Pathfinder Mines Corporation to establish Alternate Concentration Limits in Source Material License SUA–442 for the Shirley Basin, Wyoming, uranium mill site; Notice of Opportunity for a Hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated April 3, 2000, an application from Pathfinder Mines Corporation to establish Alternate Concentration Limits and, accordingly, amend Condition 47 of its Source Material License No. SUA–442 for the Shirley Basin Wyoming, uranium mill.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

SUPPLEMENTARY INFORMATION: Pathfinder Mines Corporation's application to amend Source Material License SUA–442, which describes the proposed change and the reasons for the request, is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(d), a request for hearing must be filed within 30 days of the publication of this notice in the **Federal Register**. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Pathfinder Mines Corporation, 935 Pendell Boulevard, P.O. Box 730, Mills, Wyoming 82644, Attention: Tom Hardgrove; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

In addition, members of the public may provide comments on the subject application within 45 days of the publication of this notice in the **Federal Register**. The comments may be provided to David L. Meyer, Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear regulatory Commission, Washington, D.C. 20555.

Dated at Rockville, Maryland, this 4th day of May, 2000.

Thomas H. Essig,

Chief, Uranium Recovery and Low-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–11799 Filed 5–10–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 8, 15, 22, 29, June 5, and 12, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed

MATTERS TO BE CONSIDERED:

Week of May 8

Monday, May 8

10 a.m. Briefing on Lessons Learned from the Nuclear Criticality Accident at Tokai-Mura and the Implications on the NRC's Program (Public Meeting) (Contact: Bill Troskoski, 301–415–8076)

Tuesday, May 9

8:55 a.m. Affirmation Session (Public Meeting) (If needed)

9 a.m. Meeting with Stakeholders on Efforts Regarding Release of Solid Material (Public Meeting) (Contact: Frank Cardile, 301–415–6185)

Week of May 15—Tentative

Tuesday, May 16

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of May 22—Tentative

Thursday, May 25

8:30 a.m. Briefing on Operating Reactors and Fuel Facilities (Public Meeting) (Contact: Joe Shea, 301–415–1727)

10:15 a.m. Briefing on Status of

Regional Programs, Performance and Plans (Public Meeting) (Contact: Joe Shea, 301–415–1727)

1:30 p.m. Briefing on Improvements to 2.206 Process (Public Meeting) (Contact: Andrew Kugler, 301–415–2828)

Week of May 29—Tentative

Tuesday, May 30

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of June 5

There are no meetings scheduled for the Week of June 5.

Week of June 12—Tentative

Tuesday, June 13

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

9:30 a.m. Meeting with Organization of Agreement States (OAS) and Conference of Radiation Control Program Directors (CRCPD) (Public Meeting) (Contact: Paul Lohaus, 301–415–3340)

1 p.m. Meeting with Korean Peninsula Energy Development Organization (KEDO) and State Department (Public Meeting) (Contact: Donna Chaney, 301–415–2644)

* THE SCHEDULE FOR COMMISSION MEETINGS IS SUBJECT TO CHANGE ON SHORT NOTICE. TO VERIFY THE STATUS OF MEETINGS CALL (RECORDINGS)—(301) 415–1292. CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

ADDITIONAL INFORMATION: By a vote of 5–0 on May 3, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of a: Final Rule: Revision of Part 50, Appendix K, ''ECCS Evaluation Models''; b: GPU NUCLEAR, INC., Docket No. 50–219–LT; Petition to Intervene; and, c: MOAB MILL RECLAMATION TRUST, Docket No. 40–3453–LT; Petition to Intervene'' (PUBLIC MEETING) be held on May 3, and on less than one week's notice to the public.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: May 5, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–11945 Filed 5–9–00; 10:23 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Notice of a Website for the Interagency Steering Committee on Radiation Standards

SUMMARY: This notice announces the website for the Interagency Steering Committee on Radiation Standards (ISCORS) at *www.iscors.org.* ISCORS was formed in response to an October 27, 1994, letter from Senator John Glenn to the U.S. Nuclear Regulatory Commission (NRC), U.S. Environmental Protection Agency (EPA), and the Office of Science and Technology Policy (OSTP). In this letter, Senator Glenn charged EPA and the NRC, in coordination with the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC), to develop a plan for a ''path forward'' to address the inconsistencies, gaps, and overlaps in current radiation protection standards. ISCORS is also one of the committees OSTP recommended for achieving the goals of the now defunct CIRRPC.

The objectives of ISCORS include:

(1) Facilitating a consensus on acceptable levels of radiation risk to the public and workers;

(2) Promoting consistent risk assessment and risk management approaches in setting and implementing standards for occupational and public protection from ionizing radiation;

(3) Promoting completeness and coherence of Federal standards for radiation protection; and

(4) Identifying interagency issues and coordinating their resolution.

Since its inception, NRC and EPA have co-chaired ISCORS. The current co-chairs are John T. Greeves, NRC, and Frank Marcinowski, EPA. In addition to NRC and EPA, ISCORS membership also includes senior managers from the Department of Defense, Department of Energy, Department of Labor's Occupational Safety and Health Administration, Department of Transportation, and Department of Health and Human Services; representatives of the Office of Management and Budget (OMB), OSTP, and the States are observers at meetings.

ISCORS meetings involve pre-decisional intragovernmental discussions and, as such, are not normally open for observation by members of the public or media. However, summary meeting notes are available in NRC's Public Document Room and now will be made available at the website. ISCORS meets approximately once each calendar quarter.

The full ISCORS committee establishes subcommittees to conduct the committee's technical work. The full committee establishes these subcommittees as needed to address specific issues of concern or significant interest to ISCORS. ISCORS has formed the following subcommittees: Cleanup; mixed waste; recycle; risk harmonization; sewage sludge; naturally occurring radioactive materials (NORM); and Federal guidance. The subcommittees minutes and activities will also be available at the website.

FOR FURTHER INFORMATION CONTACT: Patricia A. Santiago, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission at (301) 415–7269; or Behram Shroff, Office of Air and Radiation, U.S. Environmental Protection Agency at (202) 564–9707.

Dated at Rockville, Maryland this 5th day of May, 2000.

For the Nuclear Regulatory Commission.

John T. Greeves,

Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 00–11800 Filed 5–10–00; 8:45 am]

BILLING CODE 7590–01–P

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: Vocational Report; OMB 3220–0141.

Section 2 of the Railroad Retirement Act (RRA) provides for payment of disability annuities to qualified employees and widow(ers). The establishment of permanent disability for work in the applicants ''regular occupation'' or for work in any regular employment is prescribed in 20 CFR 220.12 and 220.13 respectively.

The RRB utilizes Form G–251, Vocational Report, to obtain an applicant's work history. This information is used by the RRB to determine the effect of a disability on an applicant's ability to work. Form G–251 is designed for use with the RRB's disability benefit application forms and is provided to all applicants for employee disability annuities and to those applicants for a widow(er)'s disability annuity who indicate that they have been employed at some time. Completion is required to obtain or retain a benefit. One response is requested of each respondent.

The RRB proposed non-burden impacting formatting and editorial changes to Form G–251. The completion time for Form G–251 is estimated at between thirty and 40 minutes per response. The RRB estimates that approximately 6,000 Form G–251's are completed annually.

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 Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–11856 Filed 5–10–00; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and budget for review and approval.

Summary of Proposals

(1) *Collection title:* Employment Deemed Service Month Questionnaire.

(2)*Form(s) submitted:* GL–99.

(3) *OMB Number:* 3220–0156.

(4) *Expiration date of current OMB clearance:* 6/30/2000.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Business or other-for-profit.

(7) *Estimated annual number of respondents:* 150.

(8) *Total annual responses:* 4,000.

(9) *Total annual reporting hours:* 133.

(10) *Collection description:* Under Section 3(i) of the Railroad Retirement Act, the Railroad Retirement Board may deem months of service in cases where an employee does not actually work in every month of the year. The collection obtains service and compensation information from railroad employers needed to determine if an employee may be credited with additional months of railroad service.

FOR FURTHER INFORMATION CONTACT: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Joe Lackey (202–395–7316), Office of management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–11857 Filed 5–10–00; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Employment Representatives' Status and Compensation Reports.

(2) *Form(s) submitted:* DC–2a, DC–2.

(3) *OMB Number:* 3220–0014.

(4) *Expiration date of current OMB clearance:* 7/31/2000.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Business or other-for-profit.

(7) *Estimated annual number of respondents:* 65.

(8) *Total annual responses:* 65.

(9) *Total annual reporting hours:* 33.

(10) *Collection description:* Benefits are provided under the Railroad Retirement Act (RRA) for individuals who are employee representatives as defined in section 1 of the RRA. The collection obtains information regarding the status of such individuals and their compensation.

FOR FURTHER INFORMATION CONTACT: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Joe Lackey (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 00–11858 Filed 5–10–00; 8:45 am]

BILLING CODE 7905–01–M

RAILROAD RETIREMENT BOARD

Sunshine Act Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on May 17, 2000, 9 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

(1) Report on Quality Audit of Railroad Retirement Board Occupational Disability Process.

(2) Medicare Transition.

The entire meeting will be open to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312–751–4920.

Dated: May 8, 2000.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 00–11944 Filed 5–9–00; 10:07 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Docket No. Rel. No. IC–24442; File No. 812–11826]

Warburg, Pincus Trust, et al.

May 5, 2000.

AGENCY: Securities and Exchange Commission (the ''SEC'' or the ''Commission'').

ACTION: Notice of application for an order under Section 6(c) of the Investment Company Act of 1940 (the ''1940 Act'') for exemptions from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act and Rules 6e–2(b)(15) and 6e–3(T)(b)(15) thereunder.

Summary of Application: Applicants seek an order to permit shares of Warburg, Pincus Trust I (''Trust I'') and Warburg, Pincus Trust II (''Trust II'') (each, a ''Trust'' and together with Trust I, the ''Trusts'') and shares of any other investment company or series thereof that is designed to fund insurance products and for which Credit Suisse Asset Management, LLC (''CSAM'') or any of its affiliates may serve, immediately upon commencement of operation as a registered investment company or in the future, as investment adviser, administrator, manager, principal underwrite or sponsor (the Trusts, their respective existing and future investment portfolios and such other investment companies or investment portfolios thereof hereinafter referred to, individually, as a ''Fund'' and collectively as ''Funds'') to be sold to and held by (a) variable annuity and variable life insurance separate accounts of both affiliated and unaffiliated life insurance companies; and (b) qualified pension and retirement plans outside of the separate account context (''Qualified Plans''). The order would supersede an existing order (the ''Existing Order'') previously granted by the Commission to Trust I on December 19, 1995.

Applicants: Warburg, Pincus Trust, Warburg, Pincus Trust II and Credit Suisse Asset Management, LLC.

Filing Date: The application was filed on October 28, 1999, and amended and restated on May 3, 2000.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing on this application by writing to the Secretary of the SEC and serving Applicants with a copy of the request, in person or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on May 26, 2000, and accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 153 East 53rd Street, New York, New York 10022.

FOR FURTHER INFORMATION CONTACT: Zandra Y. Bailes, Senior Counsel, or Susan M. Olson, Branch Chief, Division of Investment Management, Office of Insurance Products, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: Following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the SEC, 450 Fifth Street, N.W., Washington, D.C. 20549 (tel. (202) 942–8090).

Applicants' Representations

1. The Existing Order [1] was granted to certain Funds, including Trust I, and Warburg Pincus Asset Management, Inc. (''Warburg'') to permit those Funds to offer their respective shares to (a) variable annuity and variable life insurance separate accounts of both affiliate and unaffiliated life companies and (b) qualified pension and retirement plans outside of the separate account context. On February 15, 199, the parent companies of Warburg entered into an agreement with Credit Sussie Group (''Credit Sussie''), a global financial service company based in Switzerland, under which Credit Suisse would acquire Warbug (the ''Acquisition''). In conjunction with the Acquisition, Credit Suisse merged Warburg into its existing U.S. asset management business, which was converted from Credit Suisse Asset Management, a New York general partnership, into CSAM, prior to the consummation of the merger. The Acquisition and merger of CSAM and Warburg occurred simultaneously on July 6, 1999.

2. Each Trust is a Massachusetts business trust registered under the 1940 Act as an open-end management investment company. Trust I is currently comprised of six portfolios: the Emerging Growth Portfolio, the Emerging Markets Portfolio, the Growth & Income Portfolio, the International Equity Portfolio, the Post-Venture Capital Portfolio and the Small Company Growth Portfolio. Thrust II is comprised of two portfolios: the Fixed Income Portfolio and the Global Fixed Income Portfolio. Each Trust may offer additional portfolios in the future.

3. CSAM, a Delaware limited liability company, is registered with the Commission under the Investment Advisers Act of 1940 and serves as the investment adviser for each of the Funds.

4. Each Trust offers its shares to and its shares are held by separate accounts, which are registered with the Commission under the 1940 Act as unit investment trusts (''Separate Accounts''), of various life insurance companies to serve as an investment vehicle for life and variable annuity contracts issued by such insurance companies. Insurance companies whose separate account or accounts own shares of the Funds are referred to herein as ''Participating Insurance Companies.'' Shares of the Trust may also be held by separate accounts that are not registered as investment companies under the 1940 Act pursuant to an exemption therefrom.

5. Each Participating Insurance Company will have the legal obligation of satisfying all applicable requirements under both state and federal law. Each Participating Insurance Company will enter into a fund participating agreement with the applicable Trust on behalf of the Fund in which the Participating Insurance Company invests. The role of the Funds under this agreement, insofar as the federal securities laws are applicable, will consists of offering their shares to the Separate Accounts and fulfilling any conditions that the Commission may impose upon granting the order requested in the application.

6. Applicants propose that each Trust continue to have the ability to offer and sell shares directly to Qualified Plans. The Funds propose to offer shares to any Qualified Plans that can, consistent with applicable law, invest in the Funds consistent with the Funds serving as investment vehicles for Separate Accounts.

Applicants' Legal Analysis

1. In connection with the funding of scheduled premium variable life insurance contracts issued through a Separate Account, Rule 6e–2(b)(15) under the 1940 Act provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. The

[1] *Warburg, Pincus Trust, et al.,* Investment Company Act Release No. IC–21607 (Dec. 19, 1995) (order), Investment Company Act Release No. IC–21522 (Nov. 20, 1995) (notice). Trust II was not a named party to the prior exemptive application because it had not yet been organized. Trust II has relied on the Existing Order because the prior application requested relief for shares of any other investment company or series thereof designed of fund insurance products and for which Warburg Pincus Asset Management, Inc. or its affiliates serves as investment adviser.

exemptions granted under Rule 6e–(b)(15) are available, however, only when all of the assets of the separate account consist of the shares of one or more registered management investment companies which offer their shares *''exclusively* to variable life insurance separate accounts of the life insurer, or of any affiliated life insurance company.'' (emphasis supplied) Therefore, the relief granted by Rule 6e–2(b)(15) is not available with respect to a scheduled premium variable life insurance separate account that owns shares of an investment company that also offers its shares to a variable annuity separate account of the same or of any affiliated or unaffiliated life insurance company. The use of a common management investment company as the underlying investment medium for both variable annuity and variable life insurance separate accounts of the same life insurance company or of any affiliated life insurance company is referred to herein as ''mixed funding.'' In addition, the relief granted by Rule 6e–2(b)(15) is not available if shares of the underlying management investment company are offered to variable life insurance separate accounts of unaffiliated life insurance companies.

The use of a common management investment company as the underlying investment medium for variable life separate accounts of unaffiliated insurance companies is referred to herein as ''shared funding''.

2. Applicants state that the basis for the relief granted by Rule 6e–2(b)(15) is not affected by the purchase of shares of the Funds by Qualified Plans. However, because the relief under Rules 6e–2(b)(15) and 6e–3(b)(15) is available only where shares of the underlying fund are offered exclusively to separate accounts of insurance companies, additional exemptive relief is necessary if shares of the Funds are also to be sold to Qualified Plans.

3. In connection with the funding of flexible premium variable life insurance contracts issued through a separate account registered under the 1940 Act as a unit investment trust, Rule 6e–3(T)(b)(15) provides partial exemptions from Sections 9(a), 13(a), 15(a) and 15(b) of the 1940 Act. However, these exemptions are available only where all of the assets of the separate account consist of shares of one or more registered management investment companies which offers their shares ''*exclusively* to separate accounts of the life insurer, or of any affiliated life insurance company, offering either scheduled contracts or flexible contracts, or both; or which also offer their shares to variable annuity separate accounts of the life insurer or of an affiliated life insurance company'' (emphasis supplied). Therefore, Rule 6e–3(T) permits mixed funding with respect to a flexible premium variable life insurance separate account subject to certain conditions. However, Rule 6e–3(T) does not permit shared funding because the relief granted by Rule 6e–3(T)(b)(15) is not available with respect to a flexible premium variable life insurance separate account that owns shares of an investment company that also offers its shares to separate accounts (including variable annuity and flexible premium and scheduled premium variable life insurance separate accounts) of unaffiliated life insurance companies.

4. In addition, Applicants state that because the relief granted under Rule 6e–3(T)(b)(15) is available only when shares of the underlying fund are offered exclusively to separate accounts, exemptive relief is necessary if shares of the Funds are also to be sold to Qualified Plans.

5. Applicants state that changes in the tax law subsequent to the adoption of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) afford the Trusts the opportunity to increase their respective asset bases by selling shares of the Funds to Qualified Plans. Section 817(h) of the Internal Revenue code of 1986, as amended (the ''Code''), imposes certain diversification standards on the assets underlying variable annuity contracts and variable life insurance contracts such as those held in the Funds. The Code provides that a variable contract shall not be treated as an annuity contract or life insurance contract for any period (or any subsequent period) for which the investments of the underlying assets are not, in accordance with regulations issued by the Treasury Department (the ''Regulations''), adequately diversified. On March 2, 1989, the Treasury Department issued Regulations (Treas. Reg. 1.817–5) which established diversification requirements for investment companies' portfolios underlying variable contracts. The Regulations provide that, in order to meet the diversification requirements, all of the beneficial interests in the underlying investment company must be held by the segregated asset account of one or more life insurance companies. However, the Regulations also contain certain exceptions to this requirement, one of which allows shares of an investment company to be held by the trustee of a qualified pension or retirement plan, without adversely affecting the status of the investment company as an adequately diversified underlying investment for variable life contracts issued through such segregated asset accounts (Treas. Reg. 1.817–5(f)(3)(iii).

6. Applicants also note that the promulgation of Rules 6e–2(b)(15) and 6e–3(T)(b)(15) preceded the issuance of the Regulations, which made it possible for shares of an investment company to be held by the trustee of a Qualified Plan without adversely affecting the ability of shares in the same investment company to also be held by the separate accounts of insurance companies in connection with their variable contracts.

7. In general, Section 9(a) of the 1940 Act disqualifies any person convicted of certain offenses, and any company affiliated with that person, from serving in various capacities with respect to an underlying registered management investment company. More specifically, Section 9(a)(3) provides that it is unlawful for any company to serve as investment adviser to or principal underwriter for any registered open-end investment company if an affiliated person of the company is subject to a disqualification enumerated in Sections 9(a)(1) or (2) of the 1940 Act. However, Rules 6e–2(b)(15)(i) and (ii) and 6e–3(T)(b)(15)(i) and (ii) provide exemptions from Section 9(a) under certain circumstances, subject to the limitations on mixed and shared funding. These exemptions limit the application of the eligibility restrictions to affiliated individuals or companies that directly participate in the management or administration of the underlying investment company.

8. Applicants state that Rules 6e–2(b)(15) and 6e–3(T)(b)(15) recognize that it is not necessary for the protection of investors or the purposes fairly intended by the policy and provisions of the 1940 Act to apply the provisions of Section 9(a) to the many individuals involved in a large insurance company complex, most of whom typically will have no involvement in matters pertaining to investment companies funding the Separate Accounts. The Participating Insurance Companies are not expected to play any role in the management or administration of the Funds. Therefore, Applicants assert that applying the restrictions of Section 9(a) serves no regulatory purpose. Applicants further assert that such restrictions could reduce the net rates of return realized by contractowners due to increased monitoring costs.

9. Applicants state that Rules 6e–2(b)(15)(iii) and 6e–3(T)(b)(15)(iii) provide partial exemptions from Sections 13(a), 15(a) and 15(b) of the 1940 Act to the extent that those sections have been deemed by the Commission to require ''pass-through''

voting with respect to management investment company shares held by a Separate Account to permit the Participating Insurance Company to disregard the voting instructions of its contractowner in certain limited circumstances. More specifically, Rules 6e–2(b)(15)(iii)(A) and 6e–3(T)(b)(15)(iii)(A) provide that the Participating Insurance Company may disregard the voting instructions of its contractowner in connection with the voting shares of an underlying fund if such instructions would require such shares to be voted to cause such companies to make (or refrain from making) certain investments which would result in changes in the subclassification or investment objectives of such companies or to approve or disapprove any contract between a fund and its investment adviser, when required to do so by an insurance regulatory authority and subject to the provisions of paragraphs (b)(5)(i) and (b)(7)(ii)(A) of the Rules. In additions, Rules 6e–(b)(15)(iii)(B) and 6e–3(T)(b)(15)(iii)(A)(*2*) provide that the insurance company may disregard voting instructions of contractowners if the contractowners initiate any change in the investment company's investment policies, principal underwriter or any investment adviser (subject to paragraphs (b)(5)(ii) and (b)(7)(ii)(B) and (C) of the Rules).

10. Applicants further represent that the Funds' sale of shares to Qualified Plans will not have any impact on the relief requested in this regard. Applicants state that shares of the Funds sold to Qualified Plans would be held by the trustees of such Qualified Plans as required by Section 403(a) of ERISA. Section 403(a) also provides that the trustee(s) must have exclusive authority and discretion to manage and control the Qualified Plan with two exceptions: (a) When the Qualified Plan expressly provides that the trustees are subject to the direction of a named fiduciary who is not a trustee, in which the trustee are subject to proper directions made in accordance with the terms of the Qualified Plan and not contrary to ERISA; and (b) when the authority to manage, acquire or dispose of asserts of the Qualified Plan is delegated to one or more investment managers pursuant to Section 402(c)(3) of ERISA. Unless one of the above two exceptions stated in Section 403(a) applies, Qualified Plan trustees have the exclusive authority and responsibility for voting proxies.

11. Where a named fiduciary appoints and investment manager, the investment manager has the responsibility to vote the shares held unless the right to votes such shares is reserved to the trustees or the named fiduciary. The Qualified Plans may have their trustee(s) or other fiduciaries exercise voting rights attributable to investment securities held by the Qualified Plans in their discretion. Some Qualified Plans, however, may provide for the trustee(s), an investment adviser (or advisers), or another named fiduciary to exercise voting rights in accordance with instructions from participants.

12. When a Qualified Plan does not provide participants with the right to give voting instructions, Applicants submit that there is no potential for material irreconcilable conflicts of interest between or among variable contract holders and Qualified Plan participants with respect to voting of the respective Fund's shares. Accordingly, Applicants note that unlike the case with insurance company separate accounts, the issue of the resolution of material irreconcilable conflicts with respect to voting is not present with respect to Qualified Plans since the Qualified Plans are not entitled to pass-through voting privileges.

13. Where a Qualified Plans provides participants with the right to give voting instructions, Applicants submit there is no reason to believe that participants in Qualified Plans generally or those in a particular Plan, either as a single group or in combination with participants in other Qualified Plans, would vote in a manner that would disadvantage contract holders. The purchase of shares of the Funds by Qualified Plans that provide voting rights does not present any complications not otherwise occasioned by mixed or shared funding.

14. Applicants assert that no increased conflicts of interest would be presented by the granting of the requested relief. Shared funding does not present any issues that do not already exist where a single insurance company is licensed to do business in several states. Where insurers are domiciled in different states, it is possible that the particular state insurance regulatory body in a state in which one insurance company is domiciled could require action that is inconsistent with the requirement of insurance regulators of other states in which other insurance companies are domiciled. Applicants state that the fact that a single insurer and its affiliates offer their insurance products in different states doe not create a significantly different or enlarged problem.

15. Applicants submit that shared funding is not different than the use of the same investment company as the funding vehicle for affiliated insurers, which Rules 6e–2(b)(15) and 6e–3(T)(b)(15) permit under various circumstances. Applicants state that affiliation does not reduce the potential, if any exists, for differences in state regulatory requirements. In any event, Applicants submit that the conditions set forth in the application and included in this notice are designed to safeguard against and provide procedures for resolving any adverse effects that differences among state regulatory requirements may produce. For instance, if a particular state insurance regulator's decision conflict with the majority of other state regulators, the affected insurer may be required to withdraw its Separate Account's investment in the relevant Funds.

16. Applicants further assert that affiliation does not eliminate the potential, of any exist, for divergent judgments as to the advisability or legality of a change in investment policies, principal underwriter, or investment adviser initiated by contractowners. The potential for disagreement is limited by the requirements in Rules 6e–2 and 6e–3(T) that an insurance company's disregard of voting instructions be reasonable and based on specific good faith determinations. However, if the insurance company's decision to disregard contractowners' voting instructions represents a minority position or would preclude a majority vote, the insurer may be required, at the election of the relevant Fund, to withdraw its Separate Account's investment in such Funds, and no charge or penalty would be imposed upon contractowners as a result of such withdrawal.

17. Applicants submit that no reason exists why the investment policies of the Funds with mixed funding would or should be materially different from what they would or should be if the Funds funded only variable annuity or only variable life insurance policies. Applicants represent that the Funds will be managed to attempt to achieve their investment objectives, and will not be managed to favor or disfavor any particular insurer or type of insurance product.

18. Applicants do not believe that the sale of shares of the Funds to Qualified Plans will increase the potential for material irreconcilable conflicts of interest between or among different types of investors. In particular, Applicants see very little potential for such conflicts beyond that which would otherwise exist between variable annuity and variable life insurance contractowners.

19. As noted above, Section 817(h) of the Code imposes certain diversification standards on the underlying assets of variable annuity and variable life insurance contracts held in the portfolios of management investment companies. Treasury Regulation 1.817–5(f)(3)(iii), which established diversification requirements for such portfolios, specifically permits, among other things, ''qualified pension or retirement plans'' and separate accounts to share the same underlying management investment company. Therefore, Applicants state that neither the Code, nor the Treasury Regulations, nor the Revenue Rulings thereunder present any inherent conflicts of interest between or among Qualified Plan participants and variable contractowners if Qualified Plans and variable annuity and variable life separate accounts all invest in the same management investment company.

20. Applicants note that while there are differences in the manner in which distributions from variable contracts and Qualified Plans are taxed, the tax consequences do not raise any conflicts of interest. When distributions are to be made, and a Separate Account or Qualified Plan is unable to net purchase payments to make the distributions, the Separate Account and the Qualified Plan will redeem shares of the Funds at their net asset value in conformity with Rule 22c–1 under the 1940 Act (without the imposition of any sales charge) to provide proceeds to meet distribution needs. A Participating Insurance Company will make distributions in accordance with the terms of the variable contract.

21. With respect to voting rights, Applicants state that it is possible to provide an equitable means of giving voting rights to Separate Account contractowners and to Qualified Plans. Applicants represent that the Funds will inform each Separate Account and Qualified Plan of their respective share of ownership in the respective Fund. A Participating Insurance Company will then solicit voting instructions consistent with the ''pass through'' voting requirement. Qualified Plans and Separate Accounts will each have the opportunity to exercise voting rights with respect to their shares in the Funds, although only the Separate Accounts are required to pass through their vote to contractowners. The voting rights provided to Qualified Plans with respect to shares of Funds would be no different from the voting rights that are provided to Qualified Plans with respect to shares of funds offered to the general public.

22. Applicants submit that the ability of the Funds to sell their respective shares directly to Qualified Plans does not create a ''senior security,'' as such term is defined under Section 18(g) of the 1940 Act, with respect to any variable annuity or variable life insurance contractowner as opposed to a Qualified Plan participant. As noted above, regardless of the rights and benefits of Qualified Plan participants, or contractowners under variable contracts, the Qualified Plan and the Separate Accounts have rights only with respect to their respective shares of the Funds. They can only redeem such shares at their net asset value. No shareholder of any Funds has any preference over any other shareholder with respect to distribution of assets or payment of dividends.

23. Applicants submit that there are no conflicts between the contractowners of the Separate Accounts and the Qualified Plan participants with respect to state insurance commissioners' veto powers over investment objectives. State insurance commissioners have been given the veto power in recognition of the fact that insurance companies usually cannot simply redeem their separate accounts out of one fund and invest in another. Generally, time-consuming complex transactions must be undertaken to accomplish such redemptions and transfers. Conversely, trustees of Qualified Plans or the participants in participant-directed Qualified Plans can make the decision quickly and redeem their shares from the Funds and reinvest in another funding vehicle without the same regulatory impediments or, as is the case with most Qualified Plans, even hold cash pending suitable investment. Therefore, Applicants conclude that even if there should arise issues where the interests of contractowners and the interests of Qualified Plans are in conflict, the issues can be almost immediately resolved because the trustees of (or participants in) the Qualified Plans can, on their own, redeem the shares out of the Funds.

24. Applicants also assert that there is no greater potential for material irreconcilable conflicts arising between the interests of Qualified Plan participants and contractowners of Separate Accounts from possible future changes in the federal tax laws than that which already exists between variable annuity contractowners and variable life insurance contractowners.

25. Applicants state that various factors have limited the number of insurance companies that offer variable annuities and variable life insurance contracts. These factors include the costs of organizing and operating a funding medium, the lack of expertise with respect to investment management (principally with respect to stock and money market investments) and the lack of name recognition by the public as investment experts. In particular, some smaller life insurance companies may not find it economically feasible, or within their investment or administrative expertise, to enter the variable contract business on their own. Applicants submit that use of the Funds as common investment vehicles for variable contracts helps alleviate these concerns because Participating Insurance Companies benefit not only from the investment advisory and administrative expertise of the Funds' investment adviser, but also from the cost efficiencies and investment flexibility afforded by a large pool of funds. Therefore, making the Funds available for mixed and shared funding may encourage more insurance companies to offer variable contracts, and accordingly could result in increased competition with respect to both variable contract design and pricing, which can be expected to result in more product variation and lower charges. Applicants assert that mixed and shared funding also would benefit contractowners by eliminating a significant portion of the costs of establishing and administering separate funds. Furthermore, Applicants assert that the sale of shares of the Funds to Qualified Plans in addition to Separate Accounts of Participating Insurance Companies will result in an increased amount of assets available for investment by the Funds. This may benefit contractowners by promoting economies of scale, by permitting increased safety of investments through greater diversification, and by making the addition of new portfolios more feasible.

Applicants' Conditions

Applicants have consented to the following conditions:

1. A majority of the Board of Trustees (each, a ''Board'') of each fund shall consist of persons who are not ''interested persons'' thereof, as defined by Section 2(a)(19) of the 1940 Act, and the rules thereunder, and as modified by any applicable orders of the Commission, except that if this condition is not met by reason of the death, disqualification or bona fide resignation of any Trustee or Director, then the operation of this condition shall be suspended: (a) for a period of 45 days if the vacancy or vacancies may be filled by the appropriate Board; (b) for a period of 60 days if a vote of

shareholders is required to fill the vacancy or vacancies; or (c) for such longer period as the Commission may prescribe by order upon application.

2. Each Board will monitor its respective Funds for the existence of any material irreconcilable conflict among the interests of the contract holders of all Separate Accounts and of participants of Qualified Plans investing in the respective Funds and determine what action, if any, should be taken in response to any such conflicts. A material irreconcilable conflict may arise for a variety of reasons, including: (a) an action by any state insurance regulatory authority; (b) a change in applicable federal or state insurance, tax or securities laws or regulations, or a public ruling, private letter ruling, no-action or interpretive letter, or any similar action by insurance, tax or securities regulatory authorities; (c) an administrative or judicial decision in any relevant proceeding; (d) the manner in which the investments of the Funds are managed; (e) a difference in voting instructions given by owners of variable annuity contracts, owners of variable life insurance contracts and trustees of the Qualified Plans; (f) a decision by a Participating Insurance Company to disregard the voting instructions of contract holders; or (g) if applicable, a decision by a Qualified Plan to disregard the voting instructions of Qualified Plan participants.

3. The Participating Insurance Companies, CSAM (or any other investment manager of a Fund), and any Plan that executes a fund participation agreement upon becoming an owner of 10% or more of the assets of the Fund (the ''Participants'') shall report any potential or existing conflicts to the Board of the relevant Trust. Participants will be responsible for assisting the appropriate Board in carrying out its responsibilities under these conditions by providing such Board with all information reasonably necessary for such Board to consider any issues raised. This responsibility includes, but is not limited to, an obligation by each insurance company Participant to inform the Board whenever it has determined to disregard contract holders' voting instructions, and, if pass-through voting is applicable, an obligation of each Qualified Plan to inform the Board whenever it has determined to disregard Qualified Plan participant voting instructions. The responsibility to report such conflicts and information, and to assist the respective Boards, will be contractual obligations of all Participants under their agreements governing participation in the Funds, and such agreements, in the case of insurance company Participants, shall be carried out with a view only to the interests of contract holders and, if applicable, Qualified Plan participants.

4. If it is determined by a majority of the Board of a Trust, or a majority of its disinterested members, that a material irreconcilable conflict exists, the relevant Participant shall, at their expense and to the extent reasonably practicable (as determined by a majority of the disinterested members of such Board), take whatever steps are necessary to eliminate the material irreconcilable conflict, up to and including: (a) withdrawing the assets allocable to some or all of the Separate Accounts from the Funds and reinvesting such assets in a different investment medium, which may include another portfolio of the relevant Fund, if any, or, in the case of insurance company Participants, submitting the question whether such segregation should be implemented to a vote of all affected contract holders and, as appropriate, segregating the assets of any appropriate group (*i.e.,* annuity contract holders, life insurance contract holders or variable contract holders of one of more Participant) that votes in favor of such segregation, or offering to the affected contract holders the option of making such a change; (b) in the case of participating Qualified Plans, withdrawing the assets allocable to some or all of the Qualified Plans from the relevant Fund and reinvesting those assets in a different investment medium; and (c) establishing a new registered management investment company or managed separate account. If a material irreconcilable conflict arises because of an insurance company Participant's decision to disregard contract holders' voting instructions and that decision represents a minority position or would preclude a majority vote, such Participant may be required, at the relevant Fund's election, to withdraw its separate account's investment in the Fund, and no charge or penalty will be imposed as a result of such withdrawal. If a material irreconcilable conflict arises because of a Qualified Plan's decision to disregard Qualified Plan participant voting instructions, if applicable, and that decision represents a minority position or would preclude a majority vote, the Qualified Plan may be required, at the election of the relevant Fund, to withdraw its investment in such Fund, and no charge or penalty imposed as a result of such withdrawal.

The responsibility to take remedial action in the event of a determination by a Board of a material irreconcilable conflict, and to bear the cost of such remedial action, will be a contractual obligation of all Participants under their agreements governing participation in the Funds, and this responsibility will be carried out with a view only to the interests of contract holders and participants in Qualified Plans, as applicable. For purposes of this Condition 4, a majority of the disinterested members of a Board shall determine whether any proposed action adequately remedies any material irreconcilable conflict, but in no event will the relevant Fund or CSAM (or any other investment adviser of the Funds) be required to establish a new funding medium for any variable contract. No insurance company Participant will be required to establish a new funding medium for any variable contracts if an offer to do so has been declined by the vote of a majority of contract holders materially affected by the irreconcilable material conflict. Further, no Qualified Plan shall be required by this Condition 4 to establish a new funding medium for the Qualified Plan if: (a) a majority of the Qualified Plan participants materially and adversely affected by the irreconcilable material conflict vote to decline such offer, or (b) pursuant to documents governing the Qualified Plan, the Qualified Plan makes such decision without a Qualified Plan participant vote.

5. The determination by a Board of the existence of a material irreconcilable conflict and its implications shall be made known promptly in writing to all Participants.

6. Insurance company Participants will provide pass-through voting privileges to all contract holders to the extent that the Commission continues to interpret the 1940 Act to require pass-through voting for contract holders. Accordingly, such Participants, where applicable, will vote shares of a Fund held in its Separate Accounts in a manner consistent with voting instructions timely received from contract holders. Insurance company Participants shall be responsible for assuring that each Separate Account investing in a Fund calculates voting privileges in a manner consistent with other Participants. The obligation to calculate voting privileges as provided in the Application shall be a contractual obligation of all insurance company Participants under the agreement governing participation in a Fund. Each insurance company Participant will vote shares for which it has not received timely voting instructions as well as shares it owns in the same proportion as it votes those shares for which it has received instructions. Each Qualified

Plan shall vote as required by applicable law and its governing Qualified Plan documents.

7. Each Fund will comply with all provisions of the 1940 Act requiring voting by shareholders (which, for these purposes, shall be the persons having a voting interest in the shares of the Fund), and, in particular, each Fund will either provide for annual meetings (except to the extent that the Commission may interpret Section 16 of the 1940 Act not to require such meetings) or comply with Section 16(c) of the 1940 Act (although the Funds are not one of the trusts described in Section 16(c) of the 1940 Act), as well as with Section 16(a), and, if applicable, Section 16(b) of the 1940 Act. Further, each Fund will act in accordance with the Commission's interpretation of the requirements of Section 16(a) with respect to periodic elections of directors (or trustees) and with whatever rules the Commission may promulgate with respect thereto.

8. Each Fund will notify all Participants that disclosure in Separate Account or Qualified Plan prospectuses, or other disclosure documents, regarding potential risks of mixed and shared funding may be appropriate. Each Fund shall disclose in its prospectus that: (a) shares of the Fund may be offered to insurance company separate accounts of both annuity and life insurance variable contracts, an Qualified Plans; (b) due to differences of tax treatment and other considerations, the interests of various contract holders participating in the Funds and the interests of Qualified Plans investing in the Funds may at some time be in conflict; and (c) the Board will monitor events in order to identify the existence of any material irreconcilable conflicts and to determine what action, if any, should be taken in response to any such conflict.

9. The Participants shall at least annualy submit to each Board such reports, materials or data as such Boards may reasonably request so that such Boards may fully carry out obligations imposed upon them by the conditions contained in the Application. Such reports, materials and data shall be submitted more frequently if deemed appropriate by the Boards. The obligations of the Participants to provide these reports, materials and data to the appropriate Board when it so reasonably requests, shall be a contractual obligation of all Participants under the agreement governing their participation in the Funds.

10. All reports received by a board with respect to potential or existing conflicts and all board action with regard to (a) determination of the existence of a conflict, (b) notification of Participants of the existence of a conflict and (c) determination of whether any proposed action adequately remedies a conflict, will be properly recorded in the minutes of the meetings of the appropriate Board or other appropriate records, and such minutes or other records will be made available to the Commission upon request.

11. If and to the extent Rule 6–92 or 6–93(T) is amended, or proposed Rule 6–93 is adopted, to provide exemptive relief from any provision of the 1940 Act or the rules thereunder with respect to mixed and shared funding on terms and conditions materially different from any exemptions granted in the order requested by Applicants, then the Funds and/or the Participants, as appropriate, shall take such steps as may be necessary to comply with Rule 6–92 or 6–93(T), as amended, or Rule 6–93, as adopted, to the extent such rules are applicable.

12. None of the Funds will accept a purchase order from a Qualified Plan if such purchase would make the Qualified Plan shareholder an owner of 10% or more of the assets of a Fund unless such Qualified Plan executes a fund participation agreement with such Fund that includes the conditions set forth herein to the extent applicable. A Qualified Plan will execute an application containing an acknowledgment of this condition at the time of its initial purchase of shares of a Fund.

Conclusion

For the reasons summarized above, Applicants assert that the requested exemptions are necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34– 42750; File No. SR–CBOE–99–60]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Maintenance Standards for the Dow Jones High Yield Select Ten Index

May 2, 2000.

I. Introduction

On November 9, 1999, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 [2] thereunder, a proposed rule change. In its proposal, the CBOE seeks to clarify certain procedures regarding the maintenance of the Dow Jones High Yield Select 10 Index (''Index''). The proposed rule change was published for comment in the **Federal Register** on February 28, 2000.[3] The Commission received no comments on the proposed rule change and this order approves the proposal.

II. Description of the Proposal

The CBOE currently lists and trades European-style, cash-settled options on the Dow Jones High Yield Select 10 Index, an equal weighted index composed of the ten highest yielding stocks from the 30 stocks in the Dow Jones Industrial Average (''DJIA''). The Index was designed to replicate a popular contrarian strategy that assumes that the ten highest yielding stocks in the DJIA are oversold and therefore, undervalued relative to the other stocks in the average. The index is reconstituted annually and the stocks comprising the index are retained for a full year.

Normally, the Index represents a subset of the DJIA. However, Dow Jones can change the components of the DJIA at any time, and in some cases remove stocks that also happen to be components of the Index. The strategy upon which the Index is based, and the convention followed by investors and money managers, calls for the portfolio to be held for a full year even if certain components are no longer part of the DJIA.

The maintenance procedures set forth in SR–CBOE–97–63 state that if it

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42439 (Feburary 18, 2000), 65 FR 10573.

becomes necessary to remove a stock from the Index, it will be replaced by the stock in the DJIA which has the highest yield of the stocks not already in the Index.[4] CBOE intended for this passage to describe the actions it would take if the shares of an Index component became unavailable for trading, either due to a corporate action such as a takeover or merger, or due to bankruptcy. However, CBOE made no distinction between this type of component change and a discretionary component change in the Dow Jones Industrial Average, in which the shares of a company removed from the DJIA continue to trade.[5]

CBOE, therefore, proposes to clarify its maintenance procedures under which component changes can be made to the Index. Specifically, if it becomes necessary to remove a stock from the Index in the event that its shares cease to trade and a proxy for those shares is not available, it will be replaced by the stock in the DJIA that has the highest yield of the stocks not already in the Index. If a stock is removed from the DJIA at the discretion of Dow Jones, but its shares continue to trade, that stock will remain in the Index until the time of the annual re-balancing.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act.[6] In particular, the Commission finds the proposal is consistent with Section 6(b)(5)[7] of the Act. Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest.

The Commission believes that the proposal is consistent with the Act because it helps protect investors. In the proposal, CBOE sets forth its procedures for maintaining the Index when the Dow Jones corporation decides to replace a stock in the Dow Jones Industrial Average. CBOE's procedures will now be consistent with industry practice for maintaining the Index, which should help protect investors by eliminating potential confusion about the composition of the Index. Further, this clarification helps protect investors because it gives investors advance notice about the treatment of the Index and, therefore, allows them to make an informed investment decision.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–CBOE–99–60) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11804 Filed 5–10–00; 8:45 am]

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[4] *See* Securities Exchange Act Release No. 39453 (December 16, 1997), 62 FR 67101 (December 23, 1997) (order approving SR–CBOE–97–63).

[5] On November 1, 1999, Dow Jones removed four stocks from the DJIA and replaced these stocks with new ones. These four stocks also happened to be components of the Index, *i.e.,* four of the highest yielding stocks in the DJIA. Before this component change in the DJIA, CBOE realized that, contrary to industry practice, its maintenance rules for the index required it to remove the four stocks from the Index. To prevent these Four stocks from being removed from the Index until the annual rebalancing of the Index, CBOE submitted a rule change under Section 19(b)(3)(A) of the Act. *See* Securities Exchange Act Release No. 42187 (November 30, 1999), 64 FR 68708 (December 8, 1999).

[6] In addition, pursuant to Section 3(f) of the Act, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42761; File No. SR–NASD–00–24]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Disclosure Requirements for Transactions Involving Callable Common Stock and Amendment Nos. 1 and 2 Thereto

May 5, 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 April 25, 2000, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') 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 NASD Regulation. On May 1, 2000 and May 3, 2000, the Exchange submitted Amendment Nos. 1 and 2, respectively, 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

NASD Regulation is proposing to interpret NASD Rule 2110, Standards of Commercial Honor and Principles of Trade, to require a member that provides a written confirmation for a transaction involving callable common stock to disclose on the written confirmation that the security is callable and that the customer may wish to contact the member for more information. Below is the text of the proposed rule change. Proposed new language is italicized.

IM–2110–6. Confirmation of Callable Common Stock

Any member providing a customer confirmation pursuant to SEC Rule 10b–10 in connection with any transaction in callable common stock shall disclose on such confirmation that:

- *The security is callable common stock; and*
- *A customer may contact the member for more information concerning the security.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of and basic 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. NASD Regulation 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

An issuer's common stock generally continues to trade on a market until the issuer fails to meet the market's listing requirements, combines with another

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment Nos. 1 and 2, the Exchange reworded the proposed language in the interpretation for clarity. No substantive changes were made in the amendments. *See* Letters from Gary L. Goldsholle, Assistant General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), SEC. dated April 28, 2000 (''Amendment No. 1'') and May 2, 2000 (''Amendment No. 2'').

company, or voluntarily delists for another market. Occasionally, common stock will be callable, that is, subject to being called away from a shareholder, either by the issuer or a third party. Typically, the price at which callable common stock is called away from a shareholder is at a premium to the then prevailing market price or pursuant to a schedule of prices announced at the time the common stock is issued.[4]

An investor purchasing callable common stock is subject to unique risks not typically associated with ownership of common stock, even where such stock is called away at a premium. Moreover, the ability of an issuer's common stock to be called away from a shareholder generally will be a material fact to an investor. Accordingly, NASD Regulation believes that high standards of commercial honor and just and equitable principles of trade require that any member that provides a written confirmation for a transaction involving callable common stock must disclose on the confirmation that the security is callable and that the customer may contact the member for more information. NASD Regulation emphasizes that the disclosure of the call feature on the confirmation in no way relieves a member of its obligation to consider the callable nature of the security when complying with any applicable suitability obligations.

2. Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. NASD Regulation believes that callable common stock is subject to unique and material risks not typically associated with ownership of common stock; therefore, any member that provides a written confirmation for a transaction involving callable common stock must disclose that the security is callable and that the customer may contact the member for more information.

[4] Because callable common stock combines the features of more than one category of securities (*i.e.*, common stock and a call option), the staff of The Nasdaq Stock Market will evaluate whether callable common stock is eligible for inclusion in the Nasdaq National Market pursuant to the ''other securities'' provisions of NASD Rule 4420(f).

[5] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NASD Regulation has neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule and, therefore, has become effective upon filing pursuant to section 19(b)(3)(A)(i) of the Act[6] and paragraph (f)(1) of Rule 19b-4 thereunder.[7]

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for insepection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer SR–NASD–00–24 and should be submitted by June 1, 2000.

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 C.F.R. 240.19b–4(f)(1).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11806 Filed 5–10–00; 8:45 am]

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[8] 17 CFR 200.30–3(a)(12)

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42760; File No. SR–NASD–99–26]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Denial of Access Procedures

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 May 27, 1999, the National Association of Securities Dealers, Inc. (''NASD''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change. The Association submitted Amendment No. 1 to its proposal on August 24, 1999.[3] The proposed rule change, as amended, is described in Items I, II, and III below, which Items have been prepared by NASD Regulation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD Regulation is proposing to amend the NASD Rule 9510 Series of the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') to: (i) Expand the circumstances under which an aggrieved Party may request a hearing to challenge an Association action that the Party believes constitutes a ''denial of access;'' (ii) expand the pool of potential hearing panelists in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the NASD clarified: (1) Operational distinctions between the NASD Regulation and the NASD; (2) what initiates a proceeding; and (3) other technical matters. *See* Restated 19b–4 filing marked Amendment No. 1 (''Amendment No. 1'').

[4] Technical and clarifying changes to the notice were made pursuant to a telephone conversation between Eric Moss, Assistant General Counsel, Office of the General Counsel, NASD Regulation, and Katherine England, Assistant Director, Division of Market Regulation, Commission, on April 28, 2000.

denial of access proceedings, and simplify the process by which panelists are selected; (iii) establish the General Counsel for the NASD as the custodian of the record in denial of access cases; and (iv) make other changes. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in [brakets].

* * * * *

9000. CODE OF PROCEDURE

9120. Definitions

(a) through (w) No change.

(x) ''Party''

With respect to a particular proceeding, the term ''Party'' means:

(1) through (2) No change.

(3) in the Rule 9510 Series, the department or office designated under Rule 9514(b) or a member or person that is the subject of a notice under Rule 9512 or Rule 9513*(a) or an aggrieved Party who initiates a proceeding under Rule 9513(b) to review an action taken by the Association under Rule 9511(a)(2)(B);* or

(4) No change.

(y) through (cc) No change.

* * * * *

9500. OTHER PROCEEDINGS

9510. Summary and Non-Summary Proceedings

9511. Purpose and Computation of Time

(a) Purpose

The Rule 9510 Series sets forth procedures for *the conduct and review of:* (1) summary proceedings authorized by Section 15A(h)(3) of the Act; [and] non-summary proceedings [to impose] *regarding the imposition of* (A) a suspension or cancellation for failure to comply with an arbitration award or a settlement agreement related to an arbitration or mediation pursuant to Article VI, Section 3 of the NASD By-Laws; (B) a suspension or cancellation of a member, or a limitation or prohibition on any member, associated person, or other person with respect to access to services offered by the Association or a member thereof, if the Association determines that such member or person does not meet the qualification requirements or other prerequisites for such access or such member or person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the Association; (C) an advertising pre-use filing requirement; or *(D) a suspension or cancellation of the membership of a member or the registration of a person for failure to comply with a permanent cease and desist order entered pursuant to a decision issued under the Rule 9200 Series or Rule 9300 Series or a temporary cease and desist order entered pursuant to a decision issued under the Rule 9800 Series.*[5]

(b) No Change.

* * *

9513. Initiation of Proceedings for Non-Summary Limitation, or Prohibition [Non-Summary Proceeding]

(a) *Initiation of Proceeding by Association* [Notice]

No change.

(b) *Initiation of Proceeding by Aggrieved Party*

An aggrieved Party may initiate a proceeding authorized under Rule 9511(a)(2)(B) by filing a request for a hearing under Rule 9514 to challenge the Associations' actions.

(c) Effective Date

For any cancellation or suspension or pursuant to Rule 9511(a)(2)(A), the effective date shall be at least 15 days after service of the notice on the member or associated person. For any action taken pursuant to Rule 9511(a)(2)(B) or (D), the effective date shall be at least seven days after service of the notice on the member or person, *or the date when the Party otherwise learns of the limitation or prohibition on access to services (which ever occurs first). E*[e]except that the effective date for a notice of a limitation or prohibition on access to services offered by the Association or a member thereof with respect to services to which the member, associated person, or other person does not have access *or is requesting expanded access,* shall be upon receipt of the notice*, or the date when the Party otherwise learns of a limitation or prohibition on access to services (whichever occurs first).*[6]

9514. Hearing and Decision

(a) Request

(1) Request by Member, Associated Person, or Other Person

A member, associated person, or other person who is subject to a notice issued under Rule 2210, 2220, 9512(a), or 9513(a) *or who initiates a proceeding under rule 9513(b),* may file a written request for a hearing with the *General Counsel for the NASD* [Association]. The request shall state the specific grounds for *requesting the hearing to review the Association's action(s)* [setting aside the notice]. The request shall be filed pursuant to Rules 9135, 9136, and 9137 within seven days after service of the notice under Rule 9512 or 9513*(a),* [or,] with respect to notice of a pre-use filing requirement under Rule 2210(c)(4) and Rule 2220(c)(2), within 30 days of such notice*, or with respect to a proceeding initiated under rule 9513(b), within seven days after the date that the Party learns of the anticipated Association action for which the Party is seeking review.* The member, associated person, or other person may withdraw its request for a hearing at any time by filing a written notice with the Association pursuant to Rules 9135, 9136, and 9137.

In the event that the Association issues a notice under Rule 9513(a) regarding limitation or prohibition will respect to access to services offered by the Association, or a member thereof, and an aggrieved party also attempts to initiate a proceeding under Rule 9513(b) to challenge the Association action covered by the notice issued under Rule 9513(a), the aggrieved party will be entitled to one hearing on the matter. The proceeding will be deemed to be initiated by the notice issued under Rule 9513(a), unless the aggrieved party has mailed or otherwise served on the Association the request for hearing prior to receiving the notice, which case, the

[5] The language in proposed NASD Rule 9511(a) reflects proposed language changes from pending File No. SR–NASD–98–80. *See* Securities Exchange Act Release No. 40826 (December 22, 1998); 63 FR 71984 (December 30, 1998) (Proposed rule change to enable the NASD to issue temporary cease and desist orders). In SR–NASD–98–80, NASD Regulation proposed modifying NASD Rule 9511(a) as follows (additions are *italicized;* deletions are [bracketed]): ''The Rule 9510 Series sets forth procedures for: (1) summary proceedings authorized by Section 15A(h)(3) of the Act; and (2) non-summary proceedings to impose (A) a suspension or cancellation for failure to comply with an arbitration award or a settlement agreement related to an arbitration or mediation pursuant to Article VI, Section 3 of the NASD By-Laws; (B) a suspension or cancellation of a member, or a limitation or prohibition on any member, associated person, or other person with respect to access to services offered by the Association or a member thereof, if the Association determines that such member or person does not meet the qualification requirements or other prerequisites for such access or such member or person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the Association; [or] (C) an advertising pre-use filing requirement*; or (D) a suspension or cancellation of the membership of a member of the registration of a person for failure to comply with a permanent cease and desist order entered pursuant to a decision issued under the Rule 9200 Series or Rule 9300 Series or a temporary cease and desist order entered pursuant to a decision issued under the Rule 9800 Series.''*

[6] In SR–NASD–98–80, NASD Regulation proposed modifying NASD Rule 9513(b) as follows: ''For any cancellation or suspension pursuant to Rule 9511(a)(2)(A), the effective date shall be at least 15 days after service of the notice on the member or associated person. For any action *taken* pursuant to Rule 9511(a)(2)(B) *or (D),* the effective date shall be at least seven days after service of the notice on the member or person, except that the effective date for a notice of a limitation or prohibition on access to services offered by the Association or a member thereof with respect to services to which the member, associated person, or other person does not have access shall be upon receipt of the notice.'' *See* note 5, *above.*

proceeding will be deemed to be initiated by the request for hearing under Rule 9513(b).

(2) Failure to File Request

If the member, associated person, or other person subject to the notice issued under Rule 2210, 220, 9512(a), or 9513(a) does not file a written request for a hearing under subparagraph (1), the notice shall constitute final action by the Association. *For purposes of proceedings initiated under Rule 9513(b), if a member, associated person, or other person does not file a written request for a hearing pursuant to subparagraph (1) of the Rule, the Association's action with respect to a limitation or prohibition on access to services will constitute final Association action.*

(3) Ex Parte Communications

No change.

(b) Designation of Party for the Association and Appointment of Hearing Panel

If a member, associated person, or other person subject to a notice under Rule 2210, 2220, 9512, or 9513*(a)* files a written request for a hearing *or initiates a proceeding under Rule 9513(b),* an appropriate department or office of the Association shall be designated as a Party in the proceeding, and a Hearing Panel shall be appointed.

(1) If the President of NASD Regulation or NASD Regulation staff issued the notice initiating the proceeding under Rule 2210, 2220, 9512(a), or 9513(a), *or if an aggrieved party initiates a hearing under Rule 9513(b) to challenge NASD Regulation staff action(s),* the President of NASD Regulation shall designate an appropriate NASD Regulation department or office as Party. For proceeding initiated under Rule 9513(a) concerning failure to comply with an arbitration award or a settlement agreement related to an NASD arbitration or medication, the Chief Hearing Officer shall appoint a Hearing Panel composed of a Hearing Office. For any other proceedings initiated under Rule 2210, 2220, 9512(a) or 9513(a) by the President of NASD Regulation or NASD Regulation staff, the NASD Regulation Board shall appoint a Hearing Panel composed of two or more members; one member shall be a Director of NASD Regulation, and the remaining member or members shall be *Hearing Officer(s) or* current or former Directors of NASD Regulation or Governors. The President of NASD Regulation may not serve on a Hearing Panel.

(2) If the President of Nasdaq or Nasdaq staff issued the notice under Rule 9512(a) or 9513(a) *or if an aggrieved party initiates a hearing under Rule 9513(b) to challenge Nasdaq staff action(s),* the President of Nasdaq shall designate an appropriate Nasdaq department or office as a Party, and the Nasdaq Board shall appoint a Hearing Panel. The Hearing Panel shall be composed of two or more members. One member shall be director of Nasdaq, and the remaining member or members shall be *Hearing Officers or* current or former directors of Nasdaq or Governors. The President of Nasdaq may not serve on the Hearing Panel.

(c) Stays

(1) Summary Proceeding

No change.

(2) Non-Summary Proceeding

Unless the NASD Board *or the Executive Committee of the NASD Board* orders otherwise, a request for a hearing shall stay the notice issued under Rule 2210, 2220, [or] 9513 *(a), or the Association action challenged under Rule 9513(b),* except that a request for a hearing shall not stay: *(i)* a notice of a limitation or prohibition on services offered by the Association or a member thereof with respect to services to which a member, associated person, or other person does not have access *or is requesting expanded access; or (ii) the Association action challenged under Rule 9513(b) with respect to services to which a member, associated person, or other person does not have access or is requesting expanded access.*

(d) Time of Hearing

(1) Summary Proceeding

No change.

(2) Non-Summary Proceeding

If a member, associated person, or other person [who is subject to a notice issued under Rule 2210, 2220, or 9513(a)] files a written request for a hearing *under 9514(a) (except for proceedings brought under 9512(a)),* a hearing shall be held within 21 days after the filing of the request for hearing. The Hearing Panel may, during the initial 21 day period, extend the time in which the hearing shall be held by an additional 21 days on its own motion or at the request of a Party *for good cause shown.* Not less than five days before the hearing, the Hearing Panel shall provide written notice to the Parties of the location date, and time of the hearing by facsimile or overnight commercial courier.

(e) Transmission of Documents

(1) Not less than five days before the hearing, the Association shall provide to the member, associated person, or other person who requested the hearing, by facsimile or overnight commercial courier, all documents that were considered in issuing the notice under Rule 2210, 2220, 9512, or 9513, *or were considered by the Association in making the determination to take the action being challenged under Rule 9513(b),* unless a document meets the criteria of Rule 9251(b)(1)(A), (B), or (C). A document that meets such criteria shall not constitute part of the record, but shall be retained by the Association until the date upon which the Association serves a final decision *and the period for review lapses* or, if applicable, upon the conclusion of any review by the Commission or the federal courts.

(2) No change.

(f) Hearing Panel Consideration

(1) through (4) No change.

(5) Custodian of the Record

[If the President of NASD Regulation or NASD Regulation staff initiated the proceeding under Rule 2210, 2220, 9512, or 9513, t]*T*he [Office of the] General Counsel of NASD [Regulation] shall be the custodian of the record *for proceedings initiated under Rule 2210, 2220, 9512, or 9513,* except that the Office of Hearing Officers shall be the custodian of record for proceedings initiated under Rule 9513(a) concerning failure to comply with an arbitration award or a settlement agreement related to an NASD arbitration or mediation. [If the President of Nasdaq or Nasdaq staff initiated the proceeding under Rule 9512 or 9513, the Office of General Counsel of Nasdaq shall be the custodian of the record.]

(6) No change.

(g) Decision of the Hearing Panel

(1) through (2) No change.

(3) Contents of Decision

The decision shall include:

(A) through (B) No change.

(C) *if applicable,* the grounds for issuing the notice under Rule 2210, 2220, 9512, or 9513*(a);*

(D) *if applicable, either: (i) an explanation why the action being challenged under Rule 9513(b) is not a limitation or prohibition on access to services subject to review under Section 19 of the Act; or (ii) the grounds for the limitation or prohibition to access to service that is the basis for the proceeding;*

(E) a statement of findings of fact with respect to any act or practice that was alleged to have been committed or omitted by the member, associated person, or other person;

(F)[(E)] a statement in support of the disposition of the principal issues raised in the proceedings; and

(G)[(F)] if a summary suspension, limitation, or prohibition continues to be imposed, the specific grounds for imposing such suspension, limitation, or prohibition, and the terms of the suspension, limitation, or prohibition;

or, if a non-summary suspension, cancellation, bar, limitation, prohibition or pre-use filing requirement is to be imposed or continue to be imposed, its effective date, time, and terms.

(4) No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD Regulation included statements concerning the purpose of, and statutory 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. NASD Regulation 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

A. *Initiating Denial of Access Proceedings.* Currently, before the Association takes an action that it believes constitutes a denial of access, the Association issues a notice under NASD Rule 9513 that informs a Party that: (1) it is taking such an action; and (2) the Party has a right to appeal the matter. Under NASD Rule 9514, a Party may not request a hearing to challenge an alleged denial of access unless the requisite notice was issued under NASD Rule 9513.

Under the current procedures, the Association is generally the ''gatekeeper'' to the appeal process because the NASD must make the legal conclusion [7] that a matter constitutes a denial of access to services requiring the issuance of a notice. The current rules create difficulties in situations where the NASD does not issue an NASD Rule 9513 notice because it does not believe an action constitutes a denial of access to services but where the Party who is the subject of the action believes the underlying action amounts to a denial of access to services.

The proposed rule change defines the circumstances under which an aggrieved Party may request a hearing under NASD Rule 9514 for the purpose of reviewing Association action concerning a purported denial of access. The NASD is proposing removal of the Association's function as gatekeeper for determining whether a Party may request review of a denial of access. Under the proposed rule change, either the Association or the aggrieved Party (regardless of whether a notification of the limitation or prohibition is sent under NASD Rule 9513) may seek to initiate a denial of access proceeding under NASD Rule 9514. Thus, the proposed rule change would liberalize the Association's procedures for initiating denial of access hearings. In those instances where staff intends to take an action that it believes constitutes a denial of access, the staff will issue the NASD Rule 9513(a) notice.

B. *Hearing Panel.* The proposed rule change would expand the pool from which a Hearing Panel may be drawn for hearings requested under NASD Rule 9514 to include Hearing Officers.

C. *Custodian of the Record.* Under the proposed rule change, the General Counsel for the NASD would be the custodian of record in proceedings initiated under NASD Rule 2210, 2220, 9512, or 9513, except that the Office of Hearing Officers would be the custodian of record for the proceedings initiated under NASD Rule 9513(a) concerning failure to comply with an arbitration award or a settlement agreement related to an NASD arbitration or mediation. Currently, the Code provides that if the President of NASD Regulation or NASD Regulation staff initiated the proceeding under NASD Rule 2210, 2220, 9512, or 9513, the Office of the General Counsel of NASD Regulation would be the custodian of the record, except that the Office of Hearing Officers would be the custodian of record for proceedings initiated under NASD Rule 9513(a) concerning failure to comply with an arbitration award or a settlement agreement related to an NASD arbitration or mediation. If the President of Nasdaq or Nasdaq staff initiated the proceeding under NASD Rule 9512 or 9513, the Office of the General Counsel of Nasdaq would be the custodian of the record.

D. *Replacement of NASD Rule 4800 and 9700 Series.* On May 4, 1999, the Commission approved SR–NASD–98–88, which replaced the existing NASD Rule 4800 Series (NASD Rule 4810 through 4890, inclusive) with a new Code of Procedure for review of Nasdaq listing determinations.[8] File number SR–NASD–98–88 also temporarily relocated the existing NASD Rule 4800 Series—which relates to other grievances concerning the automated systems—to the NASD Rule 9700 Series, pending submission and approval of the subject Rule Filing on denial of access proceedings. SR–NASD–98–88 also deleted the NASD Rule 9700 Series immediately upon approval of revisions to the NASD Rule 9500 Series contained in this filing. Accordingly, upon approval of this rule filing, the NASD Rule 9700 Series will be deleted and denials of access involving Nasdaq's automated systems will be reviewed through the NASD Rule 9500 Series procedures.

(2) Statutory Basis

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The NASD believes that the rule change is consistent with Section 15A(b)(8) [10] in that it furthers the statutory goals of providing a fair procedure for imposing prohibitions or limitations on Association services. Under the proposed rule change, the Code would be amended so as to eliminate the Association from serving as the gatekeeper for determining whether an aggrieved Party may seek a hearing to determine whether that Party has been improperly denied access to Association services, thus allowing for greater access to the protections afforded by Section 15(A)(b)(8).[11]

(B) Self-Regulatory Organization's Statement on Burden on Competition

NASD Regulation does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and

[7] The Commission notes that NASD conclusions of law are not binding on the Commission.

[8] *See* Securities Exchange Act Release No. 41367 (May 4, 1999), 64 FR 25942 (May 13, 1999) (Order approving File No. SR–NASD–98–88).

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 17*o*–3(b)(8).

[11] *Id.*

publishes its reasons for so finding or (ii) as to which the self-regulatory organization 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR–NASD–99–26 and should be submitted by June 1, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11807 Filed 5–10–00; 8:45 am]

BILLING CODE 8010–01–M

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42757; File No. SR–NYSE–99–44]

Self-Regulatory Organizations; New York Stock Exchange, Inc; Order Approving Proposed Rule Change Relating to NYSE Rule 103A

May 4, 2000.

I. Introduction

On November 3, 1999, the New York Stock Exchange, Inc (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission ''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] a proposed rule change relating to NYSE Rule 103A. The proposed rule change was published for comment in the **Federal Register** on March 14, 2000.[3] The Commission did not receive any comment letters with respect to the proposal. This order approves the Exchange's proposal.

II. Description of the Proposal

1. Purpose

The Exchange proposed to amend Rule 103A (Special Stock Reallocation) to codify the Market Performance Committee's (''MPC'') authority with respect to allocation freezes, stock assignments and reassignments, specialist unit organizational changes, and Floor member qualification and continuing education requirements.

a. Allocation Freezes

Currently, Rule 103A provides the MPC the authority to establish and administer measures of specialist performance, conduct performance improvement actions when a specialist unit does not meet the performance standards in Rule 103A, and reallocate stocks if a unit does not achieve its specified goals when subject to a performance improvement action. The Exchange represented that these standards help to establish and maintain acceptable levels of specialist performance, thereby enhancing the competitiveness of the Exchange's specialist system. The purpose of a performance improvement action is to provide assistance and guidance to specialist units to enable them to enhance their performance. When a performance improvement action is initiated, a specialist unit is required to submit a performance improvement plan addressing how it intends to improve performance to the MPC. Based on the MPC's review of the performance improvement plan, the MPC has the authority to preclude a specialist unit, that is subject to a performance improvement action, from applying to be allocated any newly-listing company (an ''allocation freeze'') if the MPC believes such action is appropriate.

The Exchange proposed to amend Rule 103A to allow the MPC to exercise its discretion in imposing allocation freezes. In certain instances, the Committee will determine that a unit's performance is not as strong as other units' performance, although the unit's performance fully meets the Rule 103A performance standards. For example, this may occur when a specialist unit's scores on the quarterly Specialist Performance Evaluation Questionnaire are above Rule 103A perfomace standards, however, the unit may have lower scores than other units over a period of several quarters, resulting in persistent lower rankings in the bottom quartile. In these instances, the Exchange believes the MPC should be able to use its professional judgment to provide incentives to specialist units to encourage them to enhance their performance. Therefore, the Exchange proposes to add to Rule 103A authority for the Committee to initiate an allocation freeze for a unit, without initiating a formal performance improvement action. The Commission expects the NYSE's MPC to exercise its discretion consistent with the purpose of the Act.

b. Receipt of New Listings During an Allocation Freeze

Under the Exchange's Allocation Policy and Procedures (the ''Allocation Policy'') the are circumstances when a newly-listing company may choose its specialist unit. For example, a newly-listing company that is related to an already listed company many choose to stay with the current specialist for the listed company or choose to go through the Allocation Committee.[4] The newly-listing company may choose to stay with the current specialist for the related listed company even if such unit it is under an allocation freeze imposed by the MPC as long as the unit is not subject to a performance improvement action.

Similarly, under the Allocation Policy, the newly-listing company may choose its specialist from among a group of specialist units chosen by the Allocation Committee. The Allocation Committee has the ability to exclude or include the current specialist for the related company in such a group. If the specialist unit was under an allocation freeze imposed by the MPC, it would not be precluded from being placed in the group or chosen by the newly-listing company as long as the allocation freeze was not the result of a performance improvement action.

c. Floor Member Qualification and Continuing Education

The Exchange also proposes to amend Rule 103A to make mandatory (i) participation by proposed Floor members in an Exchange-sponsored

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] Securities Exchange Act Release No. 34–42501 (March 7, 2000), 65 FR 13801.

[4] *See* Securities Exchange Act Release No. 42487 (March 2, 2000), 65 FR 13801 (March 9, 2000).

education program before such individuals would be permitted to act as members on the Floor; and (ii) participation by all Floor members in an Exchange-sponsored educational program, conducted semi-annually, and at such other times as may be appropriate in connection with any particular matter or matters. Rule 103A would also make it mandatory for Floor members to participate in any testing programs the Exchange may introduce from time to time in connection with the mandatory education program.

d. Stock Assignments and Reassignments and Organizational Changes of Specialist Units

The Exchange proposes to amend rule 103A to codify the Committee's authority with respect to approving stock assignments and reassignments, assignments in special stock situations, and organizational changes to specialist units. Such situations typically involve (i) changes in a specialist unit's organizational structure effecting control of the specialist unit, such as split-ups and mergers; (ii) withdrawal of individual specialists from one specialist unit, where the specialists propose to register with another unit and transfer certain securities to such other unit; and (iii) assignments of newly-listed securities to a specialist unit already registered in a security with a trading relationship to the newly-listed securities (*e.g.,* a corporate restructuring of a listed company; stocks involved in mergers of listed companies; and immediate relisting of a listed company that delisted for technical reasons). In all of these situations, the MPC will review the proposal, and approve the matter if the Committee believes that market quality in the securities subject to the proposal will not be eroded.

III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 6 of the Act [5] and the rules and regulations thereunder applicable to a national security exchange.[6] In particular, the Commission finds the proposed rule change is consistent with Section 6(b)(5) of the Act [7] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to remote impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

Specialists play a crucial role in providing stability, continuity, and liquidity to the trading of securities. Specialists are obligated by the NYSE and the Act and rules thereunder, [8] to maintain fair and orderly markets in designated securities. The Commission supports effective NYSE oversight of the specialist's activities and performance, including comparing a specialist's score on the quarterly Specialist Evaluation Questionnaire with other specialist's scores in an effort to provide an incentive to increase specialist performance. The Commission believes that giving the MPC the discretion to impose an allocation freeze should provide the Exchange with the means to identify and correct poor specialist performance and to ascertain whether specialists are maintaining fair and orderly markets in their assigned securities.

Furthermore, the proposed floor member qualification and continuing education requirements are a result of NYSE's undertakings.[9] The NYSE pledged to design and implement a mandatory, regular education program for Floor members that would address Floor members' obligations and prohibitions under the federal securities laws and NYSE rules.[10] The Commission believes that NYSE's proposal to require Floor members to participate in an education program prior to being permitted to act as members is appropriate and consistent with this undertaking. Also, the semi-annual, or more frequent as the NYSE deems appropriate, educational programs for all Floor members satisfies the NYSE's undertaking to provide regular, mandatory education programs. The Exchange also proposed mandatory testing programs that should ensure that Floor members are aware of Floor members' obligations and prohibitions under the federal securities laws and NYSE rules.

As a result, because the proposed amendment of NYSE Rule 103A promotes increased specialist performance and creates mandatory and regular training for all floor members, the Commission believes that NYSE's proposed amendment to Rule 103A is consistent with the provisions of the Act discussed above.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–NYSE–99–42), including amendments Nos. 1 and 2, is approved.

By the Commission, for the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11803 Filed 5–10–00; 8:45 am]

BILLING CODE 8010–01–M

[5] 15 U.S.C. 78f.

[6] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* 17 CFR 240.11b–1; NYSE Rule 104.

[9] *See* Securities Exchange Act Release No. 41574, 70 S.E.C. Docket 106 (June 29, 1999).

[10] *See id* at 9.

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42756; File No. SR–PCX–99–10]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 4 and 5 to the Proposed Rule Change by the Pacific Exchange, Inc. Amending Its Disciplinary Procedures

May 4, 2000.

I. Introduction

On April 2, 1999, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its disciplinary procedures. On June 25, 1999, January 18, 2000, and January 19, 2000, respectively, the PCX filed Amendment Nos. 1, 2 and 3 to the proposed rule change.[3] The proposed rule change including Amendments Nos. 1, 2 and 3 were published for comment in the **Federal Register** on February 10, 2000.[4] On April 21, 2000, the PCX filed Amendment No. 4 to the proposal. [5] On April 28, 2000, the PCX

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letters from Michael D. Pierson, Director, Regulatory Policy, PCX, to Michael A. Walinskas, Associate Director, Division of Market Regulation (''Division''), SEC, dated June 24, 1999 (''Amendment No. 1'') from Michael D. Pierson to Jennifer Colihan, Attorney, Division, SEC, dated January 7, 2000 (''Amendment No. 2''); from Michael D. Pierson to Kelly Riley, Attorney, Division, SEC, dated January 14, 2000 (''Amendment No. 3'').

[4] *See* Exchange Act Release No. 42384 (February 3, 2000), 65 FR 6675.

[5] *See* Letter from Robert Pacileo, Senior Attorney, Regulatory Policy, PCX, to Nancy J. Sanow, Senior Special Counsel, Division, SEC, dated April 20,

Continued

filed Amendment No. 5 to the proposal.[6]

The Commission received no comments regarding the proposal. This notice and order approves the proposed rule change, as amended, and solicits comments from interested persons on Amendment Nos. 4 and 5.

II. Description of the Proposal

The PCX is proposing to amend its disciplinary proceedings rules,[7] and in particular, to add new rules to codify the independent function of PCX Regulatory Staff; to clarify what communications are improper in the context of pending investigations or disciplinary proceedings; and to provide PCX Regulatory Staff with the ability to issue formal complaints for the alleged violation of Exchange rules.

A. Independence of Regulatory Staff

PCX proposes to amend Rule 10.2 governing the procedures for investigating possible violations of Exchange rules to ensure the independence of the PCX Regulatory Staff, and guarantee its separation from the Exchange's commercial interests. The rule is being modified to explicitly state that the Exchange's Regulatory Staff will function independently of the commercial interests of the Exchange and will have the sole discretion to investigate possible violations within the disciplinary jurisdiction of the Exchange. The proposed rule further provides that no member of the Board of Governors or the Executive Committee or non-Regulatory Staff may interfere with or attempt to influence the process or resolution of any pending investigation or disciplinary proceeding.

The Exchange is also proposing to make various technical and housekeeping changes to the text of PCX Rule 10.2, which will now cover both Exchange investigations and regulatory cooperation.

B. Ex Parte Communications

The Exchange is proposing to adopt new PCX Rule 10.3 to codify specific provisions governing ex parte communications. The new rule codifies what communications regarding pending investigations and disciplinary proceedings are improper.

The proposed ex parte rules make clear that no person who is a subject of a pending Exchange investigation or pending disciplinary proceeding or any interested PCX staff member[8] may make an ex parte communication to a member of the Board of Governors, a member of any committee with disciplinary jurisdiction, or any member of the Exchange Regulatory Staff. The proposed rule further provides that no person who is a member of a Hearing Panel or the disciplinary committee with jurisdiction over an investigation or disciplinary proceeding or any interested PCX staff member[9] may make an ex parte communication to a member of the Board of Governors, a member of the Executive Committee, any member of Exchange Regulatory Staff, or the subject of a pending Exchange investigation or disciplinary proceeding. Next, the proposed rule prohibits members of the Board of Governors and the Exchange Committee, as well as interested PCX staff members[10] from making an ex parte communication to any member of Exchange Regulatory Staff, the subject of a pending Exchange investigation or pending disciplinary proceeding or a member of a Hearing panel or the disciplinary committee with jurisdiction over the investigation or disciplinary proceeding.

With respect to the disclosure of prohibited communications, proposed PCX Rule 10.3(b) provides that any person who receives or makes a communication prohibited by the Rule must promptly submit a copy of any written communications and/or a substantive description of any oral communications to Exchange Regulatory Staff for inclusion in the record of the investigation or disciplinary proceeding.

Proposed Exchange Rule 10.3(c) sets forth remedies applicable to situations in which prohibited communications have been made. Specifically, the rule provides that any member, member organization, associated person, or interested PCX staff member who made, or knowingly caused to be made, a communication prohibited by subsection (a) will be subject to disciplinary action. The rule further provides that an Exchange disciplinary committee, to the extent consistent with the interests of justice, may issue to the member, member organization or associated person responsible for the communication or who benefited from the communication an order to show cause why the claim, defense or interest of the member, member organization or associated person should not be adversely affected by reason of such ex parte communication, including but not limited to the entry of an adverse summary decision.

Proposed PCX Rule 10.3(d) clarifies that nothing in the rule on ex parte communications prohibits the members of a disciplinary committee or Exchange Regulatory Staff from discussing a pending investigation or disciplinary proceeding at a meeting of the committee in connection with: (1) The adjudication of the investigation pursuant to the Minor Rule Plan; (2) the determination of whether to impose informal discipline; (3) the determination of whether to authorize a complaint or take no further action; or (4) the determination of whether to accept an offer of settlement.

Proposed Commentary .01 to Exchange Rule 10.3 defines an ''ex parte communication'' as an oral or written communication made without notice to all parties, *i.e.,* Exchange Regulatory Staff and the subjects of investigations or respondents in disciplinary proceedings. The Commentary further states that a written communication is ex parte unless a copy has been previously or simultaneously delivered to all interested parties. It further provides that an oral communication is ex parte unless it is made in the presence of all interested parties except those who, on adequate prior notice, declined to be present.[11]

C. Complaints

PCX Rule 10.3, which the PCX proposes to renumber as Rule 10.4, currently provides that formal complaints for alleged violations of

2000 (''Amendment No. 4''). Among other things, Amendment No. 4 added language to prohibit interested PCX staff with knowledge of a pending Exchange investigation or disciplinary proceeding from making ex parte communications. Amendment No. 4 also proposed language to permit an Exchange disciplinary committee to issue to interested PCX staff responsible for an ex parte communication, or the party who benefited from the communication to show cause why the claim of the interested PCX staff should not be adversely affected by reason for the ex parte communication, including, but not limited to the entry of an adverse summary decision.

[6] *See* Letter from Robert Pacileo, Senior Attorney, Regulatory Policy, PCX, to Nancy J. Sanow, Senior Special Counsel, Division, SEC, dated April 27, 2000 (''Amendment No. 5''). In Amendment No. 5, the Exchange proposed to add Rule 10.3(e) which would require a member of a Hearing Panel, or the disciplinary committee with jurisdiction over a proceeding, to recuse himself or herself in the event a conflict of interest exists.

[7] The Commission notes that the Exchange has proposed a similar disciplinary structure and procedures for the Pacific Equities, Inc. *See* Exchange Act Release No. 42178 (Nov. 24, 1999), 64 FR 68136 (Dec. 6, 1999) (File No. SR–PCX–99–39).

[8] *See* Amendment No. 4, *supra* note 5.

[9] *See* Amendment No. 4, *supra* note 5.

[10] *See* Amendment No. 4, *supra* note 5.

[11] In Amendment No. 4, the PCX deleted Commentary .02 to PCX Rule 10.3 which provided that a disciplinary proceeding will be considered to be pending from the date that a Complaint has been issued pursuant to Rule 10.5 until the proceeding, including any appeals, becomes final. The PCX represented in Amendment No. 4 that it will amend SR–PCX–00–06 to include this as a commentary to another PCX disciplinary rule.

Exchange rules (and other provisions) may be authorized by the PCX Board of Governors, by the Executive Committee of the Exchange, or by any standing committee designated by the Board of Governors to review disciplinary proceedings. The Exchange is proposing to modify that provision so that only Exchange Regulatory Staff designated by the Exchange and any standing committee designated by the Board of Governors to review disciplinary proceedings has the authority to determine whether there is probable cause to issue a formal complaint, *i.e.,* probable cause for finding that a violation within the disciplinary jurisdiction of the Exchange has occurred and that further proceedings are warranted. The PCX also proposes to make certain technical changes to the text of current Exchange Rule 10.3 for clarification purposes, *e.g.,* changing the term ''charged'' to ''alleged.''

Further, PCX proposes to amend its rule governing complaints to provide that at any time prior to service of the written answer to the Complaint, the Complaint may be amended to allege new matters of fact or law. However, after service of the written answer, the Complaint may only be amended if the Hearing Panel concludes that good cause exists for the amendment based upon the submission of a written motion by the Exchange.

Finally, the Exchange is proposing to adopt new Commentary .01 to new PCX Rule 10.4 to provide that the term ''probable cause'' means facts and circumstances that establish a reasonable likelihood that the person committed the violation at issue.

D. Summary Determinations

The Exchange proposes to renumber PCX Rule 10.5 to Rule 10.4(c).

III. Discussion

For the reasons discussed below, the Commission finds that the proposed changes to the PCX Rules governing investigations and regulatory cooperation, ex parte communications and complaints are consistent with the Act, improve the current disciplinary system, and should provide fair and efficient procedures for conducting investigations.[12] Therefore, the Commission finds that the proposed rule change is consistent with Section 6(b) of the Act,[13] and in particular with Sections 6(b)(5),[14] 6(b)(6)[15] and Section 6(b)(7)[17] of the Act.

Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest.[17] Section 6(b)(6) requires, among other things, that the rules of an exchange provide that its members shall be appropriately disciplined for violations of the Act, the rules and regulations thereunder or the rules of an exchange.[18] Section 6(b)(7) requires that the rules of an Exchange, among other things, should provide a fair procedure for disciplining members.[19]

A. Investigations and Regulatory Cooperation

The Commission finds that the proposed rule change, which removes the authority of the Board of Governors, Executive Committee, the Ethics and Business Conduct Committee and the Floor Trading Committee to review disciplinary proceedings to be consistent with the requirements of the Act.

The proposal gives the Exchange's Regulatory Staff the authority to determine whether to investigate potential violations within the disciplinary jurisdiction of the Exchange. This provision should prevent inappropriate commercial interests from improperly influencing the Exchange's disciplinary process consistent with the requirements of Section 6(b)(7).[20] This proposal should help to ensure that the Exchange's disciplinary process operates in a fair manner without potential improper, unrelated business processes.

The Commission believes that the Exchange has struck an appropriate balance by permitting Governors and members of the aforementioned committees to submit complaints alleging possible violations of Exchange Rules and/or violations of the Act to the Regulatory Staff for investigation, but then prohibiting them from further participation in the investigation or proceedings. In this way, the Governors and committee members continue to have a voice and the ability to bring potential violations to the attention of the Regulatory Staff, but are not given undue control and influence over the proceedings to the disadvantage of Exchange members.

The Commission further finds that the Exchange's explicit proposed rule prohibiting members of the Board of Governors or the Executive Committee or other non-Regulatory Staff persons from interfering with or attempting to influence any pending investigation or disciplinary proceeding is appropriate.

The Exchange's proposed rule accurately echoes the Commission's belief that persons responsible for investigations and disciplinary proceedings should enjoy autonomy and independence from inappropriate pressures. The Commission further finds that the PCX's initiative to separate the investigatory functions of the Regulatory Staff from the commercial interests of Exchange members is another step toward ensuring that the PCX disciplinary process is well insulated and fair to all participants.

B. Ex Parte Communications

The PCX has proposed a new rule that defines and prohibits ex parte communications between disciplinary committee members, the Board of Governors, and the parties to a disciplinary investigation or proceeding. In the Commission's view, it is appropriate for the Exchange to prohibit ex parte communications between the disciplinary committees and panels and the parties or their representatives during the disciplinary proceedings. The Commissions also finds that the boundaries set by the Exchange in defining the prohibited communications should help ensure that no party can unfairly advance his or her position in an investigation or disciplinary proceeding through discussion or other communication outside of the proceeding's forum. In addition, the Commission finds that the parties subject to the prohibition on ex parte communications include those who reasonably would be expected to participate in a disciplinary proceeding.

The Commission also approves of the manner in which the Exchange proposes to handle violations of the prohibition on ex parte communications. First, the proposed rule requires complete disclosure of the communication in the form of a written memorandum describing any oral communication and copies of any written communication for inclusion in the record of the investigation or disciplinary proceeding. The proposed rule then states that the party responsible for the ex parte communication will be subject to disciplinary action. The proposed rule then grants the disciplinary committee the authority to demand that the party who made the ex parte communication,

[12] In approving this proposal, the Commission has considered the proposed rules' impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(b)(6).

[16] 15 U.S.C. 78f(b)(7).

[17] 15 U.S.C. 78f(b)(5).

[18] 15 U.S.C. 78f(b)(6).

[19] 15 U.S.C. 78f(b)(7).

[20] 15 U.S.C 78f(b)(7).

or the party who benefited from the communication, show cause why the claim, defense or interest of that party should not be adversely affected by reason of such ex parte communication, including but not limited to the entry of an adverse summary decision. The Commission finds that the consequences set out by the Exchange for violating the prohibition on ex parte communication are appropriate and should be an effective deterrent for committing violations and thus, the Commission finds that these provisions are consistent with Section 6(b)(6) of the Act.[21]

The Commission further believes that it is appropriate to recognize certain circumstances under which ex parte communications are permissible. The Exchange's proposed rule provides that members of a disciplinary committee or Exchange Regulatory Staff are not prohibited from engaging in ex parte communications when discussing: (1) The adjudication of the investigation pursuant to the Minor Rule Plan; (2) the determination of whether to impose informal discipline; (3) the determination of whether to authorize a complaint or take no further action; or (4) the determination of whether to accept an offer of settlement. The Commission finds that lifting the general prohibition against ex parte communications in these situations should ensure that the disciplinary process operates efficiently by providing all persons involved in the settlement process or the pre-complaint resolution process with the flexibility to attempt to dispose of a disciplinary matter without formal proceedings being initiated.

C. Complaints

As with the proposed rule governing investigations, the Exchange is proposing to modify its rule governing the initiation of formal disciplinary proceedings following an investigation to provide that only Exchange Regulatory Staff and standing committees designated by the Board of Governors to review disciplinary proceedings have the authority to determine whether there is probable cause to issue a formal complaint, *i.e.,* probable cause for finding that a violation within the disciplinary jurisdiction of the Exchange has occurred and that further proceedings are warranted. Under the current rule, both the members of the Board of Governors and the Executive Committee have the authority to initiate disciplinary actions.

The Commission supports the Exchange's initiative to provide the Regulatory Staff and the committee with jurisdiction over disciplinary proceedings independent from the Board of Governors and Executive Committee. The Commission believes that this independence will allow the Exchange to implement a vigorous and evenhanded enforcement program.

The Exchange is also proposing to add a section to its rule that would allow the Exchange to amend its complaint freely anytime before a Respondent serves his or her answers thereto. However, the proposed rule provides that after the Respondent serves his or her answer, the Exchange may only amend the complaint with the consent of the hearing panel upon a showing of good cause. The Exchange finds that this procedure is fair to both parties because it protects those persons accused of violating Exchange rules from facing an unlimited number of new allegations throughout the disciplinary process, while also providing the Exchange with the ability to add new claims. The Commission believes that this provision is consistent with both Sections 6(b)(6) and 6(b)(7) because it enables the Exchange to bring new actions as information regarding potential violations becomes known in a manner that is fair to the subject of the complaint. Further, this provision also limits the Exchange's ability to delay proceedings by continually amending its complaint. After an answer has been submitted, the Exchange must show good cause to amend a complaint. This should ensure that disciplinary proceedings are completed in a timely fashion and provides respondents with a level of certainty as to the allegations being asserted. Moreover, by having the hearing panel make a finding of good cause to amend a complaint, the Commission believes that inappropriate and improper amendments should be prevented. The proposal should protect respondents from unlimited amendments which could lead to uncertain proceedings and undue delays in the disciplinary process.

Finally, the Commission believes that this amendment is consistent with Section 6(b)(5) of the Act[22] because it permits the Exchange, subject to specified restrictions, to amend its complaints to enforce its rules. This should ensure that members are disciplined for violations alleged to have been committed. Thus, the rule should assist the Exchange in seeking to prevent fraudulent and manipulative acts by its members to sufficiently protect investors and the public interest.

IV. Amendment No. 4

The Commission finds good cause for approving Amendment No. 4 prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. In Amendment No. 4, the Exchange added interested PCX staff members to the category of persons who are prohibited from engaging in ex parte communications. The Commission believes that this addition will provide extra assurance to those involved in disciplinary proceedings that the proceedings will be conducted fairly and impartially. Additionally, in the event that an interested PCX staff member does participate in an ex parte communication in violation of the proposed Rule, Amendment No. 4 allows an Exchange disciplinary committee to demand that the interested PCX Staff member show cause why the claim of the PCX should not be adversely affected because of the ex parte communication, thus holding the Exchange to the same level of responsibility as those persons being investigated.

Finally, Amendment No. 4 makes technical non-substantive changes to the proposal such as moving a commentary to another location within the disciplinary rules, and correcting language to provide for parallel construction of sentences and clarity.

The Commission finds that the PCX's proposed changes in Amendment No. 4 further strengthen and clarify the proposed rule change and raise no new regulatory issues. Further, the Commission believes that Amendment No. 4 does not significantly alter the original proposal which was subject to a full notice and comment period. Therefore, the Commission finds that granting accelerated approval to Amendment No. 4 is appropriate and consistent with Section 19(b)(2) of the Act.[23]

V. Amendment No. 5

The Commission finds good cause for approving Amendment No. 5 prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. In Amendment No. 5, the Exchange seeks to adopt language that would prohibit any member of a disciplinary committee or a hearing panel from participating in a proceeding if that person has a conflict of interest or bias, or if circumstances otherwise exist where his or her fairness might reasonably be questioned. The

[21] 15 U.S.C. 78s(b)(6).

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(2).

Commission believes that the addition of this provision is appropriate in that it will increase the level of fairness and impartiality in disciplinary proceedings and will aid in the dispassionate application of the disciplinary rules. The Commission believes that the PCX has proposed a reasonable standard under which an adjudicator or participant in the disciplinary process must recuse him or herself or may be disqualified by the Chief Executive Officer of the PCX.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment Nos. 4 and 5, including whether the proposed amendments are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed amendment that are filed with the Commission, and all written communications relating to the amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the PCX.

All submissions should refer to File No. SR–PCX–99–10 and should be submitted by June 1, 2000.

VII. Conclusion

For all of the aforementioned reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[24] that the proposed rule change (SR–PCX–99–10), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–11805 Filed 5–10–00; 8:45 am]

BILLING CODE 8010–01–M

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Economic Injury Disaster #9H20]

State of New York (and Contiguous Counties in the State of New Jersey)

New York County and the contiguous counties of Bronx, Kings, and Queens in the State of New York, and Bergen and Hudson Counties in New Jersey constitute an economic injury disaster loan area as a result of a water main break, and subsequent flooding, that occurred on March 2, 2000. Eligible small businesses and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance as a result of this disaster until the close of business on February 5, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd, South, 3rd Floor, Niagara Falls, NY 14303.

The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number for the State of New Jersey is 9H2100.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: May 3, 2000.

Aida Alvarez,

Administrator

[FR Doc. 00–11869 Filed 5–10–00; 8:45 am]

BILLING CODE 8025–01–P

TENNESSEE VALLEY AUTHORITY

Addition of Electric Generation for Peaking and Baseload Capacity at Greenfield Sites, Haywood County, Tennessee

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Issuance of Record of Decision.

SUMMARY: This notice is provided in accordance with the Council on Environmental Quality's regulations (40 CFR parts 1500 to 1508) and TVA's procedures implementing the National Environmental Policy Act. TVA has decided to adopt the preferred alternative identified in its *Final Environmental Impact Statement for Addition of Electric Generation Peaking and Baseload Capacity at Greenfield Sites, Haywood County, Tennessee.*

The Final Environmental Impact Statement (FEIS) was made available to the public on March 16, 2000. A Notice of Availability (NOA) of the Final EIS was published by the Environmental Protection Agency in the **Federal Register** on March 31, 2000. Under the preferred alternative, TVA has decided to construct natural gas-fired simple cycle combustion turbine power plants with up to 1,400 Megawatts (MW) of capacity at the Lagoon Creek Site. The construction will occur in two 700 MW phases.

FOR FURTHER INFORMATION CONTACT: Greg Askew, Senior Specialist, National Environmental Policy Act, Environmental Policy and Planning, Tennessee Valley Authority, 400 West Summit Hill Drive, mail stop WT 8C, Knoxville, Tennessee 37902–1499; telephone (865) 632–6418 or e-mail gaskew@tva.gov.

SUPPLEMENTARY INFORMATION:

Background

In December 1995, TVA issued its *Energy 2020 Integrated Resource Plan and Final Programmatic Environmental Impact Statement.* This document projected demands for electricity in the TVA power service area through the year 2020 and evaluated different ways of meeting these projected increases. Under the forecast adopted by TVA, the demand for electricity was projected to exceed TVA's 1996 generating capacity of 28,000 (MW) by approximately 6,250 MW in the year 2005. TVA decided to meet this demand through a combination of supply-side options and customer service options.

Since 1995, TVA has added about 2,700 MW of generating capacity and 1,400 MW in option-purchase agreements to meet the increasing power demand in the Tennessee Valley (TVA 1999a). Incrementally, the 2,700 MW growth in capacity consists of operational efficiencies resulting from capital improvements at existing fossil, nuclear and hydro power production facilities, along with additions in capacity at several locations.

Over the next few years, TVA plans to further increase capacity by 2,400 MW through improvements to existing units and the addition of peaking units at existing fossil plants. However, these increases may not be enough to maintain adequate reserve capacity.

It is reasonable to expect that the delivery of reliable and economic power to customers will require TVA to continue to pursue all of the portfolio options recommended in Energy Vision 2020, both demand-side and supply-side. Consistent with Energy Vision 2020, from which this EIS tiers, each of the portfolio options received an appropriate environmental review before a decision was made to proceed with implementation. Those actions are

not considered to be competing projects for the purposes of presenting and comparing environmental impacts in this EIS. Future projects would receive similar project-specific reviews for implementation.

One of the supply-side options was to construct additional peaking capacity within the TVA power system. Tiering from the Energy Vision 2020 EIS, this FEIS for Addition of Electric Generation Peaking and Baseload Capacity at Greenfield Sites, Haywood County, Tennessee evaluates the decision of adding up to 1,700 MW of peaking and baseload capacity at one of three undeveloped (greenfield) sites in Haywood County, Tennessee. The evaluation considered the following: the No Action Alternative, and nine Action Alternatives based on combinations of three power plant configurations sites at each of the three candidate sites. Other options evaluated included transmission connectivity and distribution, and natural gas fuel supply. The three candidate sites were selected based primarily on the following criteria: power transmission (system support, connection cost, and system losses), natural gas supply (pipeline availability, capacity, and delivered fuel cost), air quality impacts (likelihood of the area being able to incorporate additional emissions), and water supply (surface or groundwater availability). The alternative selected was based on both economic and environmental considerations.

On June 3, 1999, TVA issued a Notice of Intent (NOI) to prepare an EIS on its proposed construction of additional peaking and baseload capacity at greenfield sites. Newspaper announcements were published on April 14 and 15 for a public scoping meeting to be held on April 19. Approximately 25 persons attended the open house format meeting that also included a presentation by TVA management and staff. Public comments received at this meeting were considered in preparing the draft EIS. A Notice of Availability (NOA) of the draft EIS was published by the Environmental Protection Agency (EPA) in the **Federal Register** on December 17, 1999. A public information and comment meeting was held on January 13, 2000. After considering all comments, TVA revised the EIS appropriately. The Final EIS was distributed to commenting agencies and the public on March 16, 2000. A NOA of the final EIS was published by EPA in the **Federal Register** on March 31, 2000.

Alternatives Considered

Alternative methods of meeting TVA's future electrical generation capacity requirements were evaluated in Energy Vision 2020. One of the selected methods was to construct additional electric generation capacity within the TVA system. Tiering from Energy Vision 2020, to address the capacity additions, two alternatives were evaluated: a No Action Alternative and an Action Alternative.

The No Action Alternative would result in TVA not constructing a combustion turbine generating plant at any of the three candidate sites in Haywood County, Tennessee. TVA would either undertake no new activities to meet anticipated demands by June 2001 for peaking power or would rely exclusively on options from the Energy Vision 2020 portfolio that do not involve construction and operation new TVA fossil plant(s). Under this alternative, TVA would select another fossil alternative evaluated in Energy Vision 2020, such as option purchase agreements or spot market purchases. There is a significant risk based on TVA's experience that these alternatives would not enable TVA to meet future demands of its customers for low cost and reliable power, and thus, not meet TVA's need.

Under the action alternative TVA considered nine alternatives. Three power plant configurations were each considered for construction at each of three candidate sites. The three power plant configurations are: (1) 700 MW of simple-cycle combustion turbines for peaking, (2) 1,400 MW of simple-cycle combustion turbines for peaking, and (3) 700 MW of simple cycle combustion turbines for peaking plus 1,000 MW of combined-cycle combustion turbines for baseload operation for a total of 1,700 MW. The three candidate sites are similar, undeveloped agricultural sites all located in Haywood County, Tennessee.

Under the Preferred Alternative, TVA would construct peaking capacity additions of up to 1,400 MW in two 700 MW phases at the Lagoon Creek Site. Natural gas-fired simple-cycle combustion turbines (CTs) would be constructed. These CTs are designed to operate with dual fuel capability firing either natural gas or low sulfur distillate fuel oil to maximize fuel flexibility and lower operational costs. For nitrogen oxides control, these CTs would be equipped with dry low nitrogen oxides (NO_x) burners for natural gas firing and would use water injection for NO_x control when firing No. 2 distillate oil. The first 700 MW of capacity additions are proposed to be operational by June 2001. In addition to the CTs, associated transmission lines serving as a connection to TVA's power distribution system and natural gas interconnection pipelines would be constructed.

Decision

TVA has decided to implement the Preferred Alternative of constructing up to 1,400 MW of peaking capacity in two 700 MW phases at the Lagoon Creek Site. TVA will also build the associated transmission lines serving as a connection to the TVA power distribution system as well as the natural gas supply pipeline connection. This will help TVA meet the projected demand for electricity in its service area as well as maintain reliable service to TVA customers.

Environmentally Preferred Alternative

TVA has concluded that construction and operation of a 700 MW peaking plant at the Lagoon Creek Site is the environmentally preferred alternative. This plant configuration is the smallest of the three alternatives and accordingly has the least land disturbance and lower annual air pollutant emissions. Also, as a simple-cycle combustion turbine, there are minimal water supply requirements and minimal wastewater discharges. Additionally, the Lagoon Creek Site is more remote than the other two candidate sites which lessens noise impacts and visual affects. The larger acreage of the Lagoon Creek Site offers an increased buffer between the plant and future residential development. Also, no cultural resources eligible for listing on the National Register of Historic Places are present.

Environmental Consequences and Commitments

No significant adverse environmental impacts were identified in the EIS. Standard construction and best management practices (BMPs) would be followed in all aspects of the project construction and operation to avoid or minimize adverse environmental impacts. In addition, TVA has adopted the following mitigation measures:

Air Resources

- Open construction areas and unpaved roads would be sprinkled with water to reduce fugitive dust emissions.
- Use of low sulfur fuel oil.
- Use of Dry Low NO_x burners when firing natural gas to control NO_x emissions; water injection will be used as NO_x control measure when firing oil.
- Use of best available control technology to minimize emission of other criteria air pollutants.

Surface Water Resources

• Construct retention/settling pond(s) as early in the construction phase as feasibly possible.

• Retention pond(s) would be used to manage/release site runoff.

• Oil/water separator(s) would be used to collect oil from oil using/storage area stormwater runoff.

• Areas disturbed by the initial phase of construction, such as equipment laydown areas and construction temporary parking, would be revegetated before beginning the second phase of construction, if applicable.

• Revegetate along transmission line ROWs to reduce erosion.

Groundwater Resources

• If neighboring wells are adversely affected by aquifer drawdowns, TVA would modify the well to lower the pump intake, install a new well or provide a connection to public water supplies, if available, or otherwise take appropriate action to remedy the problem.

Floodplains and Flood Risk

• If a site within a floodplain is selected, all flood damageable facilities and equipment would be elevated above or floodproofed to the 100-year flood elevation to ensure compliance with Executive Order 11988.

Aquatic Ecology

• Monitoring of aquatic life impacts will be conducted during periods of wet stream blasting, if conducted.

• Bore or directionally drill pipelines under perennial stream beds or unique aquatic habitats or use flume stream crossing techniques.

Wetlands

• Use existing roads, ROWs, and higher elevations, when feasible, for movement of construction vehicles along proposed linear features, such as pipelines and transmission lines.

Transportation

• Implement a pavement maintenance program during construction and required physical improvements, such as paving, addition of shoulders to select roads off SR 19 to minimize negative effects on local travel.

• After completing construction activities, pave Old SR 19 from its eastern intersection with SR 19 west to its intersection with Elm Tree Road.

• Require heavy haulers to assess all bridge crossings for potential capacity upgrades.

• At all transmission line and pipeline road crossings, require adherence to guidelines in Manual on Uniform Traffic Control Devices.

• Require trucks to meet all safety standards and road load limits.

Land Use/Soils

• Segregate and replace topsoil from pipeline trenches to preserve fertility.

Visual Resources

• Exterior lighting would be turned off when not needed.

• Elm Tree Road, from its point of intersection with Old SR 19 west to the plant entrance(s), would be covered with a six inch layer of crushed limestone, moistened, and compacted to reduce dust generation during construction activities and then paved after completion of construction activities.

• Pave all high-traffic onsite roads to prevent dust generation.

Cultural Resources

• Conduct Phase I/II archaeological survey for selected NG pipeline route to Texas Gas, if this supply option is deemed appropriate.

Environmental Noise

• Blasting mats will be used to reduce and muffle noise released by explosions created during blasting, if conducted.

• Conduct field monitoring after plant becomes operational to determine magnitude of site specific impacts. Appropriate and cost-effective mitigation measures would be identified and implemented if determined necessary. Potential measures include turbine silencers, acoustic treatment or addition of enclosures, and/or construction of berms to deflect noise from sensitive receptors.

Safety and Health

• Conduct 100% x-rays on natural gas pipe welds, maintain x-ray records in accordance with DOT requirements, install shut-off valves at each end of the pipeline which close in the event of an abnormal operating condition.

Public Comment on the FEIS

TVA received several public comments on the FEIS, including from the Environmental Protection Agency (EPA). The EPA comments were in further response to TVA responses to EPA comments on the DEIS. Select comments from the EPA relevant to the adequacy of the FEIS and TVA's responses are summarized below.

EPA comment on TVA response 43 in the FEIS concerned the need for additional cumulative air quality assessment for sulfur dioxide (SO_2). TVA's response is as follows: TVA believes that the cumulative air impacts analysis presented in Section 4.6.1.1 of the Final EIS is rigorous and adequate to describe the environmental impacts of the proposed actions combined with the impacts of other area sources. That analysis, which consisted of modeling the proposed sources and adding the current levels of pollution in the vicinity, which include the impacts of any other sources contributing to ground level concentrations. This approach is especially effective in a rural area such as Haywood County where few industrial sources of air pollution exist (no significant industrial sources of air pollution are closer than eight miles distant). The approach certainly provides a conservative assessment of cumulative impacts since it combines the highest values actually measured during the year of record with the highest predicted concentrations related to plant operation, and assumes they would simultaneously occur in time and space (which is extremely unlikely). The cumulative impacts analysis contained in the Final EIS is not intended to suffice for any ''increment consuming analysis'' required for a PSD application. As EPA is aware, the purpose of the NEPA review is to describe environmental impacts relative to standards and criteria which define where impacts to human health and welfare begin to occur. For this purpose, the National Ambient Air Quality Standards are commonly used as measures of significance. On the other hand, the levels used to guide the PSD permitting procedure are not rigorously consistent, and are sometimes unrelated totally, with concentrations at which impacts to human health or welfare occur. Consequently, no comparison with PSD increment levels is made in Section 4.6.1.1. One would not expect the cumulative impacts analysis contained in the EIS to necessarily meet the needs of the increment consuming analysis required under some circumstances for PSD, and TVA makes no claims that it does in this case. Mr. James Lee's January 18, 2000, letter stated that a cumulative impact analysis (meaning increment consuming analysis), was not warranted because the SO_2 emissions for the plant alternative being permitted (2B) are not excessive and are at a considerable distance to Mingo Wilderness Area.

EPA comment on TVA response 52 in the FEIS concerned noise mitigation. More specific information was requested concerning mitigation methods and at what threshold mitigation would be performed. Source

reduction was recommended by EPA for noise attenuation. TVA's response is as follows: TVA has committed to further study the noise levels in the vicinity of the site to determine whether additional noise mitigation is needed and to identify appropriate mitigation methods. Source reduction in noise levels may not be the most cost effective way to prevent adverse impacts to area residents. TVA prefers to follow a plan to confirm the existence of community noise concerns, and to obtain adequate noise data which would allow for the verification of the legitimacy of the complaints and support the structuring of a suitable mitigation measure. This approach would avoid committing to a solution to a problem which may or may not exist, or be the best solution. As noted in the FEIS, potential mitigation measures include techniques for reducing noise at its source and methods that would reduce noise at receptor locations.

EPA comment on TVA response 55 in the FEIS expressed a potential for an environmental justice (EJ) concern based on the demographics presented by TVA. There were also questions concerning the extent and success of public interaction with respect to EJ. TVA's response is as follows: As discussed in the FEIS, there are only three occupied dwellings within one mile of the Lagoon Creek Site. The EIS found only minimal environmental impacts and no significant environmental impacts on the residents of area surrounding the site. Due to the lack of significant impacts and the sparse population in the area, no EJ concerns were found. As discussed in Chapter 2 of the FEIS, the site screening process included several other sites for this project, but they were determined to be less suitable than the sites in Haywood County. Some of these sites have relatively smaller minority populations than does Haywood County. Residents of the surrounding area were given various options for expressing any concerns they might have. All affected landowners (over 100), which included all adjacent properties, were sent copies of the Executive Summaries of the Draft and Final EISs, along with an invitation to the public meeting on the DEIS. The meeting itself included not only a presentation about the project, but also, prior to the formal presentation, an open house where anyone could talk individually with TVA staff to discuss concerns or ask questions. Fewer than fifteen private citizens attended the public meeting on the DEIS, despite several paid advertisements in local and regional newspapers and a TVA news release, each describing the availability of the DEIS and the public meeting date and time. No oral or written comments were received from any Haywood County resident not affiliated with local government. Among the elected officials involved, participants included one African American member of County Commission. None of the public comments received expressed concern about EJ issues. Benefits associated with the project include increased public revenues, along with a very small increase in employment and income in the area

EPA comment on TVA response 57 in the FEIS was concerned with induced economic impacts due to increased power system reliability. TVA's response is as follows: Our approach in preparing the FEIS section on Indirect Impacts was to assess the local (within the county) induced impacts of the proposed project. In keeping with CEQ guidance for evaluating indirect or induced effects, we believe that the regional effects of this proposal are not ''reasonably foreseeable'', or close enough in time and distance to the proposed project for a meaningful evaluation. Such an evaluation would certainly be speculative and qualitative, since it could not be predicted how, where, and when the additional peaking power would be used in the region, and consequently of little use to decision-makers regarding initiation of the proposal. We agree that basic utilities are critical to the economic viability of most any industry. TVA's mandate, as defined in the 1933 TVA Act, is, among other things, to provide reliable, low-cost power to the Tennessee Valley region and to foster industrial development for the economic good of the people of the region. It is our hope that more reliable peaking power and other infrastructure being developed by TVA will be attractive to potential new industries and lead to the expansion of existing ones. However, we believe that economic growth should not sacrifice environmental quality. We further believe that the regulatory programs of the various Valley states, in conjunction with TVA programs for sustaining the quality of the environment in the region, will allow economic growth to occur in a manner that maintains or enhances environmental quality.

Dated: May 1, 2000.

Joseph R. Bynum,

Executive Vice President, Fossil Power Group.

[FR Doc. 00–11859 Filed 5–10–00; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Changes in Permissible Stage 2 Airplane Operations

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of statutory changes.

SUMMARY: The FAA is publishing notice of further changes to the Airport Noise and Capacity Act that except certain airplanes from the law and allow operation of Stage 2 airplanes after December 31, 1999, under specified circumstances. This notice is necessitated by Congressional action taken in April 2000 to modify the statutory changes adopted in November 1999. This notice explains the effect of the changes.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Connor, Manager, Noise Division (AEE–100), Office of Environment and Energy, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8933, fax (202) 267–5594, email *Thomas. Connor@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Airport Noise and Capacity Act of 1990 (ANCA) prohibits the operation of civil subsonic turbojet Stage 2 airplanes over 75,000 pounds in the contiguous United States after December 31, 1999. The original version of the law did not distinguish airplanes by type of certification or operation. The waiver provisions of the original law are very limited, and address only limited revenues operation of Stage 2 airplanes by U.S. air carriers.

On November 29, 1999, the President signed into law certain changes to ANCA that affect operators of Stage 2 airplanes. The prohibit on revenue operations of Stage 2 airplanes after December 31, 1999, remained in effect. The Federal Aviation Administration (FAA) was not granted any new authority to allow anyone to operate at Stage 2 airplane in revenue service after December 31, 1999. The changes to the law were summarized in the **Federal Register** document published December 17, 1999 (64 FR 70571).

On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation investment and Reform Act for the 21st Century, Public Law 10–181 (Apr. 5, 2000; 114 Stat. 61) (AIR 21) repealed the legislative changes that were adopted in November 1999 and were described in the **Federal Register** notice cited above.

The repealed provisions were re-enacted in AIR 21 with two additions.

New Provisions

Foreign Air Carrier Waivers

The original language of ANCA did not allow foreign air carriers to apply for a waiver from the Stage 2 prohibition in the law. The AIR 21 amendment expanded the waiver provision, 49 U.S.C. 47528(b), to allow foreign air carriers, for a limited time, to apply for a waiver from the Stage 3 aircraft requirement of 49 U.S.C. 47528(a). The amendment requires that a foreign air carrier seeking a waiver must apply ''not later than * * * the 15th day following the date of enactment of [AIR 21].'' The law was enacted April 5, 2000; foreign air carriers seeking a waiver from section 47528(a) must have filed an application for waiver no later than April 20, 2000.

The FAA will consider any waiver request filed by a foreign air carrier under the same criteria that were used to evaluate requests from domestic air carriers. Those criteria are published at 14 CFR 91.873, and were summarized in a **Federal Register** notice published on March 2, 1998 (63 FR 10123).

Relationship to Part 161 Actions

In AIR 21, Congress re-enacted the provisions that direct the Secretary of Transportation to permit certain nonrevenue flights to Stage 2 airplanes over 75,000 pounds, 49 U.S.C. 47528(f). A new paragraph (g), which reads as follows, was added to that section:

(g) Statutory Construction.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.

Promulgated by the FAA in 1991 pursuant to ANCA, 14 CFR part 161 is titled ''Notice and Approval of Airport Noise Access Restrictions,'' and provides a procedure under which local airport authorities may impose restrictions on Stage 2 and Stage 3 airplanes. On November 1, 1999, there was one restriction on operation of Stage 2 airplanes that had been adopted by a local airport authority but had not yet become effective. Prior to November 1, 1999, the FAA had made a determination that this local restriction was pre-empted by Federal law. The FAA understands new paragraph (g) to mean that this prior determination, and any future determination regarding the local restriction, are not affected by the new provisions added to section 47528 by AIR 21.

The FAA has consistently held that the statutory waiver authority it was granted in ANCA in 1990 (49 U.S.C. 47528(b)) preempts any conflicting restriction adopted by a local airport authority. Similarly, the authority that permits nonrevenue Stage 2 flights under section 47528(f) also preempts any conflicting local regulations. This position is affirmed by the AIR 21 language, in that the authority given in section 47528(f) is not discretionary. The law states that ''the Secretary *shall permit*'' Stage 2 flights that fall under one of the categories listed in the law (emphasis added). The FAA's interpretation of the new language in paragraph (g) is consistent with the non-discretionary nature of the FAA's authority under section 47528(f).

Previous Statutory Changes

As discussed above, the statutory change that allows the FAA to grant special flight authorizations for the nonrevenue operation of certain Stage 2 airplanes was re-enacted in AIR 21. Accordingly, except for the additions noted above, the explanations provided in the FAA's December 17, 1999 **Federal Register** notice remain applicable, and the application procedure and form have not been changed.

The FAA still plans to amend its regulations at 14 CFR part 91, subpart I, that are affected by the changes to its statutory authority. The reasons for these amendments remain the same as published in December 1999.

The FAA was required under the November 1999 legislation, and again by AIR 21, to publish notice of the procedures it will use to implement the Stage 2 nonrevenue flight authority. This notice fulfills that requirement by informing affected persons that the application procedure for a special flight authorization for nonrevenue Stage 2 flight remains as published in December 1999.

The special flight authorization application can be obtained on the FAA's web site (http://*www.aee.faa.gov/sfa/*), or by fax or mail by contacting the Office of Environment and Energy at the number listed in the For Further Information Contact section above. The FAA reminds operators that requests for special flight authorizations for nonrevenue Stage 2 flights should be filed 30 days before the planned flight.

Operators of Stage 2 airplanes that have any questions concerning their rights or requirements under AIR 21 language are encouraged to contact the FAA as soon as possible.

Issued in Washington, DC on May 2, 2000.

Paul R. Dykeman,

Deputy Director, Office of Environment and Energy.

[FR Doc. 00–11325 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Faulkner County, Arkansas

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Faulkner County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Amy Heflin, Community Planner, Federal Highway Administration, 700 West Capitol, Rm 3130 Federal Office Building, Little Rock, Arkansas 72201–3298, Telephone: (501) 324–5625; or Ronnie Hall, City Engineer, City of Conway, 100 East Robins, Conway, Arkansas 72032, Telephone: (501) 450–6165; or Mike Lynch, Project Manager, Garver Engineers, P.O. Box 50, Little Rock, Arkansas 72203, Telephone (501) 376–3633.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the City of Conway, Arkansas, and the Arkansas Highway and Transportation Department will prepare an environmental impact statement (EIS) on a proposal to construct a western loop in Faulkner County, Arkansas. The proposed project would involve the construction of an arterial on a new alignment starting west of the City of Conway at Interstate Highway 40 and terminating South of the City of Conway on Interstate Highway 40. Construction of a western loop is considered necessary to provide for the existing and projected traffic demand. A proposed alignment and typical section for this proposed project will be formulated during development of the EIS. Alternatives under consideration include taking no action and location alternatives to be identified during the EIS process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this project. An agency scoping meeting is planned early in the project

development process. A series of public meetings will be held in the City of Conway. In addition, a public hearing will be held. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: May 3, 2000.

Gary A. DalPorto,

Planning and Research Engineer, FHWA, Little Rock, Arkansas.

[FR Doc. 00–11861 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Tucker County, West Virginia

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement (SEIS) will be prepared for the Blackwater Avoidance area of the Thomas-to-Davis portion of the Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Henry E. Compton, Division Environmental Coordinator, Federal Highway Administration, West Virginia Division, Geary Plaza, Suite 200, 700 Washington Street East, Charleston, West Virginia, 25301, Telephone: (304) 347–5268.

SUPPLEMENTARY INFORMATION: In accordance with a court approved settlement agreement, the FHWA in cooperation with the West Virginia Department of Transportation (WVDOT) will prepare an SEIS to examine one or more potential alignment shifts for the Thomas-to-Davis section of Parsons-to-Davis project of the proposed Appalachian Corridor H highway in Tucker County, West Virginia. A Record of Decision (ROD) for the entire Appalachian Corridor H highhway (FHWA–WV–EIS–92–01–F) from Aggregates to the WV/VA state line, a distance of approximately 100 miles, was approved on August 2, 1996. The proposed Parsons-to-Davis project will provide a divided four-lane, partial control of access highway on new location for a distance of approximately 9 miles. The purpose of this project is to provide safe and efficient travel between population centers in Tucker County (Parsons Area and Thomas/Davis Area), while also contributing to the completion of Corridor H in West Virginia.

Alternates under consideration in the SEIS will be: (1) The no-action alternative, (2) the preferred alternative that was approved in the 1996 ROD, and (2) one or more alternatives that avoid the Blackwater Area identified in Exhibit 4 of the court approved Corridor H Settlement Agreement. Based on preliminary studies, it is expected that the avoidance alternatives considered in the SEIS will include one or more alignments that would shift the project to the north, resulting in additional connections to US 219, WV Route 32, and WV Route 93 in the vicinity of the towns of Thomas and Davis. However, final decisions on the scope of the SEIS will be made only after an opportunity for comment by interested agencies and the public during the scoping process, which will occur in May 2000.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have expressed or are known to have an interest in this proposal.

To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: May 2, 2000.

Henry E. Compton,

Environmental Coordinator, Charleston, West Virginia.

[FR Doc. 00–11860 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–1999–6364]

Northeast Illinois Railroad Corporation; Cancellation of Public Hearing

On April 4, 2000, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (65 FR 17704) announcing that a public hearing will be held based upon the Northeast Illinois Railroad Corporation's (Metra) request seeking a permanent waiver of compliance with the *Passenger Equipment Safety Standards,* 49 CFR part 238.303, which requires exterior calendar day inspection, and 238.313, which requires a class one brake test be performed by a qualified maintenance person. Metra has withdrawn its request; therefore, the hearing scheduled for Tuesday, May 16, 2000, in Chicago, Illinois, has been canceled.

FRA regrets any inconvenience occasioned by the cancellation of this hearing.

Issued in Washington, DC on May 8, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–11865 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Safety Advisory 2000–1

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: FRA is issuing Safety Advisory 2000–1 addressing safety concerns involving Model B1 relays, manufactured by General Railway Signal (GRS), between the years 1960 and 1985, and their potential to stick and remain in the energized position. ALSTOM Signaling, Inc., which has acquired GRS, estimates that approximately 2,000,000 relays are affected worldwide.

FOR FURTHER INFORMATION CONTACT: William E. Goodman, Staff Director, Signal and Train Control Division, Office of Safety Assurance and Compliance, FRA, 1120 Vermont Avenue, NW, RRS–13, Mail Stop 25, Washington, DC 20590 (telephone 202–493–6325) or Mark Tessler, Trial Attorney, Office of Chief Counsel, 1120 Vermont Avenue, NW , RCC–12, Mail

Stop 10, Washington, DC 20590 (telephone 202–493–6061).

SUPPLEMENTARY INFORMATION: In a Safety Notice issued on August 18, 1995, GRS stated that it had received reports of ten incidents of a residual screw in the armature of a Type B1 relay not releasing from the lower core head surface within the specified time. GRS stated that this condition could develop in any application using one or more B1 relays. FRA is concerned about potential malfunctions in such relays which are critical to signal systems and their impact on safety if they do not operate within specified parameters.

In its Safety Notice, GRS concluded that:

1. The condition arises from the transfer of material from the cadmium-tin plated core head to the copper-silicon residual screw, which can cause the residual screw to adhere to the core head.

2. Any B1 relay manufactured by GRS between January 1960 and December 1985 incorporating residual screw Part No. 20360–012–00 (Catalog No. P62–255) could develop this condition.

3. The condition is more likely to occur in B1 Relays normally in the energized position used in one or more of the following circumstances:

a. High temperature, *i.e.* ambient temperatures above 100 degrees Fahrenheit (38 degrees Celsius) on a regular basis; and/or

b. Number of operations of the B1 Relay is less than four (4) times per day.

In order to avoid this condition, GRS recommended that all B1 Relays manufactured between January 1960 and December 1985 incorporating screw Part No. 20360–012–00 should be modified by replacing the residual screw in accordance with instructions provided by GRS.

FRA has determined that the safety of railroad employees and the general public compels the issuance of this Safety Advisory. Occurrences of GRS B1 Type relay failures have caused FRA serious concern about the safety of certain relays. The relays of concern were first identified by General Railway Signal, now ALSTOM Signaling, in a Safety Notice issued August 18, 1995. Any B1 relay manufactured by GRS between January 1960 and December 1985 incorporating residual screw Part No. 20360–012–00 (Catalog No. P62–255) could develop the condition of concern. The condition arises from the transfer of material from the cadmium-tin plated core head to the copper-silicon residual screw, which can cause the residual screw to adhere to the core head, not allowing the armature to release from the lower core head surface within the specified time. The GRS recommended corrective action was to clean the relays, replace the residual screw, and in some cases replace the relay cores and bracket.

In July of 1999, after B1 relay failures were reported on the signal system of Washington Metropolitan Area Transit Authority, the FRA notified the Association of American Railroads, the American Public Transit Association, and the American Short Line and Regional Railroad Association, making those associations aware of the potential safety issue and asking that they bring the matter to the attention of their members.

Recommended Action

Subsequent to the July 1999 industry notification, additional reports of B1 relay failures have been reported to FRA. Due to these reports FRA is issuing this Safety Advisory, to again make all users of B1 relays aware of the potential problem and its recognized solution. While FRA is not at this time requiring immediate inspection and repair or replacement of all such relays, FRA strongly recommends that railroads accelerate B1 relay inspection and testing programs so that all B1 relays have been inspected (and repaired or replaced, if necessary) as soon as possible. FRA further recommends that all inspection and testing forces be made aware of this problem and especially of the likelihood that the condition is more likely to occur in B1 relays normally in the energized position and used in high temperature on a regular basis, or in which the number of operations of the relay is less than four times per day. (See GRS Safety Notice.).

FRA notes that present railroad safety regulations at title 49 of the Code of Federal Regulations require periodic testing of each relay affecting the safety of train operations (49 CFR 236.106) and each relay affecting the proper functioning of grade crossing warning systems (49 CFR 234.263). FRA further notes that 49 CFR 236.11 and 234.207 require that when any essential component of a signal system or highway rail crossing warning system fails to perform its intended signaling function or is not in correspondence with known operating conditions, the cause shall be determined and the faulty component adjusted, repaired, or replaced without undue delay. Therefore, if the B1 relay fails to perform as intended, pursuant to §§ 236.11 and 234.207, it must be replaced.

Copies of the Safety Notice issued by GRS, will be made available through the Regional Signal & Train Control Specialist or through the Signal & Train Control Division at FRA Headquarters, at 202–493–6325.

Issued in Washington, DC on May 5, 2000.

George Gavalla,

Associate Administrator for Safety.

[FR Doc. 00–11866 Filed 5–10–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

May 4, 2000.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before June 12, 2000 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0805.

Form Number: IRS Form 5472.

Type of Review: Extension.

Title: Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

Description: Form 5472 is used to report information 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 IRA uses Form 5472 to determine if inventory or other costs deducted by the U.S. or foreign corporation are correct.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 75,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—17 hr., 42 min.
Learning about the law or the form—3 hr., 5 min.
Preparing and sending the form to the IRS—3 hr., 30 min.

Frequency of Response: Annually.

Estimated Total Reporting/ Recordkeeping Burden: 1,821,000 hours.

OMB Number: 1545–1682.

Form Number: None.

Type of Review: Extension.

Title: Return-Free Tax Filing System Focus Group Interviews.

Description: As required by the IRS Restructuring and Reform Act of 1998, the IRS will be reporting to Congress annually on its progress in developing a Return-Free Tax Filing System. The purpose of these focus groups is to collect information to accurately and objectively establish a benchmark of current levels of taxpayer acceptance and potential use of a Return-Free Tax System. The focus groups would also provide the IRS with information to be used in marketing and communications efforts related to Return-Free. Such a system may eliminate the need for taxpayer-initiated filing with the IRS, even electronic filing.

Respondents: Individuals or households.

Estimated Number of Respondents: 480.

Estimated Burden Hours Per Respondent: 2 hours, 30 minutes.

Frequency of Response: Other (one-time only).

Estimated Total Reporting Burden: 160 hours.

OMB Number: 1545–1684.

Form Number: None.

Type of Review: Extension.

Title: Pre-Filing Agreements Pilot Program.

Description: Notice 2000–12 describes a pilot program under which certain large business taxpayers may request examination and resolution of a specific issues relating to tax returns they expect to file between September and December, 2000. The resolution of such issues under the pilot program will be memorialized by a type of closing agreement under Code section 7121 called a pre-filing agreement.

Respondents: Business or other for-profit.

Estimated Number of Respondents/ Recordkeepers: 24.

Estimated Burden Hours Per Respondent/Recordkeeper: 40 hours, 17 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 967 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 00–11754 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8752

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 8752, Required Payment or Refund Under Section 7519.

DATES: Written comments should be received on or before July 10, 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 Larnice Mack (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Required Payment or Refund Under Section 7519.

OMB Number: 1545–1181.

Form Number: 8752.

Abstract: Partnerships and S corporations use Form 8752 to compute and report the payment required under Internal Revenue Code section 7519 or to obtain a refund of net prior year payments. Such payments are required of any partnership or S corporation that has elected under Code section 444 to have a tax year other than a required tax year.

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 and farms.

Estimated Number of Respondents: 72,000.

Estimated Time Per Respondent: 7 hr., 34 min.

Estimated Total Annual Burden Hours: 545,040.

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: May 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11740 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8824

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 8824, Like-Kind Exchanges.

DATES: Written comments should be received on or before July 10, 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: Like-Kind Exchanges.

OMB Number: 1545–1190.

Form Number: 8824.

Abstract: Form 8824 is used by individuals, corporations, partnerships, and other entities to report the exchange of business or investment property, and the deferral of gains from such transactions under Internal Revenue Code section 1031. It is also used to report the deferral of gain under Code section 1043 from conflict-of-interest sales by certain members of the executive branch of the Federal government.

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: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 200,000.

Estimated Time Per Respondent: 1 hrs., 46 min.

Estimated Total Annual Burden Hours: 351,897.

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: May 2, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11741 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6781

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 6781, Gains and Losses From Section 1256 Contracts and Straddles.

DATES: Written comments should be received on or before July 10, 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: Gains and Losses From Section 1256 Contracts and Straddles.

OMB Number: 1545–0644.

Form Number: 6781.

Abstract: Form 6781 is used by taxpayers in computing their gains and losses on Internal Revenue Code section 1256 contracts under the marked-to-market rules and gains and losses under Code section 1092 from straddle positions. The data is used to verify that the tax reported accurately reflects any such gains and losses.

Current Actions: There are no changes being made to Form 6781 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: 100,000.

Estimated Time Per Respondent: 17 hrs., 50 min.

Estimated Total Annual Burden Hours: 1,784,000.

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: May 2, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11742 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5735 and Schedule P (Form 5735)

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 5735, Possessions Corporation Tax Credit (Under Sections 936 and 30A), and Schedule P (Form 5735), Allocation of Income and Expenses Under Section 936(h)(5).

DATES: Written comments should be received on or before July 10, 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 forms 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: Possessions Corporation Tax Credit (Under sections 936 and 30A), and Allocation of Income and Expenses Under Section 936(h)(5).

OMB Number: 1545–0217.

Form Number: Form 5735 and Schedule P (Form 5735).

Abstract: Form 5735 is used to compute the possessions corporation tax credit under Internal Revenue Code sections 936 and 30A. Schedule P (Form 5735) is used by corporations that elect to share their income or expenses with their affiliates. The forms provide the IRS with information to determine if the corporations have computed the tax credit and the cost-sharing or profit-split method of allocating income and expenses.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,371.

Estimated Time Per Respondent: 23 hrs., 52 min.

Estimated Total Annual Burden Hours: 32,713.

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: May 2, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11743 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 3520–A

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 3520-A, Annual Information Return of Foreign Trust With a U.S. Owner.

DATES: Written comments should be received on or before July 10, 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 Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Information Return of Foreign Trust With a U.S. Owner.

OMB Number: 1545–0160.

Form Number: 3520–A.

Abstract: Internal Revenue Code section 6048(b) requires that foreign trusts with at least one U.S. beneficiary must file an annual information return. Form 3520–A is used to report the income and deductions of the foreign trust and provide statements to the U.S. owners and beneficiaries. IRS uses Form 3520–A to determine if the U.S. owner of the trust has included the net income of the trust in its gross income.

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: Individuals or households and business or other-for-profit organizations.

Estimated Number of Responses: 500.

Estimated Time Per Respondent: 43 hours, 2 minutes.

Estimated Total Annual Burden Hours: 21,515.

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: May 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11744 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1066 and Schedule Q (Form 1066)

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 1066, U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return and Schedule Q (Form 1066), Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss Allocation.

DATES: Written comments should be received on or before July 10, 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 forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 1066, U.S. Real Estate Mortgage Investment Conduit (REMIC) Income Tax Return and Schedule Q (Form 1066), Quarterly Notice to Residual Interest Holder of REMIC Taxable Income or Net Loss Allocation.

OMB Number: 1545–1014.

Form Number: Form 1066 and Schedule Q (Form 1066).

Abstract: Form 1066 and Schedule Q (Form 1066) are used by a real estate mortgage investment conduit (REMIC) to figure its tax liability and income and other tax-related information to pass through to its residual holders. IRS uses the information to determine the correct tax liability of the REMIC and its residual holders.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,917.

Estimated Time Per Respondent: 149 hours, 52 minutes.

Estimated Total Annual Burden Hours: 736,862.

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: May 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11745 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–A

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 1120–A, U.S. Corporation Short-Form Income Tax Return.

DATES: Written comments should be received on or before July 10, 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 Carol Savage,

(202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Corporation Short-Form Income Tax Return.

OMB Number: 1545–0890.

Form Number: 1120–A.

Abstract: Form 1120–A is used by small corporations with less than $500,000 of income and assets to compute their taxable income and tax liability. The IRS uses Form 1120–A to determine whether these corporations have correctly computed their tax liability.

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 and farms.

Estimated Number of Responses: 285,777.

Estimated Time Per Respondent: 113 hours, 40 minutes.

Estimated Total Annual Burden Hours: 32,481,414.

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: May 3, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–11748 Filed 5–10–00; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Thursday,
May 11, 2000

Part II

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled Hazardous Waste Sites; Final Rule & Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6603–3]

National Priorities List for Uncontrolled Hazardous Waste Sites

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'' or ''the Act''), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds 7 new sites to the NPL; all to the General Superfund Section of the NPL.

EFFECTIVE DATE: The effective date for this amendment to the NPL shall be June 12, 2000.

ADDRESSES: For addresses for the Headquarters and Regional dockets, as well as further details on what these dockets contain, see Section II, ''Availability of Information to the Public'' in the **SUPPLEMENTARY INFORMATION** portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Yolanda Singer, phone (703) 603–8835, State, Tribal and Site Identification Center; Office of Emergency and Remedial Response (mail code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW; Washington, DC 20460; or the Superfund Hotline, phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' (''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases 42 U.S.C. 9601(23).)

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken.

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites that are owned or operated by other Federal agencies (the ''Federal Facilities Section''). With respect to sites in the Federal Facilities Section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL; (2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)); (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on February 4, 2000 (65 FR 5435).

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions * * *.'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to respond to the releases, including enforcement action under CERCLA and other laws.

F. How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which that contamination has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (*e.g.*, the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (*e.g.*, it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (*e.g.*, where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the name ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the problem presented by the release'' will be determined by a remedial investigation/feasibility study (RI/FS) as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the known boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals

more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or

(iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate.

As of April 27, 2000, the Agency has deleted 212 sites from the NPL.

H. Can Portions of Sites Be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of April 27, 2000, EPA has deleted portions of 18 sites.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (*e.g.*, institutional controls); or (3) the site qualifies for deletion from the NPL.

Of the 212 sites that have been deleted from the NPL, 203 sites were deleted because they have been cleaned up (the other 9 sites were deleted based on deferral to other authorities and are not considered cleaned up). As of April 27, 2000, there are a total of 685 sites on the CCL. This total includes the 212 deleted sites. For the most up-to-date information on the CCL, see EPA's Internet site at http://www.epa.gov/superfund.

II. Availability of Information to the Public

A. Can I Review the Documents Relevant to This Final Rule?

Yes, documents relating to the evaluation and scoring of the sites in this final rule are contained in dockets located both at EPA Headquarters and in the Regional offices.

B. What Documents Are Available for Review at the Headquarters Docket?

The Headquarters docket for this rule contains, for each site, the HRS score sheets, the Documentation Record describing the information used to compute the score, pertinent information regarding statutory requirements or EPA listing policies that affect the site, and a list of documents referenced in the Documentation Record. The Headquarters docket also contains comments received, and the Agency's responses to those comments. The Agency's responses are contained in the ''Support Document for the Revised National Priorities List Final Rule—May 2000.''

C. What Documents Are Available for Review at the Regional Dockets?

The Regional dockets contain all the information in the Headquarters docket, plus the actual reference documents containing the data principally relied upon by EPA in calculating or evaluating the HRS score for the sites located in their Region. These reference documents are available only in the Regional dockets.

D. How Do I Access the Documents?

You may view the documents, by appointment only, after the publication of this document. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Please contact the Regional dockets for hours.

Following is the contact information for the EPA Headquarters: Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA, 703/603–8917.

The contact information for the Regional dockets is as follows:

Barbara Callahan, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Records Center, Mailcode HSC, One Congress Street, Suite 1100, Boston, MA 02114–2023; 617/918–1356

Ben Conetta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4435

Dawn Shellenberger (GCI), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3PM52, Philadelphia, PA 19103; 215/814–5364

Joellen O'Neill, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW, 9th floor, Atlanta, GA 30303; 404/562–8127

Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–7570

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mailcode 6SF–RA, Dallas, TX 75202–2733; 214/665–7436

Carole Long, Region 7 (IA, KS, MO, NE), U.S. EPA, 901 North 5th Street, Kansas City, KS 66101; 913/551–7224

David Williams, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 999 18th Street, Suite 500, Mailcode 8EPR–SA, Denver, CO 80202–2466; 303/312–6757

Carolyn Douglas, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/744–2343

Robert Phillips, Region 10 (AK, ID, OR, WA), U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–115, Seattle, WA 98101; 206/553–6699

E. How Can I Obtain a Current List of NPL Sites?

You may obtain a current list of NPL sites via the Internet at http://www.epa.gov/superfund/ (look under site information category) or by contacting the Superfund Docket (see contact information above).

III. Contents of This Final Rule

A. Additions to the NPL

This final rule adds 7 sites to the NPL; all to the General Superfund Section of the NPL. Table 1 presents the 7 sites in the General Superfund Section. Sites in the table are arranged alphabetically by State.

TABLE 1.—NATIONAL PRIORITIES LIST FINAL RULE, GENERAL SUPERFUND SECTION

State	Site name	City/county
AR	Ouachita Nevada Wood Treater.	Reader.
CA	Leviathan Mine ...	Alpine County.
FL	Callaway & Son Drum Service.	Lake Alfred.
FL	Landia Chemical Company.	Lakeland.

TABLE 1.—NATIONAL PRIORITIES LIST FINAL RULE, GENERAL SUPERFUND SECTION—Continued

State	Site name	City/county
NY	Old Roosevelt Field Contaminated Ground Water Area.	Garden City.
UT	Intermountain Waste Oil Refinery.	Bountiful.
WA	Midnite Mine	Wellpinit.

Number of Sites Added to the General Superfund Section: 7.

B. Status of NPL

With the 7 new sites added to the NPL in today's final rule; the NPL now contains 1,227 final sites; 1,068 in the General Superfund Section and 159 in the Federal Facilities Section. With a separate rule (published elsewhere in today's **Federal Register**) proposing to add 14 new sites to the NPL, there are now 62 sites proposed and awaiting final agency action, 55 in the General Superfund Section and 7 in the Federal Facilities Section. Final and proposed sites now total 1,289. (These numbers reflect the status of sites as of April 27, 2000. Site deletions occurring after this date may affect these numbers at time of publication in the **Federal Register**.)

C. What Did EPA Do With the Public Comments It Received?

EPA reviewed all comments received on the sites in this rule. The Midnite Mine site was proposed on February 16, 1999 (64 FR 7564). The Intermountain Waste Oil Refinery site and the Leviathan Mine site were proposed on October 22, 1999 (64 FR 56992). The following sites were proposed on February 4, 2000 (65 FR 5435): Ouachita Nevada Wood Treater, Callaway & Son Drum Service, Landia Chemical Company, and Old Roosevelt Field Contaminated Ground Water Area.

For Ouachita Nevada Wood Treater, Callaway & Son Drum Service, Landia Chemical Company, and Old Roosevelt Field Contaminated Ground Water Area sites, EPA received no comments affecting the HRS scoring of these sites and therefore, EPA is placing them on the final NPL at this time.

EPA responded to all relevant comments received on the other sites. EPA's responses to site-specific public comments are addressed in the ''Support Document for the Revised National Priorities List Final Rule—May 2000''.

IV. Executive Order 12866

A. What Is Executive Order 12866?

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)) the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

B. Is This Final Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

A. What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

B. Does UMRA Apply to This Final Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

A. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment

a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

B. Does the Regulatory Flexibility Act Apply to This Final Rule?

No. While this rule revises the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

VII. Possible Changes to the Effective Date of the Rule

A. Has This Rule Been Submitted to Congress and the General Accounting Office?

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 has submitted 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).

B. Could the Effective Date of This Final Rule Change?

Provisions of the Congressional Review Act (CRA) or section 305 of CERCLA may alter the effective date of this regulation.

Under the CRA, 5 U.S.C. 801(a), before a rule can take effect the federal agency promulgating the rule must submit a report to each House of the Congress and to the Comptroller General. This report must contain a copy of the rule, a concise general statement relating to the rule (including whether it is a major rule), a copy of the cost-benefit analysis of the rule (if any), the agency's actions relevant to provisions of the Regulatory Flexibility Act (affecting small businesses) and the Unfunded Mandates Reform Act of 1995 (describing unfunded federal requirements imposed on state and local governments and the private sector), and any other relevant information or requirements and any relevant Executive Orders.

EPA has submitted a report under the CRA for this rule. The rule will take effect, as provided by law, within 30 days of publication of this document, since it is not a major rule. Section 804(2) defines a major rule as any rule that the Administrator of the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) finds has resulted in or is likely to result in: an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. NPL listing is not a major rule because, as explained above, the listing, itself, imposes no monetary costs on any person. It establishes no enforceable duties, does not establish that EPA necessarily will undertake remedial action, nor does it require any action by any party or determine its liability for site response costs. Costs that arise out of site responses result from site-by-site decisions about what actions to take, not directly from the act of listing itself. Section 801(a)(3) provides for a delay in the effective date of major rules after this report is submitted.

C. What Could Cause the Effective Date of This Rule to Change?

Under 5 U.S.C. 801(b)(1) a rule shall not take effect, or continue in effect, if Congress enacts (and the President signs) a joint resolution of disapproval, described under section 802.

Another statutory provision that may affect this rule is CERCLA section 305, which provides for a legislative veto of regulations promulgated under CERCLA. Although *INS* v. *Chadha,* 462 U.S. 919,103 S. Ct. 2764 (1983) and *Bd. of Regents of the University of Washington* v. *EPA,* 86 F.3d 1214,1222 (D.C. Cir. 1996) cast the validity of the legislative veto into question, EPA has transmitted a copy of this regulation to the Secretary of the Senate and the Clerk of the House of Representatives.

If action by Congress under either the CRA or CERCLA section 305 calls the effective date of this regulation into question, EPA will publish a document of clarification in the **Federal Register**.

VIII. National Technology Transfer and Advancement Act

A. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to

provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

B. Does the National Technology Transfer and Advancement Act Apply to This Final Rule?

No. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

IX. Executive Order 12898

A. What Is Executive Order 12898?

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' as well as through EPA's April 1995, ''Environmental Justice Strategy, OSWER Environmental Justice Task Force Action Agenda Report,'' and National Environmental Justice Advisory Council, EPA has undertaken to incorporate environmental justice into its policies and programs. EPA is committed to addressing environmental justice concerns, and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income, bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities.

B. Does Executive Order 12898 Apply to This Final Rule?

No. While this rule revises the NPL, no action will result from this rule that will have disproportionately high and adverse human health and environmental effects on any segment of the population.

X. Executive Order 13045

A. What Is Executive Order 13045?

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.

B. Does Executive Order 13045 Apply to This Final Rule?

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this section present a disproportionate risk to children.

XI. Paperwork Reduction Act

A. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

B. Does the Paperwork Reduction Act Apply to This Final Rule?

No. EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

XII. Executive Orders on Federalism

What Are the Executive Orders on Federalism and Are They Applicable to This Final Rule?

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), 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 Section 6 of 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 does not have federalism implications. It 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.

XIII. Executive Order 13084

What Is Executive Order 13084 and Is It Applicable to This Final Rule?

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 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 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.''

This rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities. Accordingly, the requirements of section 3(b) of

Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 300

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

Dated: May 3, 2000.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

2. Table 1 of Appendix B to Part 300 is amended by adding the following sites in alphabetical order to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	Notes (a)
*	*	*	*
AR	Ouachita Nevada Wood Treater	Reader.	
*	*	*	*
CA	Leviathan Mine	Alpine County.	
*	*	*	*
FL	Callaway & Son Drum Service	Lake Alfred.	
*	*	*	*
FL	Landia Chemical Company	Lakeland.	
*	*	*	*
NY	Old Roosevelt Field Contaminated Ground Water Area	Garden City.	
*	*	*	*
UT	Intermountain Waste Oil Refinery	Bountiful.	
*	*	*	*
WA	Midnite Mine	Wellpinit.	
*	*	*	*

(a) A=Based on issuance of health advisory by Agency for Toxic Substance and Disease Registry (if scored, HRS score need not be ≤ 28.50).
C=Sites on construction completion list.
S=State top priority (included among the 100 top priority sites regardless of score).
P=Sites with partial deletion(s).

[FR Doc. 00–11562 Filed 5–10–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6603–2]

National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 32

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'' or ''the Act''), requires that the National Oil and Hazardous Substances Pollution Contingency Plan (''NCP'') include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (''NPL'') constitutes this list. The NPL is intended primarily to guide the Environmental Protection Agency (''EPA'' or ''the Agency'') in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This proposed rule proposes to add 14 new sites to the NPL. All of the sites are being proposed to the General Superfund Section of the NPL.

DATES: Comments regarding any of these proposed listings must be submitted (postmarked) on or before July 10, 2000.

ADDRESSES: By Postal Mail: Mail original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; (Mail Code 5201G); 1200 Pennsylvania Avenue NW, Washington, DC 20460.

By Express Mail: Send original and three copies of comments (no facsimiles or tapes) to Docket Coordinator, Headquarters; U.S. Environmental Protection Agency; CERCLA Docket Office; 1235 Jefferson Davis Highway; Crystal Gateway #1, First Floor; Arlington, VA 22202.

By E-Mail: Comments in ASCII format only may be mailed directly to superfund.docket@epa.gov. E-mailed comments must be followed up by an original and three copies sent by mail or express mail.

For additional Docket addresses and further details on their contents, see section II, ''Public Review/Public Comment,'' of the Supplementary Information portion of this preamble.

FOR FURTHER INFORMATION CONTACT: Yolanda Singer, phone (703) 603–8835, State, Tribal and Site Identification Center, Office of Emergency and Remedial Response (Mail Code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW, Washington, DC 20460; or the Superfund Hotline, Phone (800) 424–9346 or (703) 412–9810 in the Washington, DC, metropolitan area.

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I. Background

A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601–9675 (''CERCLA'' or ''the Act''), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act (''SARA''), Public Law 99–499, 100 Stat. 1613 *et seq.*

B. What Is the NCP?

To implement CERCLA, EPA promulgated the revised National Oil and Hazardous Substances Pollution Contingency Plan (''NCP''), 40 CFR part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP sets guidelines and procedures for responding to releases and threatened releases of hazardous substances, pollutants, or contaminants under CERCLA. EPA has revised the NCP on several occasions. The most recent comprehensive revision was on March 8, 1990 (55 FR 8666).

As required under section 105(a)(8)(A) of CERCLA, the NCP also includes ''criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, taking into account the potential urgency of such action for the purpose of taking removal action.'' ''Removal'' actions are defined broadly and include a wide range of actions taken to study, clean up, prevent or otherwise address releases and threatened releases (42 U.S.C. 9601(23)).

C. What Is the National Priorities List (NPL)?

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or

contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under section 105(a)(8)(B) of CERCLA, as amended by SARA. Section 105(a)(8)(B) defines the NPL as a list of ''releases'' and the highest priority ''facilities'' and requires that the NPL be revised at least annually. The NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances. The NPL is only of limited significance, however, as it does not assign liability to any party or to the owner of any specific property. Neither does placing a site on the NPL mean that any remedial or removal action necessarily need be taken. See Report of the Senate Committee on Environment and Public Works, Senate Rep. No. 96–848, 96th Cong., 2d Sess. 60 (1980), 48 FR 40659 (September 8, 1983).

For purposes of listing, the NPL includes two sections, one of sites that are generally evaluated and cleaned up by EPA (the ''General Superfund Section''), and one of sites that are owned or operated by other Federal agencies (the ''Federal Facilities Section''). With respect to sites in the Federal Facilities section, these sites are generally being addressed by other Federal agencies. Under Executive Order 12580 (52 FR 2923, January 29, 1987) and CERCLA section 120, each Federal agency is responsible for carrying out most response actions at facilities under its own jurisdiction, custody, or control, although EPA is responsible for preparing an HRS score and determining whether the facility is placed on the NPL. EPA generally is not the lead agency at Federal Facilities Section sites, and its role at such sites is accordingly less extensive than at other sites.

D. How Are Sites Listed on the NPL?

There are three mechanisms for placing sites on the NPL for possible remedial action (see 40 CFR 300.425(c) of the NCP): (1) A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (''HRS''), which EPA promulgated as appendix A of the NCP (40 CFR part 300). The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to pose a threat to human health or the environment. On December 14, 1990 (55 FR 51532), EPA promulgated revisions to the HRS partly in response to CERCLA section 105(c), added by SARA. The revised HRS evaluates four pathways: Ground water, surface water, soil exposure, and air. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL; (2) Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score. This mechanism, provided by the NCP at 40 CFR 300.425(c)(2) requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State representing the greatest danger to public health, welfare, or the environment among known facilities in the State (see 42 U.S.C. 9605(a)(8)(B)); (3) The third mechanism for listing, included in the NCP at 40 CFR 300.425(c)(3), allows certain sites to be listed regardless of their HRS score, if all of the following conditions are met:

- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release.
- EPA determines that the release poses a significant threat to public health.
- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

EPA promulgated an original NPL of 406 sites on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on February 4, 2000 (65 FR 5435).

E. What Happens to Sites on the NPL?

A site may undergo remedial action financed by the Trust Fund established under CERCLA (commonly referred to as the ''Superfund'') only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.425(b)(1). (''Remedial actions'' are those ''consistent with permanent remedy, taken instead of or in addition to removal actions. * * *'' 42 U.S.C. 9601(24).) However, under 40 CFR 300.425(b)(2) placing a site on the NPL ''does not imply that monies will be expended.'' EPA may pursue other appropriate authorities to remedy the releases, including enforcement action under CERCLA and other laws.

F. How Are Site Boundaries Defined?

The NPL does not describe releases in precise geographical terms; it would be neither feasible nor consistent with the limited purpose of the NPL (to identify releases that are priorities for further evaluation), for it to do so.

Although a CERCLA ''facility'' is broadly defined to include any area where a hazardous substance release has ''come to be located'' (CERCLA section 101(9)), the listing process itself is not intended to define or reflect the boundaries of such facilities or releases. Of course, HRS data (if the HRS is used to list a site) upon which the NPL placement was based will, to some extent, describe the release(s) at issue. That is, the NPL site would include all releases evaluated as part of that HRS analysis.

When a site is listed, the approach generally used to describe the relevant release(s) is to delineate a geographical area (usually the area within an installation or plant boundaries) and identify the site by reference to that area. As a legal matter, the site is not coextensive with that area, and the boundaries of the installation or plant are not the ''boundaries'' of the site. Rather, the site consists of all contaminated areas within the area used to identify the site, as well as any other location to which contamination from that area has come to be located, or from which that contamination came.

In other words, while geographic terms are often used to designate the site (e.g., the ''Jones Co. plant site'') in terms of the property owned by a particular party, the site properly understood is not limited to that property (e.g., it may extend beyond the property due to contaminant migration), and conversely may not occupy the full extent of the property (e.g., where there are uncontaminated parts of the identified property, they may not be, strictly speaking, part of the ''site''). The ''site'' is thus neither equal to nor confined by the boundaries of any specific property that may give the site its name, and the name itself should not be read to imply that this site is coextensive with the entire area within the property boundary of the installation or plant. The precise nature and extent of the site are typically not known at the time of listing. Also, the site name is merely used to help identify the geographic location of the contamination. For example, the ''Jones Co. plant site,'' does not imply that the Jones company is responsible for the contamination located on the plant site.

EPA regulations provide that the ''nature and extent of the problem presented by the release'' will be determined by a Remedial Investigation/Feasibility Study (''RI/FS'') as more information is developed on site contamination (40 CFR 300.5). During the RI/FS process, the release may be found to be larger or smaller than was originally thought, as more is learned about the source(s) and the migration of the contamination. However, this inquiry focuses on an evaluation of the

threat posed; the boundaries of the release need not be exactly defined. Moreover, it generally is impossible to discover the full extent of where the contamination ''has come to be located'' before all necessary studies and remedial work are completed at a site. Indeed, the boundaries of the contamination can be expected to change over time. Thus, in most cases, it may be impossible to describe the boundaries of a release with absolute certainty.

Further, as noted above, NPL listing does not assign liability to any party or to the owner of any specific property. Thus, if a party does not believe it is liable for releases on discrete parcels of property, supporting information can be submitted to the Agency at any time after a party receives notice it is a potentially responsible party.

For these reasons, the NPL need not be amended as further research reveals more information about the location of the contamination or release.

G. How Are Sites Removed From the NPL?

EPA may delete sites from the NPL where no further response is appropriate under Superfund, as explained in the NCP at 40 CFR 300.425(e). This section also provides that EPA shall consult with states on proposed deletions and shall consider whether any of the following criteria have been met: (i) Responsible parties or other persons have implemented all appropriate response actions required; (ii) All appropriate Superfund-financed response has been implemented and no further response action is required; or (iii) The remedial investigation has shown the release poses no significant threat to public health or the environment, and taking of remedial measures is not appropriate. As of April 27, 2000, the Agency has deleted 212 sites from the NPL.

H. Can Portions of Sites Be Deleted From the NPL as They Are Cleaned Up?

In November 1995, EPA initiated a new policy to delete portions of NPL sites where cleanup is complete (60 FR 55465, November 1, 1995). Total site cleanup may take many years, while portions of the site may have been cleaned up and available for productive use. As of April 27, 2000, EPA has deleted portions of 18 sites.

I. What Is the Construction Completion List (CCL)?

EPA also has developed an NPL construction completion list (''CCL'') to simplify its system of categorizing sites and to better communicate the successful completion of cleanup activities (58 FR 12142, March 2, 1993). Inclusion of a site on the CCL has no legal significance.

Sites qualify for the CCL when: (1) Any necessary physical construction is complete, whether or not final cleanup levels or other requirements have been achieved; (2) EPA has determined that the response action should be limited to measures that do not involve construction (e.g., institutional controls); or (3) The site qualifies for deletion from the NPL.

Of the 212 sites that have been deleted from the NPL, 203 sites were deleted because they have been cleaned up (the other 9 sites were deleted based on deferral to other authorities and are not considered cleaned up). As of April 27, 2000, there are a total of 685 sites on the CCL. This total includes the 212 deleted sites. For the most up-to-date information on the CCL, see EPA's Internet site at *http://www.epa.gov/superfund.*

II. Public Review/Public Comment

A. Can I Review the Documents Relevant to This Proposed Rule?

Yes, documents that form the basis for EPA's evaluation and scoring of the sites in this rule are contained in dockets located both at EPA Headquarters in Washington, DC and in the Regional offices.

B. How Do I Access the Documents?

You may view the documents, by appointment only, in the Headquarters or the Regional dockets after the appearance of this proposed rule. The hours of operation for the Headquarters docket are from 9 a.m. to 4 p.m., Monday through Friday excluding Federal holidays. Please contact the Regional dockets for hours.

Following is the contact information for the EPA Headquarters docket: Docket Coordinator, Headquarters, U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 1st Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202, 703/603–9232. (Please note this is a visiting address only. Mail comments to EPA Headquarters as detailed at the beginning of this preamble.)

The contact information for the Regional dockets is as follows:

Barbara Callahan, Region 1 (CT, ME, MA, NH, RI, VT), U.S. EPA, Records Center, Mailcode HSC, One Congress Street, Suite 1100, Boston, MA 02114–2023; 617/918–1356.

Ben Conetta, Region 2 (NJ, NY, PR, VI), U.S. EPA, 290 Broadway, New York, NY 10007–1866; 212/637–4435.

Dawn Shellenberger (GCI), Region 3 (DE, DC, MD, PA, VA, WV), U.S. EPA, Library, 1650 Arch Street, Mailcode 3PM52, Philadelphia, PA 19103; 215/814–5364.

Joellen O'Neill, Region 4 (AL, FL, GA, KY, MS, NC, SC, TN), U.S. EPA, 61 Forsyth Street, SW, 9th floor, Atlanta, GA 30303; 404/562–8127.

Region 5 (IL, IN, MI, MN, OH, WI), U.S. EPA, Records Center, Waste Management Division 7–J, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604; 312/886–7570.

Brenda Cook, Region 6 (AR, LA, NM, OK, TX), U.S. EPA, 1445 Ross Avenue, Mailcode 6SF–RA, Dallas, TX 75202–2733; 214/665–7436.

Carole Long, Region 7 (IA, KS, MO, NE), U.S. EPA, 901 North 5th Street, Kansas City, KS 66101; 913/551–7224.

David Williams, Region 8 (CO, MT, ND, SD, UT, WY), U.S. EPA, 999 18th Street, Suite 500, Mailcode 8EPR–SA, Denver, CO 80202–2466; 303/312–6757.

Carolyn Douglas, Region 9 (AZ, CA, HI, NV, AS, GU), U.S. EPA, 75 Hawthorne Street, San Francisco, CA 94105; 415/744–2343.

Robert Phillips, Region 10 (AK, ID, OR, WA), U.S. EPA, 11th Floor, 1200 6th Avenue, Mail Stop ECL–110, Seattle, WA 98101; 206/553–6699.

You may also request copies from EPA Headquarters or the Regional dockets. An informal request, rather than a formal written request under the Freedom of Information Act, should be the ordinary procedure for obtaining copies of any of these documents.

C. What Documents Are Available for Public Review at the Headquarters Docket?

The Headquarters docket for this rule contains: HRS score sheets for the proposed site; a Documentation Record for the site describing the information used to compute the score; information for any site affected by particular statutory requirements or EPA listing policies; and a list of documents referenced in the Documentation Record.

D. What Documents Are Available for Public Review at the Regional Dockets?

The Regional dockets for this rule contain all of the information in the Headquarters docket, plus, the actual reference documents containing the data principally relied upon and cited by EPA in calculating or evaluating the HRS score for the sites. These reference documents are available only in the Regional dockets.

E. How Do I Submit My Comments?

Comments must be submitted to EPA Headquarters as detailed at the beginning of this preamble in the **ADDRESSES** section. Please note that the addresses differ according to method of delivery. There are two different addresses that depend on whether comments are sent by express mail or by postal mail.

F. What Happens to My Comments?

EPA considers all comments received during the comment period. Significant comments will be addressed in a support document that EPA will publish concurrently with the **Federal Register** document if, and when, the site is listed on the NPL.

G. What Should I Consider When Preparing My Comments?

Comments that include complex or voluminous reports, or materials prepared for purposes other than HRS scoring, should point out the specific information that EPA should consider and how it affects individual HRS factor values or other listing criteria (*Northside Sanitary Landfill* v. *Thomas,* 849 F.2d 1516 (D.C. Cir. 1988)). EPA will not address voluminous comments that are not specifically cited by page number and referenced to the HRS or other listing criteria. EPA will not address comments unless they indicate which component of the HRS documentation record or what particular point in EPA's stated eligibility criteria is at issue.

H. Can I Submit Comments After the Public Comment Period Is Over?

Generally, EPA will not respond to late comments. EPA can only guarantee that it will consider those comments postmarked by the close of the formal comment period. EPA has a policy of not delaying a final listing decision solely to accommodate consideration of late comments.

I. Can I View Public Comments Submitted by Others?

During the comment period, comments are placed in the Headquarters docket and are available to the public on an ''as received'' basis. A complete set of comments will be available for viewing in the Regional docket approximately one week after the formal comment period closes.

J. Can I Submit Comments Regarding Sites Not Currently Proposed to the NPL?

In certain instances, interested parties have written to EPA concerning sites which were not at that time proposed to the NPL. If those sites are later proposed to the NPL, parties should review their earlier concerns and, if still appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to the period of formal proposal and comment will not generally be included in the docket.

III. Contents of This Proposed Rule

A. Proposed Additions to the NPL

With today's proposed rule, EPA is proposing to add 14 new sites to the NPL; all to the General Superfund Section of the NPL. (However, it should be noted that the Lower Darby Creek Area site in the Delaware and Philadelphia Counties of Pennsylvania, is located in part on federally owned land. There is no separate category for mixed-ownership sites, and the facts at this site are such that EPA believes it more appropriate to propose the site in the General Superfund Section of the NPL. In particular, the sources of contamination on the Federal portion of the site are few compared to the sources on private land, and contamination is not the result of the U.S. Department of Interior, which currently manages the Federal portion of the site. EPA emphasizes that the designation of a site in the Federal Facility Section or the General Superfund Section of the NPL has no legal significance and is purely informational in nature.)

The sites in this proposed rulemaking are being proposed based on HRS scores of 28.50 or above. The sites are presented in Table 1 which follows this preamble.

B. Status of NPL

A final rule published elsewhere in today's **Federal Register** finalizes 7 sites to the NPL; resulting in an NPL of 1,227 final sites; 1,068 in the General Superfund Section and 159 in the Federal Facilities Section. With this proposal of 14 new sites, there are now 62 sites proposed and awaiting final agency action, 55 in the General Superfund Section and 7 in the Federal Facilities Section. Final and proposed sites now total 1,289. (These numbers reflect the status of sites as of April 27, 2000. Site deletions occurring after this date may affect these numbers at time of publication in the **Federal Register**.)

C. Amendments to Proposed Site Listings

In today's proposed rule, EPA is also amending the proposed rules for two sites proposed to the NPL; the Indian Refinery-Texaco Lawrenceville site located in Lawrenceville, Illinois and the Smeltertown site in Salida, Colorado.

The Indian Refinery site was proposed to the NPL on July 28, 1998 (63 FR 40247) and EPA is amending the HRS documentation record by providing an addendum containing a revised rationale to the CERCLA petroleum exclusion. This addendum is provided in the EPA Headquarters and Region 5 Dockets.

The Smeltertown site was proposed to the NPL on February 7, 1992 (57 FR 4824) and EPA is amending the HRS documentation record by providing an addendum that excludes the CoZinCo facility (Operable Unit 3) from the scope of the listing. In accordance with EPA policy on deferral to the Resource Conservation and Recovery Act (RCRA) program (See e.g., 51 FR 21059 (June 10, 1986)), the Agency has deferred the CoZinCo facility to the Colorado Hazardous Waste Act (CHWA) program, which is an authorized State program under the RCRA. This addendum is provided in the EPA HQ and Region 8 dockets.

EPA will accept comments on both sites that are relevant to the information provided in the addendums to the documentation records for these proposals only. (See ''Dates'' section of this preamble for end date of the comment period.) EPA is not accepting comments on other aspects of the proposals that are not affected by the addendums. Please note that EPA has already accepted comments on the original HRS documentation records at the time the sites were proposed to the NPL.

IV. Executive Order 12866

A. What Is Executive Order 12866?

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may: (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of

recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

B. Is This Proposed Rule Subject to Executive Order 12866 Review?

No, the Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

V. Unfunded Mandates

A. What Is the Unfunded Mandates Reform Act (UMRA)?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal Agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. Before EPA promulgates a rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

B. Does UMRA Apply to This Proposed Rule?

No, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments in the aggregate, or by the private sector in any one year. This rule will not impose any federal intergovernmental mandate because it imposes no enforceable duty upon State, tribal or local governments. Listing a site on the NPL does not itself impose any costs. Listing does not mean that EPA necessarily will undertake remedial action. Nor does listing require any action by a private party or determine liability for response costs. Costs that arise out of site responses result from site-specific decisions regarding what actions to take, not directly from the act of listing a site on the NPL.

For the same reasons, EPA also has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, as discussed above, the private sector is not expected to incur costs exceeding $100 million. EPA has fulfilled the requirement for analysis under the Unfunded Mandates Reform Act.

VI. Effect on Small Businesses

A. What Is the Regulatory Flexibility Act?

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

B. Has EPA Conducted a Regulatory Flexibility Analysis for This Rule?

No. While this rule proposes to revise the NPL, an NPL revision is not a typical regulatory change since it does not automatically impose costs. As stated above, adding sites to the NPL does not in itself require any action by any party, nor does it determine the liability of any party for the cost of cleanup at the site. Further, no identifiable groups are affected as a whole. As a consequence, impacts on any group are hard to predict. A site's inclusion on the NPL could increase the likelihood of adverse impacts on responsible parties (in the form of cleanup costs), but at this time EPA cannot identify the potentially affected businesses or estimate the number of small businesses that might also be affected.

The Agency does expect that placing the sites in this proposed rule on the NPL could significantly affect certain industries, or firms within industries, that have caused a proportionately high percentage of waste site problems. However, EPA does not expect the listing of these sites to have a significant economic impact on a substantial number of small businesses.

In any case, economic impacts would occur only through enforcement and cost-recovery actions, which EPA takes at its discretion on a site-by-site basis. EPA considers many factors when determining enforcement actions, including not only a firm's contribution to the problem, but also its ability to pay. The impacts (from cost recovery) on small governments and nonprofit organizations would be determined on a similar case-by-case basis.

For the foregoing reasons, I hereby certify that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Therefore, this proposed regulation does not require a regulatory flexibility analysis.

VII. National Technology Transfer and Advancement Act

A. What Is the National Technology Transfer and Advancement Act?

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides

not to use available and applicable voluntary consensus standards.

B. Does the National Technology Transfer and Advancement Act Apply to This Proposed Rule?

No. This proposed rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

VIII. Executive Order 12898

A. What Is Executive Order 12898?

Under Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' as well as through EPA's April 1995, ''Environmental Justice Strategy, OSWER Environmental Justice Task Force Action Agenda Report,'' and National Environmental Justice Advisory Council, EPA has undertaken to incorporate environmental justice into its policies and programs. EPA is committed to addressing environmental justice concerns, and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income, bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities.

B. Does Executive Order 12898 Apply to This Proposed Rule?

No. While this rule proposes to revise the NPL, no action will result from this proposal that will have disproportionately high and adverse human health and environmental effects on any segment of the population.

IX. Executive Order 13045

A. What Is Executive Order 13045?

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.

B. Does Executive Order 13045 Apply to This Proposed Rule?

This proposed rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this proposed rule present a disproportionate risk to children.

X. Paperwork Reduction Act

A. What Is the Paperwork Reduction Act?

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070–0012 (EPA ICR No. 574).

B. Does the Paperwork Reduction Act Apply to This Proposed Rule?

No. EPA has determined that the PRA does not apply because this rule does not contain any information collection requirements that require approval of the OMB.

XI. Executive Orders on Federalism

What Are the Executive Orders on Federalism and Are They Applicable to This Proposed Rule?

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), 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 Section 6 of 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 proposed rule does not have federalism implications. It 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.

XII. Executive Order 13084

What Is Executive Order 13084 and Is It Applicable to This Proposed Rule?

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 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 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.''

This proposed rule does not significantly or uniquely affect the communities of Indian tribal governments because it does not significantly or uniquely affect their communities. Accordingly, the requirements of section 3(b) of

Executive Order 13084 do not apply to this proposed rule.

TABLE 1.—NATIONAL PRIORITIES LIST PROPOSED RULE NO. 32, GENERAL SUPERFUND SECTION

State	Site name	City/county
AL	Capitol City Plume	Montgomery.
CT	Scovill Industrial Landfill	Waterbury.
FL	Southern Solvents, Inc.	Tampa.
LA	Talen's Landing Bulk Plant	Grand Cheniere.
MS	Davis Timber Company	Hattiesburg.
MT	Lockwood Solvent Ground Water Plume	Billings.
NH	Mohawk Tannery	Nashua.
NM	Molycorp, Inc	Questa.
NY	Hudson Technologies, Inc.	Hillburn.
OK	Imperial Refining Company	Ardmore.
PA	Lower Darby Creek Area	Delaware and Philadelphia Counties.
SD	Gilt Edge Mine	Lead.
TX	Palmer Barge Line	Port Arthur.
WA	Hamilton/Labree Roads Ground Water Contamination	Chehalis.

Number of Sites Proposed to General Superfund Section: 14.

List of Subjects in 40 CFR Part 300

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

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

Dated: May 3, 2000.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 00–11563 Filed 5–10–00; 8:45 am]

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May 11, 2000

Part III

Department of Housing and Urban Development

24 CFR Part 84

Adoption of Revisions to OMB Circular A–110; Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 84

[Docket No. FR–4573–I–01]

RIN 2501–AC68

Adoption of Revisions to OMB Circular A–110; Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule revises HUD's regulations that implement the requirements of the Office of Management and Budget (OMB) Circular A–110, ''Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.'' OMB issued a final revision to Circular A–110 on September 30, 1999, which was published on October 8, 1999. This interim rule will provide uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other non-profit organizations.

DATES: *Effective Date:* June 12, 2000. *Comment Due Date:* July 10, 2000.

ADDRESSES: Interested persons are invited to submit comments regarding this interim rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–0500. Comments should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours (weekdays 7:30 a.m. to 5:30 p.m. Eastern time) at the above address. Facsimile (FAX) comments are not acceptable.

FOR FURTHER INFORMATION CONTACT: For general issues regarding this interim rule, please contact Charles Gale, Director, Office of Grants Management, Department of Health and Human Services at (202) 690–6377. For agency-specific issues, please contact William E. Dobrzykowski, Assistant Chief Financial Officer, (202) 708–1946. (This is not a toll-free number.) Hearing-impaired or speech-impaired individuals may access the voice telephone number listed above by calling the Federal Information Relay Service during working hours at 1–800–877–8339. The full text of OMB Circular A–110, the text of the September 30th notice of final revision, and a chart showing where each agency has codified the Circular into regulation may be obtained by accessing OMB's home page (http://www.whitehouse.gov/omb), under the heading ''Grants Management.''

SUPPLEMENTARY INFORMATION:

Background

In the Fiscal Year 1999 appropriations for the Office of Management and Budget (Public Law 105–277) the Congress directed OMB to amend Circular A–110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations) ''to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act.'' The directed amendment also provides for a reasonable fee to cover the costs incurred in responding to a request.

In directing OMB to revise Circular A–110, Congress entrusted OMB with the authority to resolve statutory ambiguities, the obligation to address implementation issues the statute did not address, and the discretion to balance the need for public access to research data with protections of the research process. In developing the revision, OMB sought to implement the statutory language fairly, in the context of its legislative history. This required a balanced approach that (1) furthered the interest of the public in obtaining the information needed to validate Federally-funded research findings, (2) ensured that research can continue to be conducted in accordance with the traditional scientific process, and (3) implemented a public access process that will be workable in practice.

OMB finalized the revision on September 30, 1999 (64 FR 54926, October 8, 1999). Before publication of this final revision, OMB published a Notice of Proposed Revision on February 4, 1999 (64 FR 5684), and a request for comments on clarifying changes to the proposed revision on August 11, 1999 (64 FR 43786). OMB received over 9,000 comments on the proposed revision and over 3,000 comments on the clarifying changes.

This interim rule amends HUD's regulations that codify the requirements of Circular A–110 to reflect OMB's final revision to OMB Circular A–110.

Findings and Certifications

Environmental Impact

This amendment is categorically excluded from review under the National Environmental Policy Act (42 U.S.C. 4321). In keeping with the exclusion provided for in 24 CFR 50.19(c)(1), this amendment does not direct, provide for assistance and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing rehabilitation, alteration, demolition, or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c), this amendment is categorically excluded because it amends an existing document where the existing document as a whole would not fall within the exclusion in 24 CFR 50.19(c)91), but the amendment by itself would do so.

Regulatory Planning and Review

The Office of Management and Budget has reviewed this rule under Executive Order 12866 (captioned ''Regulatory Planning and Review'') and determined that this rule is a ''significant regulatory action'' as defined in section 3(f) of the Order (although not an economically significant regulatory action under the Order). Any changes made to this rule as a result of that review are identified in the docket file, which is available for public inspection during regular business hours (7:30 a.m. to 5:30 p.m.) at the Office of the General Counsel, Rules Docket Clerk, Room 10276, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this interim rule before publication and by approving it certifies that this interim rule will not have a significant economic impact on a substantial number of small entities. This rule concerns the information pertaining to the award of Federal funds that must be provided in response to Freedom of Information Act requests.

Federalism Impact

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts State law, unless

the relevant requirements of section 6 of the Executive Order are met. This interim rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4; approved March 22, 1995) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This interim rule would not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 84

Accounting, Audit requirements, Colleges and universities, Grant programs—housing and community development, Loan programs—housing and community development, Non-profit organizations, Reporting and recordkeeping requirements.

Accordingly, part 84 of title 24 of the Code of Federal Regulations is amended as follows:

PART 84—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The part heading for part 84 is revised to read as set forth above.

2. The authority citation for part 84 continues to read as follows:

Authority: 42 U.S.C. 3535(d).

3. In § 84.36, paragraph (c) is revised, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to read as follows:

§ 84.36 Intangible property.

* * * * *

(c) HUD has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for HUD purposes.

(d)(1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that were used by HUD in developing an agency action that has the force and effect of law, HUD shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If HUD obtains the research data solely in response to a FOIA request, HUD may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by HUD, the recipient, and applicable subrecipients. This fee is in addition to any fees HUD may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

(2) The following definitions apply for purposes of this paragraph (d):

(i) *Research data* is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This ''recorded'' material excludes physical objects (e.g., laboratory samples). *Research data* also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

(ii) *Published* is defined as either when:

(A) Research findings are published in a peer-reviewed scientific or technical journal; or

(B) HUD publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(iii) *Used by HUD in developing an agency action that has the force and effect of law* is defined as when HUD publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

* * * * *

Dated: April 18, 2000.

Andrew Cuomo,

Secretary.

[FR Doc. 00–11695 Filed 5–10–00; 8:45 am]

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Federal Register

Thursday,
May 11, 2000

Part IV

Department of Housing and Urban Development

Fiscal Year 2000 Notice of Funding Availability for the Indian Housing Drug Elimination; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4574–N–01]

Fiscal Year 2000 Notice of Funding Availability for the Indian Housing Drug Elimination

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

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: *Purpose of the Program:* To provide grants to eliminate drugs and drug-related crime in American Indian and Alaskan Native communities.

Available Funds: Approximately $22,000,000 in FY 1999 ($11 million) and FY 2000 ($11 million) funds is being made available for Indian Housing Drug Elimination Program (IHDEP) grants.

Eligible Applicants: Indian Tribes and recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA recipients).

Application Deadline: July 10, 2000.

Match: None.

ADDITIONAL INFORMATION: If you are interested in applying for funding under this program, please read the balance of this NOFA which will provide you with detailed information regarding the submission of an application, program requirements, the application selection process to be used by HUD in selecting applications for funding, and other valuable information relative to an application submission and participation in the program covered by this NOFA.

I. Application Due Date, Submission Address, Application Kits, Further Information, and Technical Assistance

Application Due Date: July 10, 2000. HUD will not accept, at any time during the NOFA competition, application materials sent via facsimile (FAX) transmission.

(A) *Delivered Applications.* The application deadline for delivered applications under this NOFA is on or before 6 PM local time of the application due date.

(B) *Mailed Applications.* Applications will be considered timely filed if postmarked before midnight on the application due date and received by 6 PM local time within ten (10) days of that date.

(C) *Applications Sent By Overnight Delivery.* Overnight delivery items will be considered timely filed if received before or on the application due date by 6 PM local time, or upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than the specified application due date.

Address For Submitting Applications. Submit an original and two identical copies of the application by the application due date at the local Area Office of Native American Programs (AONAP) Attention: local HUD Administrator, Area Office of Native American Programs (AONAP). A list of local offices is attached as Appendix A to this NOFA.

For Application Kits. To receive a copy of the Indian Housing Drug Elimination Program application kit, please call the Public and Indian Housing Resource Center at 1–800–955–2232. Persons with hearing or speech impairments may call the Center's TTY number at 1–800–483–2209. When requesting an application kit, please refer to the Indian Housing Drug Elimination Program (IHDEP). Please provide your name, address, including zip code, and telephone number (including area code). The application kit contains information on all exhibits, forms, and certifications required for IHDEP.

For Further Information and Technical Assistance. Please call the local AONAPs with jurisdiction over your Tribe/tribally designated housing entity (TDHE) or HUD's Public and Indian Housing Resource Center at 1–800–955–2232 or Tracy C. Outlaw, National Office of Native American Programs (ONAP), Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202, telephone (303) 675–1600 (these are not toll-free numbers). 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. Also, please see ONAP's website at http://www.codetalk.fed.us.html where you will be able to download a copy of the IHDEP NOFA and application kit from the Internet.

II. Amount Allocated

Approximately $22 million is being made available under this NOFA, of which approximately $11 million is from the FY 1999 HUD Appropriations Act (Pub.L. 105–276, approved October 21, 1998) and approximately $11 million is from the FY 2000 HUD Appropriations Act (Pub.L. 106–74, approved October 20, 1999).

III. Program Description; Eligible Applicants; Eligible/Ineligible Activities

(A) *Program Description.* Funds are only available for Tribes and NAHASDA recipients to develop and finance drug and drug-related crime elimination efforts in their developments. You may use funds for enhancing security within your developments, making physical improvements to enhance security; and/or developing and implementing prevention, intervention and treatment programs to stop drug use in Indian housing communities.

(B) *Eligible Applicants.* Eligible applicants are only Indian Tribes (Tribes) and NAHASDA recipients. ''NAHASDA recipient'' means a recipient of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), and has the same meaning as recipient provided in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*). ''NAHASDA recipient'' includes both Tribes and TDHEs. (A Tribe can apply either in its own name or through its TDHE. A TDHE cannot apply on behalf of a Tribe that is applying on its own behalf.) Resident Management Corporations (RMCs), incorporated Resident Councils (RCs) and Resident Organizations (ROs) are eligible for funding as sub-grantees. RMCs RCs, and ROs that were operating pursuant to 24 CFR part 950 are eligible for funding from Tribes or TDHEs as subgrantees to develop security and substance abuse prevention programs.

If you are a Tribe/TDHE that submitted a Public and Indian Housing Drug Elimination Program (PIHDEP) application under the February 26, 1999 PIHDEP NOFA, you do not need to submit another IHDEP application under this NOFA. This application will be considered complete unless you receive notification from the AONAP in your jurisdiction informing you of the technical deficiencies that must be corrected in order for your application to be considered eligible for review. However, because of the changes that are Native American specific to this FY 1999—2000 IHDEP NOFA, we strongly suggest that you update the application that you submitted by the new IHDEP deadline of July 10, 2000. Please be advised that the new IHDEP NOFA contains changes in the five rating factors for evaluating applications for award and in the grant award amounts. If you need specific information or data from the application that you submitted in response to the February 26, 1999 NOFA, please contact the appropriate AONAP in your jurisdiction to obtain the information that you need.

If you are a Tribe/TDHE that responded to the Notice Withdrawing and Reissuing the FY 1999 PIHDEP NOFA published on May 12, 1999 (64

FR 25746) that requested that applicants submit documents based on submission requirements in Section III, A. through F. of that Notice, you will need to submit the required information in the FY 1999–2000 IHDEP application kit which contains all of the required forms and certifications for this IHDEP NOFA.

(C) *Eligible/Ineligible Activities.* IHDEP grants may be used for seven types of activities including: (1) Physical improvements specifically designed to enhance security; (2) programs designed to reduce use of drugs in and around Indian housing developments including drug-abuse prevention, intervention, referral, and treatment; (3) funding for non-profit resident management corporations, Resident Councils (RCs), and Resident Organizations (ROs) to develop security and drug abuse prevention programs involving site residents; (4) employment of security personnel; (5) employment of personnel to investigate and provide evidence in administrative or judicial proceedings; (6) reimbursement of local law enforcement agencies for additional security and protective services; and (7) training, communications equipment, and related equipment for use by voluntary tenant patrols.

Following is a discussion by activity type of what can and cannot be funded and specific requirements or items that need to be discussed in your application if you are including that activity in your application.

(1) *Physical Improvements to Enhance Security.* (a) Physical improvements specifically designed to enhance security may include: installing barriers, speed bumps, lighting systems, fences, surveillance equipment (*e.g.,* Closed Circuit Television (CCTV), computers and software, fax machines, cameras, monitors, and supporting equipment), bolts, locks, and landscaping or reconfiguring common areas to discourage drug-related crime.

(i) All physical improvements must be accessible to persons with disabilities. For example, locks or buzzer systems that are not accessible to persons with restricted or impaired strength, mobility, or hearing may not be funded by IHDEP. Defensible space improvements must comply with civil rights requirements and cannot exclude or segregate people because of their race, color, or national origin from benefits, services, or other terms or conditions of housing. All physical improvements must meet the accessibility requirements of 24 CFR part 8 and the provisions found in section 504 of the Rehabilitation Act of 1973 and other relevant federal, State and local statutes that apply.

(ii) Funding is permitted for the purchase or lease of house trailers of any type that are not designated as a building if they are used for eligible community policing, educational programs for youth and adults, employment training facility, youth activities, and drug abuse treatment activities. A justification of purchase versus lease must be supported by your cost-benefit analysis.

(b) *Ineligible Improvements.* (i) Physical improvements that involve demolishing any units in a development.

(ii) Physical improvements that would displace persons are ineligible.

(iii) Acquiring real property.

(2) *Programs to Reduce Drug Use (Prevention, Intervention, Treatment, Structured Aftercare and Support Systems).* (a) *General Requirements and Strategies.* HUD is looking for you to structure your substance abuse prevention, intervention, treatment, and aftercare program using a ''continuum of care'' approach. A ''continuum of care'' approach includes not just treating the addiction or dependency but also providing aftercare, mentoring, and support services such as day care, family counseling, education, training, employment development opportunities, and other activities.

You must develop a substance abuse/sobriety (remission)/treatment (dependency) strategy to adequately plan your substance abuse prevention, intervention, treatment, and structured aftercare efforts. In many cases, you may want to include education, training, and employment opportunities for residents. When undertaking these activities, you should be leveraging your IHDEP resources with other Federal, State, local and Tribal resources. For example, your application may propose providing space and other infrastructure for these efforts with other tribal agencies providing staff and other resources at limited or no cost. Your application should also discuss how your strategy incorporates existing community resources and how they will be used in your program. The strategy should also document how community resources will be provided on-site, or how participants will be referred and transported to treatment programs that are not on-site.

A community-based approach also requires you to develop a culturally appropriate strategy. Curricula, activities, and staff should address the cultural issues of the local community, which requires your application to indicate your familiarity and facility with the language and cultural norms of the community. As applicable, your strategy should discuss cultural competencies associated specifically with your Native American or Alaskan Native community.

Your activities should focus resources directly to tribal residents and families.

For all activities involving education, training and employment, you should demonstrate efforts to coordinate with Federal, Tribal, State and local employment training and development services, including ''welfare to work'' efforts.

The current Diagnostic and Statistical Manual (DSM) of Mental Disorders of the American Psychiatric Association dated May 1994, contains information on substance abuse, dependency and structured aftercare. For more information about this reference, contact: APPI, 1400 K. Street, NW, Suite 1100, Washington, DC 20005 on 1(800) 368–5777 or World Wide Web site at http:www.appi.org.

Eligible activities may include:

(i) Substance abuse prevention, intervention, and referral programs;

(ii) Programs of local social, faith-based and/or other organizations that provide treatment services (contractual or otherwise) for dependency/remission; and

(iii) Structured aftercare/support system programs.

(b) *Activities must be in the ''Indian area''.* IHDEP funding is permitted for programs that reduce/eliminate drug-related crime in the ''Indian area'' as defined in 24 CFR 1000.10 of the NAHASDA regulations as the area in which an Indian tribe operates affordable housing programs or the area in which a TDHE is authorized by one or more Indian tribes to operate affordable housing programs.

(c) *Eligible cost.* (i) Funding is permitted for reasonable, necessary, and justified purchasing or leasing (whichever is documented as the most cost effective) of vehicles for transporting adult and youth residents for education, job training, and off-site treatment programs directly related to reducing drugs and drug-related crime. The cost reasonableness can be determined by a comparison of the number of participants in and anticipated costs of these programs compared to the purchase or lease cost of the vehicles. If these costs are included in your application, you must include a description of why the expenses are necessary. Under no circumstances are these vehicles to be used for other than their intended purpose under your grant.

(ii) Funding is permitted for reasonable, necessary and justified program costs, such as meals and

beverages incurred only for training, education and employment activities, including provisions for daycare and youth services directly related to reducing drugs and drug-related crime. Refer to Office of Management and Budget (OMB) Circular A–87, Cost Principles for State, Local and Indian Tribal Governments.

(d) *Prevention.* Prevention programs must demonstrate that they will provide directly, or otherwise make available, services designed to distribute substance/drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services including daycare in the housing development or the community for tribal residents and families.

Prevention programs should provide a comprehensive prevention approach for residents that address the individual resident and his or her relationship to family, peers, and the community. Your prevention programs activities should identify and change the causal factors present in tribal communities that lead to drug-related crime thereby lowering the risk of drug usage. Many components of a comprehensive approach, including refusal and restraint skills training programs or drug, substance abuse/dependency and family counseling, and daycare may already be available in the tribal community developments and should be included to the maximum extent possible in your proposed program of activities.

The following eligible activities under a prevention program are discussed in more detail below: educational opportunities; family and other support services including daycare; youth services; and economic and educational opportunities for resident adult and youth activities.

(i) *Educational Opportunities.* The causes and effects of illegal drug/substance abuse must be discussed in a culturally appropriate and structured setting. You may contract (in accordance with 24 CFR 85.36) to provide such knowledge and skills through training programs. The professionals contracted to provide these services are required to base their services on your needs assessment and program plan. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of tribal housing residents.

(ii) *Family and Other Support Services.* ''Supportive services'' are services that allow families to have access to prevention, educational and employment opportunities. Supportive services may include: child care; employment training; computer skills training; remedial education; substance abuse counseling; help in getting a high school equivalency certificate; and other services to reduce drug-related crime.

(iii) *Youth Services.* Proposed youth prevention programs must demonstrate that they have included groups composed of young people ages 8 through 18. Your youth prevention activities should be coordinated by adults but have tribal youth actively involved in organizing youth leadership, sports, recreational, cultural and other activities. Eligible youth services may include: youth sports; youth leadership skills training; cultural and recreational activities/camps; youth entrepreneurship; negotiation, mediation/peacemaking; and cross-cultural communication. These youth services provide an alternative to drugs and drug-related criminal activity for Native American youth. Youth leadership skills training may include training in leadership, peer pressure reversal, resistance or refusal skills, life skills, goal planning, parenting skills, youth entrepreneurship; negotiation, mediation/peacemaking; and cross-cultural communication and other relevant topics. Youth leadership training should be designed to place youth in leadership roles including: mentors to younger program participants, assistant coaches, managers, and team captains. Cultural and recreational activities may include ethnic heritage classes, art, dance, drama and music appreciation.

The following are eligible youth services expenses:

(*1*) Salaries and expenses for staff for youth sports programs and cultural activities and leadership training;

(*2*) Sports and recreation equipment to be used by participants;

(*3*) Funding for non-profit subgrantees that provide scheduled organized sports competitions, cultural, educational, recreational or other activities, including but not limited to: United National Indian Tribal Youth, Inc. (UNITY); Wings of America, Native American Sports Council, Boys and Girls Clubs, YMCAs, YWCAs, the Inner City Games, Association of Midnight Basketball Leagues.

(*4*) Liability insurance costs for youth sports activities.

(iv) *Economic and Educational Opportunities for Resident Adult and Youth.* Your proposed economic and educational activities must provide residents opportunities for interaction with, or referral to, established higher education, vocational institutions -and/or private sector businesses in the immediate surrounding communities with the goal of developing or building on the residents' skills to pursue educational, vocational and economic goals and become self-sufficient.

You should discuss your economic and educational opportunities for residents and youth activities in the context of ''welfare to work'' and related Federal, Tribal, State and local government efforts for employment training, education and employment opportunities related to the goals of ''welfare to work.'' Establishing or referring adults and youths to computer learning centers, employment service centers (coordinated with Federal, Tribal, State and local employment offices), and micro-business centers are eligible activities. Funding is permitted for the purchase or lease of house trailers if they are used for the activities listed above and as specified in Section C.(1)(ii) of this NOFA.

Limited educational scholarships are permitted under this section. No one individual award may exceed $500, and there is a total maximum scholarship program cap of $10,000. Educational scholarship IHDEP funds must be obligated and expended during the term of your IHDEP grant which is (24) twenty-four months. You must demonstrate in your plan and timetable the scholarship strategy; the financial and management controls that will be used; and projected outcomes.

(e) *Intervention.* The aim of intervention is to identify or detect residents with substance abuse issues, assist them in modifying their behavior, and in getting early treatment, and structured aftercare.

(f) *Substance Abuse/Dependency Treatment.* (1) Treatment funded under this program should be ''in and around'' the premises of the housing authority/development(s) you proposed for funding. In undertaking substance abuse/dependency treatment programs, you must establish a confidentiality policy regarding medical and disability related information.

(i) Funds awarded for substance abuse/dependency treatment must be targeted towards developing and implementing, or expanding and improving sobriety maintenance, substance-free maintenance support groups, substance abuse counseling, referral treatment services, and short or long range structured aftercare for residents.

(ii) Your proposed drug program must address the following goals for residents:

(*1*) Increasing accessibility of treatment services;

(*2*) Decreasing drug-related crime ''in and around'' your tribal development(s)

by reducing and/or eliminating drug use; and

(*3*) Providing services designed for youth and/or adult drug abusers and recovering addicts (*e.g.*, prenatal and postpartum care, specialized family and parental counseling, parenting classes, domestic or youth violence counseling).

(iii) You must discuss in your overall strategy the following factors:

(*1*) Formal referral arrangements to other treatment programs in cases where the resident is able to obtain treatment costs from sources other than this program.

(*2*) Family/youth counseling.

(*3*) Linkages to educational and vocational training and employment counseling.

(*4*) Coordination of services from and to appropriate local substance abuse/ treatment agencies, HIV-related service agencies, mental health and public health programs.

(iv) As applicable, you must demonstrate a working partnership with the Single State Agency or local, Tribal or State license provider or authority with substance abuse program(s) coordination responsibilities to coordinate, develop and implement your substance dependency treatment proposal.

(v) You must demonstrate that counselors (contractual or otherwise) meet Federal, State, Tribal, and local government licensing, bonding, training, certification and continuing training re-certification requirements.

(vi) You must get certification from the Single State Agency or tribal agency with substance abuse and dependency programs coordination responsibilities so that your proposed program is consistent with the tribal plan; and that the service(s) meets all Federal, State, Tribal and local government medical licensing, training, bonding, and certification requirements.

(vii) Funding is permitted for drug treatment of tribal residents at local in-patient medical treatment programs and facilities. IHDEP funding for structured in-patient drug treatment using IHDEP funds is limited to 60 days, and structured drug out-patient treatment, which includes individual/family aftercare, is limited to 6 months. If you are undertaking drug treatment programs, your proposal must demonstrate how individuals that complete drug treatment will be provided employment training, education and employment opportunities.

(viii) Funding is permitted for detoxification procedures designed to reduce or eliminate the short-term presence of toxic substances in the body tissues of a patient.

(ix) Funding is not permitted for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a short/long period of supportive therapy (*e.g.* methadone maintenance), rather than for immediate control of a disorder.

(3) *Resident Management Corporations (RMCs), Resident Councils (RCs), and Resident Organizations (ROs) Programs.* RMCs, and incorporated RCs and ROs, may be a subcontractor to their Tribe/TDHE, to develop security and substance abuse prevention programs for residents. Such programs may include voluntary tenant patrol activities, substance abuse education, intervention, and referral programs, youth programs, and outreach efforts. The elimination of drug-related crime within the tribal community must have the active involvement and commitment of tribal residents and their organizations.

To enhance the ability of Tribes/ TDHEs, to combat drug-related crime within their developments, RCs, RMCs, and ROs may undertake program management functions. Sub-contracts with the RMC/RC/RO must include the amount of funding, applicable terms, conditions, financial controls, payment mechanism schedule, performance and financial report requirements, special conditions, including sanctions for violating the agreement, and monitoring requirements.

Costs must not be incurred until a written contract is executed.

(4) *Employment of Tribal Security Personnel.* You may employ tribal security personnel. You are encouraged to involve police officials residing in tribal housing to partake in IHDEP security-related programs. The following specific requirements apply to all employment of security personnel activities funded under IHDEP:

(a) *Compliance.* Security guard personnel tribal police departments must meet and demonstrate compliance with, all relevant Federal, State, Tribal or local government insurance, licensing, certification, training, bonding, or other law enforcement requirements.

(b) *Law Enforcement Service Agreement.* You must enter into a law enforcement service agreement with the local law enforcement agency and if applicable, the contract provider of security. Your service agreement must include:

(i) The activities security guard personnel or the tribal police department will perform; the scope of authority; written policies, procedures, and practices that will govern security personnel or tribal police department performance (*i.e.*, a policy manual and how security guard personnel or the tribal police department shall coordinate activities with your local law enforcement agency);

(ii) The types of activities that your approved security guard personnel or the tribal police department are expressly prohibited from undertaking.

(c) *Policy Manual.* Security guard personnel services and tribal police departments must be guided by a policy manual that directs the activities of its personnel and contains the policies, procedures, and general orders that regulate conduct and describes in detail how jobs are to be performed. The policy manual must exist before HUD will execute your grant agreement. To comply with State police department standards and/or Commission on Accreditation Law Enforcement Agencies (CALEA), you must also ensure all security guard personnel and tribal police officers are trained in the following areas. These areas must also be covered in your policy manual:

(i) Use of force;

(ii) Resident contacts;

(iii) Enforcement of HA rules;

(iv) Training in sex discrimination and sexual harassment;

(v) Training in civil rights;

(vi) Training in racial tolerance and diversity;

(vii) Response criteria to calls;

(viii) Pursuits;

(ix) Arrest procedures;

(x) Reporting of crimes and workload;

(xi) Feedback procedures to victims;

(xii) Citizens' complaint procedures;

(xiii) Internal affairs investigations;

(xiv) Towing of vehicles;

(xv) Authorized weapons and other equipment;

(xvi) Radio procedures internally and with local police;

(xvii) Training requirements;

(xviii) Patrol procedures;

(xix) Scheduling of meetings with residents;

(xx) Reports to be completed;

(xxi) Record keeping and position descriptions on all personnel;

(xxii) Post assignments;

(xxiii) Monitoring;

(xxiv) Self-evaluation program requirements;and

(xxv) First aid training.

(d) *Data Management.* A daily activity and incident complaint form approved by the Tribe/TDHE must be used by security personnel and officers for the collection and analysis of criminal incidents and responses to service calls. Security guard personnel and tribal police departments must establish and

maintain a system of records management for the daily activity and incident complaint forms that appropriately ensures the confidentially of personal criminal information. Management Information Systems (MIS) (computers, software, and associated equipment) are eligible costs that the Tribe/TDHE may include in support of collection and analysis activities.

(5) *Security Personnel Services.* Contracting for, or direct tribal police department employment of, security personnel services in and around housing development(s) is permitted under this program. However, contracts for security personnel services must be awarded on a competitive basis.

(a) *Eligible Services—Over and Above.* Security guard personnel funded by this program must perform services that are over and above those usually performed by local municipal law enforcement agencies on a routine basis. Eligible services may include patrolling inside buildings, providing personnel services at building entrances to check for proper identification, or patrolling and checking car parking lots for appropriate parking decals.

(b) *Employment of Residents.* HUD encourages you to employ qualified resident(s) as security guard personnel, and/or to contract with security guard personnel firms that demonstrate a program to employ qualified residents as security guard personnel.

(c) If you are an applicant seeking funding for this activity, you must describe the current level of local law enforcement agency baseline services being provided to the tribal development(s) proposed for assistance. Local law enforcement baseline services are defined as ordinary and routine services provided to the residents as part of the overall city and/or county-wide deployment of police resources to respond to crime and other public safety incidents including: 911 communications, processing calls for service, routine patrol officer responses to calls for service, and investigative follow-up of criminal activity.

(d) If you are requesting funding for tribal police department officers, you must have car-to-car (or other vehicles) and portable-to-portable radio communications links between tribal police officers and local law enforcement officers to assure a coordinated and safe response to crimes or calls for services. The use of scanners (radio monitors) is not sufficient to meet the requirements of this section. If you do not have such links you must submit a plan and timetable for the implementation of such communications links.

(e) Community policing under IHDEP is defined as a method of providing law enforcement services partnership among residents, police, schools, churches, government services, the private sector, and other local, State, Tribal, and Federal law enforcement agencies to prevent crime and improve the quality of life by addressing the conditions and problems that lead to crime and fear of crime. Community policing uses proactive measures including foot patrols, bicycle patrols, and motor scooter patrols. It also includes activities where police officers operate out of police mini-stations, and other community-based facilities in tribal communities providing human resource activities with youth, and citizen contacts. This concept empowers police officers at the beat and zone level and residents in neighborhoods to:

(i) Reduce crime and fear of crime;

(ii) Ensure the maintenance of order;

(iii) Provide referrals of residents, victims, and homeless persons to social services and government agencies;

(iv) Ensure feedback of police actions to victims of crime; and

(v) Promote a law enforcement value system based on the needs and rights of residents.

(6) *Reimbursement of Local Law Enforcement Agencies for Additional (Supplemental—Over and Above Local Law Enforcement Baseline Services) Security and Protective Services.* Additional security and protective services are permitted if services are over and above the local police department's current level of baseline services. Tribes and TDHEs are required to identify the level of local law enforcement services received and the increased level of services to be received in their local Cooperation Agreement.

(7) *Employment of Investigators.* Employment of, and equipment for, one or more individuals to investigate drug-related crime ''in and around'' the real property comprising your development(s) and providing evidence relating to such crime in any administrative or judicial proceedings is permitted. Under this section, reimbursable costs associated with the investigation of drug-related crimes (*e.g.*, travel directly related to the investigator's activities, or costs associated with the investigator's testimony at judicial or administrative proceedings) may only be those directly incurred by the investigator.

(a) If you are a tribe/TDHE that employs investigators funded by this program, you must demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(b) Both you and the provider of the investigative services are required to execute a written agreement that describes the following:

(i) The activities that your investigators will perform, their scope of authority, reports to be completed, established investigative policies, procedures, and practices that will govern their performance (*i.e.,* a Policy Manual) and how your investigators will coordinate their activities with local, State, Tribal, and Federal law enforcement agencies; and prohibited activities.

(ii) The activities the Tribal investigators are expressly prohibited from undertaking.

(c) Your investigator(s) may use IHDEP funds to purchase or lease any law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, or vehicles; including cars, vans, buses, protective vests, and any other supportive equipment.

(d) Your investigator(s) shall report on drug-related crime in your developments. You must establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. Tribal-approved activity forms must be used for collection, analysis and reporting of activities by your investigators. You are encouraged to develop and use Management Information Systems (MIS) (computers, software, hardware, and associated equipment) and hire management personnel for crime and workload reporting in support of your crime prevention and security activities.

(8) *Voluntary Tenant Patrols.* Members of tenant patrols must be volunteers and must be residents of the tribal development(s). Volunteers must have extensive background investigations to ensure there are no outstanding warrants or arrest records for past crimes, especially crimes against children. Voluntary tenant patrols are expected to patrol in your development(s) proposed for assistance, and to report illegal activities to appropriate local, State, Tribal, and Federal law enforcement agencies, as appropriate.

(a) Training equipment, including uniforms for use by voluntary tenant patrols acting in cooperation with officials of local law enforcement agencies is permitted. All costs must be reasonable, necessary and justified. Bicycles, motor scooters, all season uniforms and associated equipment to be used, exclusively, by the members of

your voluntary tenant patrol are eligible items. Voluntary tenant patrol uniforms and equipment must be identified with your specific tribal development(s) identification and markings.

(b) Tribes/TDHEs are required to obtain liability insurance to protect themselves and the members of the voluntary tenant patrol against potential liability for the activities of the patrol under this program. The cost of this insurance is eligible.

(c) If you are funding voluntary tenant patrol activities, you, your local law enforcement agency, and the tenant patrol, before expending grant funds, are required to execute a written agreement that includes:

(i) The nature of the activities to be performed by your voluntary tenant patrol, the patrol's scope of authority, assignment, policies, procedures, and practices that will govern the voluntary tenant patrol's performance and how the patrol will coordinate its activities with the law enforcement agency;

(ii) The activities the voluntary tenant patrol is expressly prohibited from undertaking and that the carrying or use of firearms, weapons, nightsticks, clubs, handcuffs, or mace is prohibited;

(iii) Required initial and on-going voluntary tenant patrol training members will receive from the local law enforcement agency; (please note that training by HUD-approved trainers and/or the local law enforcement agency is required before putting a voluntary tenant patrol into effect); and

(iv) Voluntary tenant patrol members will be subject to individual or collective liability for any actions undertaken outside the scope of their authority (described in paragraph (ii) above) and that such acts are not covered under your housing authority liability insurance.

(d) IHDEP grant funds must not be used for any type of financial compensation, such as full-time wages or salaries for voluntary tenant and/or patrol participants. Funding for tribe/TDHE personnel or resident(s) to be hired to coordinate this activity is permitted. Excessive staffing is not permitted.

(9) *Evaluation of IHDEP Activities.* Funding is permitted to contractually hire organizations and/or consultant(s) to conduct an independent assessment and evaluation of the effectiveness of your IHDEP program.

(D) *Ineligible Activities.* IHDEP funding *is not permitted* for any of the activities listed below.

(1) Costs incurred before the effective date of your grant agreement (Form HUD–1044), including, but not limited to, consultant fees related to the development of your application or the actual writing of your application.

(2) The purchase of controlled substances for any purpose. Controlled substance shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(3) Compensation of informants, including confidential informants. These should be part of the baseline services provided and budgeted by local law enforcement agencies.

(4) Direct purchase or lease of clothing or equipment, vehicles (including cars, vans, and buses), uniforms, ammunition, firearms/weapons, protective vests, and any other supportive equipment for use in law enforcement or military enforcement except for eligible tribal police department and investigator activities listed in this NOFA.

(5) Construction of facility space in a building or unit, and the costs of retrofitting/modifying existing buildings owned by the tribe/TDHE for purposes other than: community policing mini-station operations, adult/youth education, employment training facilities, and drug abuse treatment activities.

(6) Organized fund raising, advertising, financial campaigns, endowment drives, solicitation of gifts and bequests, rallies, marches, community celebrations, stipends and similar expenses.

(7) Court costs and attorneys fees related to screening or evicting residents for drug-related crime are not allowable.

(8) IHDEP grant funds cannot be transferred to any Federal agency.

(9) Costs to establish councils, resident associations, resident organizations, and resident corporations are not allowable.

(10) Indirect costs are not allowable.

(11) Supplant existing positions/activities. For purposes of the IHDEP, supplanting is defined as ''taking the place of or to supersede''.

(12) Alcohol-exclusive activities and programs are not eligible for funding under this NOFA, although activities and programs may address situations of multiple abuse involving controlled substances and alcohol.

IV. Program Requirements

The following requirements apply to IHDEP funding:

(A) *Grant Award Amounts.* HUD is distributing grant funds for IHDEP under this NOFA on a national competition basis. The maximum grant award amounts are computed for IHDEP on a sliding scale, using an overall maximum cap, depending upon the number of Tribe/TDHE units eligible for funding. This figure (number of eligible units for funding) will determine the grant amount that the Tribe/TDHE is eligible to receive if they meet the IHDEP criteria and score a minimum of 70 out of 105 points.

(1) *Amount per unit.* (a) For tribes/TDHEs with 1–1,250 units: The maximum grant award cap is $600 multiplied by the number of eligible units.

(b) For tribes/TDHEs with 1,251 or more units: The maximum grant award cap is $520 multiplied by the number of eligible units; up to, but not to exceed, a maximum grant award of $3 million dollars.

(2) *Units counted.* (a) The unit count includes rental, Turnkey III and Mutual Help Homeownership units which have not been conveyed to a homebuyer, and Section 23 lease housing bond-financed projects. Such units must be counted as Formula Current Assisted Stock under the Indian Housing Block Grant Program.

(b) Eligible units are those units which are under management and fully developed.

(c) Use the number of units counted as Formula Current Assisted Stock for Fiscal Year 2000 as defined in 24 CFR 1000.316. Please verify your Formula Current Assisted Stock figures with your local AONAP for accuracy.

(d) Units that are developed or assisted under NAHASDA are not included in the unit count outlined above, however, they are eligible to receive assistance under the IHDEP.

(B) *Complying with Civil Rights Requirements.* To protect and insure the civil rights of occupants of HUD-sponsored housing and residents around that housing, your proposed strategies should ensure that you do not undertake crime-fighting and drug prevention activities that violate civil rights and fair housing statutes. You may not use race, color, sex, religion, national origin, disability or familial status to profile persons as suspects or otherwise target them in conducting these activities. You are encouraged to involve as many segments of your intended population as possible in developing and implementing your strategies.

(C) *Confidentiality of Records Requirements.* You must establish a confidentiality policy regarding medical and disability-related information for programs involving prevention, intervention, or substance abuse/dependency treatment and aftercare.

(D) *Commingling of Funds.* Tribes or TDHEs must not commingle funds of multiple HUD programs including: Economic Development and Supportive

Services (EDSS); Tenant Opportunity Program (TOP); Indian Housing Block Grant (IHBG); and Family Investment Center (FIC). In Fiscal Year 2000, funding for EDSS and TOP activities was replaced by the new Resident Opportunities and Self-Sufficiency (ROSS) Program. The first ROSS notice of funding availability was published as part of HUD's SuperNOFA, published on February 24, 2000. (See 65 FR 9322 at 9697.)

(E) *Term of Grant.* Your grant funds must be expended within 24 months after HUD executes a Grant Agreement. There will be no extensions of this grant term and at the end of the grant term all unspent funds will be returned to HUD.

(F) *Reports and Close-out.* (1) In accordance with 24 CFR 761.35, if funded, you are required to submit semiannually a IHDEP Semi-Annual Performance Report and the Semi-Annual Financial Status Report (SF–269A) to the appropriate HUD AONAP. These IHDEP Semi-Annual Performance Reports shall cover the periods ending June 30 and December 31, and must be submitted to HUD by July 30 and January 31 of each year.

(2) At grant completion, you must comply with the close-out requirements described in Public Housing Notice PIH 98–60(HA), entitled ''Grant Close-out Procedures,'' and by the end of the grant term, return unexpended grant funds to the Department, according to applicable requirements.

V. Application Selection Process

(A) *Rating and Ranking.* (1) *General.* HUD will rate and rank applications based on the 5 rating factors listed in Section V. (B) of this NOFA, below. HUD will select and fund the highest ranking applications based on total score, and continue the process until all funds allocated to it have been awarded or to the point where there are insufficient acceptable applications to award funds. The maximum number of points for this program is 105.

(2) *Tiebreakers.* In the event of a tie, HUD will select the highest ranking application that can be fully funded. In the event that two eligible applications receive the same score, and both cannot be funded because of insufficient funds, the applicant with the highest score in rating factor two will be funded. If rating factor two is scored identically, the scores in rating factors one and four will be compared in that order, until one of the applications receives a higher score. If both applications still score the same then the application which requests the least funding will be selected in order to promote the more efficient use of resources.

(B) *Factors For Award to Evaluate and Rank Applications.* Your application must address the five (5) factors, and subfactors listed below. The maximum number of points for this program is 105. Your application must receive a score of at least 70 points to be eligible for funding.

Rating Factor 1: Capacity of the Applicant and Relevant Organizational Experience (20 Points)

This factor addresses the extent to which you have the capacity, the proper organizational experience and resources to implement the proposed activities in a timely and effective manner. The rating of the ''applicant'' or the ''applicant's organization and staff'' for technical merit, unless otherwise specified, includes any subcontractors, consultants, subrecipients, and members of consortia which are firmly committed to your project. In rating this factor, HUD will consider the following:

(1) (10 points) The knowledge and experience of your staff and your administrative capability to manage grants of this size and type. This includes your administrative support and procurement entities, defined organizational lines of authority, and demonstrated fiscal management capacity.

(2) (10 points) Past performance in administering Drug Elimination grants and/or other Federal, state or local grants of similar size and complexity during the last three (3) years.

You must identify your participation in HUD grant programs within the last three years and discuss the degree of your success in implementing planned activities, achieving program goals and objectives, timely drawdown of funds, timely submission of required reports with satisfactory outcomes within budget and schedule, audit compliance, whether there are, and the extent of any, unresolved findings and/or outstanding recommendations from prior HUD reviews or audits undertaken by HUD, HUD-Office of Inspector General, the General Accounting Office (GAO) or independent public accountants (IPAs). For tribes/TDHEs that had previously applied as IHAs, HUD will consider the results of: agency monitoring of records, Line of Credit Control System Reports (LOCCS) on the status of prior grants, audits and other relevant information available to HUD on your capacity to undertake this grant.

Rating Factor 2: Need/Extent of the Problem (30 Points)

This factor examines the extent to which there is a need for funding the proposed program activities to address a documented problem in your proposed target area (*i.e.*, the degree of the severity of the drug-related crime problem in the project proposed for funding). In responding to this factor, you will be evaluated on: (1) The extent to which a critical level of need for your proposed activities is explained; and (2) the urgency of meeting the need in the target area. You must include in your response a description of the extent and nature of drug-related crime ''in or around'' the housing units or developments proposed for funding.

Applicants will be evaluated on the following:

(1) (15 points) ''Objective Crime Data'' relevant to your target area. To the extent that you can provide objective drug-related crime data specific to the community or targeted development proposed for funding, you will be awarded up to 15 points or up to a total of 5 points if substantial information is provided as to why Objective Crime Data could not be obtained. Objective crime data must include the most current and specific Part I Crime data and relevant Part II Crime data available from the FBI's Uniform Crime Reporting Program (UCR) system or the local law enforcement's crime statistics. Part I Crimes include: homicide; rape; robbery; aggravated assault; burglary; larceny; auto theft; and arson. Part II drug-related crimes include: drug abuse violations; simple assault; vandalism; weapons violations; and other crimes which you are proposing to be targeted as part of your grant. In assessing this subfactor, HUD will consider the extent of specificity that the statistical data is provided and the data's specificity to the targeted sites (*e.g.*, data specific to those targeted developments proposed for funding by Part I crime type versus tribe/TDHE-wide data by aggregated Part I crimes).

The objective crime data provided in your application will become a ''baseline'' against which the success of your grant activities will be measured if funded. If you did not provide objective crime data, please provide information as to why objective crime data could not be obtained; the efforts being made to obtain it; what efforts will be made during the grant period to begin obtaining the data; and an explanation of how you plan to measure how grant activities will result in reducing drug-related crime in the targeted developments and what will be used as a baseline.

(2) (15 Points) *Other Data Supporting the extent of Drug and Drug-related Crime.* You must identify supporting data indicating the extent of drugs and drug-related crime problems in the

developments proposed for assistance under your program. HUD will consider the extent and quality of the data provided. Examples of the data include:

(a) Surveys of residents and staff in your targeted developments about drugs and drug-related crime or on-site reviews to determine drug/crime activity;

(b) Government or scholarly studies or other research in the past year that analyze drug-related crime activity in your targeted developments.

(c) Annual vandalism cost at your targeted developments, to include elevator vandalism (where appropriate) and other vandalism attributable to drug-related crime as a ratio to total annual approved budget for the targeted developments.

(d) Information from schools, health service providers, residents and Federal, State, local, and Tribal officials, and the verifiable opinions and observations of individuals having direct knowledge of drug-related crime and the nature and frequency of these problems in developments proposed for assistance. (These individuals may include Federal, State, Tribal, and local government law enforcement officials, resident or community leaders, school officials, community medical officials, substance abuse, treatment (dependency/remission) or counseling professionals, or other social service providers).

(e) The school dropout rate and level of absenteeism for youth that you can relate to drug-related crime as a percentage or ratio of the rate outside the area.

(f) The number of lease terminations or evictions for drug-related crime at the targeted developments; and

(g) The number of emergency room admissions for drug use or that result from drug-related crime. Such information may be obtained from police departments and/or fire departments, emergency medical service agencies and hospitals.

(h) The number of police calls for service from tribe/TDHE developments that include resident initiated calls, officer-initiated calls, domestic violence calls, drug distribution complaints, found drug paraphernalia, gang activity, graffiti that reflects drugs or gang-related activity, vandalism, drug arrests, and abandoned vehicles.

Rating Factor 3: Soundness of Approach—(Quality of the Plan) (35 Points)

This factor examines the quality and effectiveness of your proposed work plan. In rating this factor, HUD will consider the impact of your activities on the drug and drug-related crime problems identified in Factor 2 and the extent to which you identify attainable goals, objectives, and performance measures to ensure that; tangible benefits can be attained by the community and by your target population.

Your application must include a detailed narrative describing: each proposed activity for your developments proposed for assistance; the amount and extent of resources committed to each activity or service proposed; measurable goals and objectives for all major program activities that focus on outcome and results; and the process used to collect the data needed to report progress made against these goals.

In evaluating this factor, HUD will consider the following:

(1) The strength of your plan to address the drug-related crime problem, and the problems associated with drug-related crime in your developments proposed for funding, the resources allocated, and how well the proposed activities fit with the plan, including:

(a) The extent to which you have stated:

(i) Performance goals that will measure program outcomes;

(ii) The actual baseline data which will establish a starting point against which program outcomes will be measured and stated expected results for all major grant activities proposed in your application; What performance measurement system exists for providing information to HUD semi-annually on progress made in achieving the established outcome goals.

(b) The extent to which you have designed your major activities to meet stated, measurable goals and objectives for drug and drug-related crime reduction. Outcomes include accomplishments, results, impact, and the ultimate effects of your program on the drug or crime problem in your target/project area. The goals must be objective, quantifiable, and/or qualitative and they must be stated in such a way that at the end of the 24 month grant, one can determine if the activities were effective.

(c) The extent to which you define specific crime reduction goals that are measurable. For example, ''eliminating or reducing crime and drug-related crime'' is not a specific nor measurable goal, whereas a goal of, ''reducing Part 1 reported homicides or Part II drug abuse, *etc.* by 5% in development X by the end of the 24 month grant period based on measurements against the baseline year crime selection rate in the targeted development X as stated in the application,'' is specific and measurable.

(d) The rationale for your proposed activities and methods used including evidence that proposed activities have been effective in similar circumstances in controlling drug-related crime.

(e) Provide evidence of existing youth programs and activities that reduce substance abuse among youth, aftercare services for youth involved in the juvenile justice system, social services for children with emotional and behavioral problems, programs to reduce delinquency and gang participation, improve academic performance and reduce the dropout rate through the use of mentors, drug and alcohol education, conflict resolution and counseling.

Rating Factor 4: Leveraging Resources—(Support of Residents, the Local Government and the Community in Planning and Implementing the Proposed Activities) (10 Points)

This factor addresses your ability to secure community and government resources that can be combined with HUD's program resources to achieve program purposes.

(1) In assessing this factor, HUD will consider the following:

(a) Written evidence of firm commitment of funding, staff, or in-kind resources, partnership agreements, and on-going or planned cooperative efforts with law enforcement agencies, local, State, Tribal or national entities who have committed services through a memoranda of understanding (MOU), or memorandum of agreements (MOA) to participate. Such commitments must be signed by an official of the organization legally able to make commitments for the organization.

(b) This evidence of commitment must include organization name, resources, and responsibilities of each participant to increase the effectiveness of the proposed program activities. The signed, written agreement may be contingent upon an applicant receiving a grant award. This also includes interagency activities already undertaken, participation in local, state, Tribal or Federal anti-drug related crime efforts such as: education, training and employment provision components of Welfare Reform efforts which may include descriptions of Tribal TANF plans and participation in Native Employment Works (NEW) program, or any of the following programs administered by the Department of Justice such as Operation Weed and Seed, Community Oriented Policing Services Tribal Resources Grant Program (COPS), Indian Tribal Courts, Drug-Free Communities Support Program, Tribal Youth Program, Safe

Start Initiative, STOP Violence Against Indian Women Discretionary Grants and Mental Health and Juvenile Justice Program. Successful coordination of your law enforcement, or other activities with local, state, Tribal or Federal law enforcement agencies to foster meaningful collaborations and strengthen community anti-drug coalition efforts to reduce substance abuse among youth and adults and actions implemented to eradicate violent crime.

(2) In evaluating this factor, HUD will also consider the extent to which these initiatives are used to leverage resources for your tribe/TDHE community, and are part of the comprehensive plan and performance measures outlines in Rating Factor 3, Soundness of Approach—Quality of the Plan.

(a) Your application must describe what role residents in your targeted developments, applicable community leaders and organizations, and law enforcement agencies have had in planning the activities described in your application, what role they will have in implementing such activities for the duration of your grant and how services may be sustained beyond the grant term.

(b) Your application must include a discussion and written evidence (*i.e.*, comments from residents, minutes from community meetings) of the extent to which community representatives and Tribal, local, state and Federal Government officials, including law enforcement agency officials were actively involved in the design and implementation of your plan and will continue to be involved in implementing such activities during and after the period of your IHDEP funding.

(c) Your application must demonstrate the extent to which the relevant governmental jurisdiction has met its local law enforcement obligations under the Cooperation Agreement with your organization (as required by the Annual Contributions Contract with HUD). You must describe the current level of baseline local law enforcement services being provided to your housing authority/developments proposed for assistance.

Rating Factor 5: Comprehensiveness and Coordination (10 Points)

This factor addresses the extent to which you have coordinated your activities with other known organizations, and is working towards addressing a need in a holistic and comprehensive manner through linkages with other activities in your community. In evaluating this factor, HUD will consider the extent to which you can demonstrate you have:

(1) Coordinated your proposed activities with those of other groups or organizations prior to submission in order to best complement, support and address the needs of your community as identified in Rating Factor 2: Need/Extent of the Problem. Any written agreements, MOUs/MOAs in place, or that will be in place after award should be described and/or included.

(2) Taken specific steps to become active in your community's Indian Housing Block Grant process by providing evidence that you have addressed crime prevention and safety issues, and that your proposed activities reflect the priorities, needs, goals or objectives of crime prevention and safety in the Indian Housing Plan (IHP).

(3) Taken specific steps to develop linkages to coordinate comprehensive solutions through meetings, information networks, planning processes or other mechanisms with:

(a) Other HUD-funded projects/activities outside the scope of those covered by the IHP; and

(b) Other Federal, State, or locally funded activities, including those proposed, or on-going that will sustain a comprehensive system to address the needs of your community.

VI. Application Submission Requirements

(A) You must submit the required IHDEP FY 1999–2000 Application Kit that contains all of the requisite forms in order to be considered for IHDEP funding. Your application submitted to HUD must also include items required under Section V. Application Selection Process, of this NOFA, including the plan to address the problem of drug-related crime in the developments proposed for funding.

(B) You must submit no more than one application per Tribe or TDHE on behalf of the Tribe for the IHDEP. In addition, joint applications that include more than one TDHE representing the Tribe are permitted only in those cases where they have a single administration (such as a TDHE managing several tribes under contract or TDHEs sharing a common executive director). In those cases, a separate budget, plan and timetable, and unit count shall be supplied in the application. In addition, you must respond to the factors for award for each tribe/TDHE for which you are acting as administrator and requesting funds, if your responses would be different (*e.g.,* the tribes are in different jurisdictions and, therefore, the Indian Housing Plans, crime data, etc. would all be different). The application kit includes the forms, certifications and assurances required under this NOFA.

(C) Each IHDEP application must include the following items:

(1) An application cover letter.

(2) A summary of the proposed program activities in five (5) sentences or less.

(3) A description of the subgrantees, if applicable. The description must include the names of the subgrantees, as well as the relative roles and contributions of each subgrantee in implementing the IHDEP grant activities.

(4) An overall budget and timetable that includes separate budgets, goals, and timetables for each activity, and addresses milestones towards achieving each described goal. You must also describe the contributions and implementation responsibilities of each partner for each activity, goal, and milestone.

(5) A description of the number of staff, the titles, professional qualifications, and respective roles of the staff assigned full or part-time to grant implementation.

(6) Lines of accountability (including an organization chart) for implementing the grant activity, coordinating the partnership, and assuring that the commitment made by you and your subgrantees, if any, will be met.

(7) A narrative of the plan that will address the problem of drug-related crime in the developments proposed for funding.

(8) Responses to each of the five Rating Factors in this NOFA: (1) Capacity of the Applicant and relevant organizational Experience, (2) Need/Extent of the Problem, (3) Soundness of Approach, (4) Leveraging Resources and (5) Comprehensiveness and Coordination.

(9) The following forms which are included in the FY 1999—2000 IHDEP Application Kit: Standard Form-424, Application for Federal Assistance, Congressional Notification, Standard Form-424A, Budget Information (non-construction programs), with activity budget narrative/and supporting documentation, as applicable, attachment, Executive Summary and Implementation Schedule, Standard Form-424B, Assurances, (non-construction programs), Standard Form-2880, Applicant/Recipient Disclosure/Update Report, Application Cover Letter, Budget Narrative, Form HUD–50070 Drug-Free Workplace Certification, Form HUD–50071 Lobbying Certification, SF–LLL Disclosure of Lobbying Activities Certification, Standard Form, Certification of Debarment and Suspension, Certification of Consistency with the Indian Housing Plan,

Certification of Resident Management Corporations, Resident Councils, Resident Organizations and Residents, and Acknowledgment of Application Receipt.

VII. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you, the applicant, may want to provide. HUD may contact you, however, to clarify an item in your application or to correct technical deficiencies. You should note, however, that HUD may not seek clarification of items or responses that improve the substantive quality of your response to any selection factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may, however, contact applicants to ensure proper completion of the application and will do so on a uniform basis for all applicants. *Examples* of curable (correctable) technical deficiencies include your failure to submit the proper certifications or your failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by return receipt requested. You must submit clarifications or corrections of technical deficiencies in accordance with the information provided by HUD within 14 calendar days of the date of receipt of the HUD notification. If your deficiency is not corrected within this time period, HUD will reject your application as incomplete, and it will not be considered for funding.

VIII. Findings and Certifications

(A) *Environmental Impact.* A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

(B) *Paperwork Reduction Act Statement.* The information collection requirements contained in this Notice have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2577–0124. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

(C) *Prohibition Against Lobbying Activities.* You the applicant may be subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991, 31 U.S.C. 1352 (the Byrd Amendment) prohibits recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the Federal Government in connection with a specific contract, grant, or loan. If you are subject, you are required to certify, using the certification found at Appendix A to 24 CFR part 87, that you will not, and have not, used appropriated funds for any prohibited lobbying activities. In addition, you must disclose, using Standard Form–LLL, ''Disclosure of Lobbying Activities,'' any funds, other than Federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

Tribes and TDHEs established by an Indian tribe as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but tribes and TDHEs established under State law are not excluded from the statute's coverage.

(D) *Section 102 of the HUD Reform Act; Documentation and Public Access Requirements.* Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545) (HUD Reform Act) and the regulations codified in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 apply to assistance awarded under this NOFA as follows:

(1) *Documentation and public access requirements.* HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations in 24 CFR part 15.

(2) *Disclosures.* HUD will make available to the public for 5 years all applicant disclosure reports (Form HUD–2880) submitted in connection with this NOFA. Update reports (also Form HUD–2880) will be made available along with the applicant disclosure reports, but in no case for a period less than 3 years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 5.

(3) *Publication of Recipients of HUD Funding.* HUD's regulations at 24 CFR 4.7 provide that HUD will publish a notice in the **Federal Register** on at least a quarterly basis to notify the public of all decisions made by the Department to provide:

(i) Assistance subject to section 102(a) of the HUD Reform Act; or

(ii) Assistance that is provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(E) *Section 103 HUD Reform Act.* HUD's regulations implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a), codified in 24 CFR part 4, apply to this funding competition. The regulations continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by the regulations from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708–3815. (This is not a toll-free number.) For HUD employees who have specific program questions, the employee should contact the appropriate field office counsel, or Headquarters counsel for the program to which the question pertains.

(F) *Catalog of Federal Domestic Assistance Number.* The Catalog of

Federal Domestic Assistance number for the Public and Indian Housing Drug Elimination Program is 14.854.

IX. Environmental Requirements

Certain eligible activities under this IHDEP NOFA are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and are not subject to review under related laws, in accordance with 24 CFR 50.19(b)(4), (b)(12), or (b)(13). If the IHDEP application proposes the use of grant funds to assist any non-exempt activities, HUD will perform an environmental review to the extent required by 24 CFR part 50, prior to grant award.

X. Authority

Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 *et seq.*), as amended.

Dated: May 8, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–F

APPENDIX A

TRIBES & IHAs LOCATED	ONAP ADDRESS
East of the Mississippi River (including all of Minnesota and Iowa): **Kevin Fitzgibbons**	Eastern/Woodlands Office of Native American Programs, 5API Metcalfe Federal Building 77 West Jackson Boulevard, Room 2400 Chicago, Illinois 60604-3507 (312) 886-4532 or (800) 735-3239; Fax (312) 353-8936 TDD Numbers: 1-800-927-9275 or 312 886-3741
Louisiana, Missouri, Kansas, Oklahoma, and Texas (except for Isleta del Sur): **Wayne Sims**	Southern Plains Office of Native American Programs, 6IPI 500 West Main Street, Suite 400 Oklahoma City, Oklahoma 73102 (405) 553-7521; Fax (405) 553-7403
Colorado, Montana, Nebraska North Dakota, South Dakota, Wyoming and Utah: **Mike Boyd, Acting Admin.**	Northern Plains Office of Native American Programs, 8API Wells Fargo Tower North 633 17th Street Denver, Colorado 80202-3607 (303) 672-5465; Fax (303) 672-5003 TDD Number: (303) 844-6158
Arizona, California, New Mexico, Nevada, and Isleta del Sur in Texas: **Raphael Mecham**	Southwest Office of Native American Programs, 9EPI Two Arizona Center 400 North Fifth Street, Suite 1650 Phoenix, Arizona 85004-2361 (602) 379-4156; Fax (602) 379-3101 TDD Number: 602-379-4156 or Albuquerque Divison of Native American Programs, 9EPIQ Albuquerque Plaza 201 3rd Street, NW, Suite 1830 Albuquerque, New Mexico 87102-3368 (505) 346-6923; Fax (505) 346-6927 TDD Number: None
Idaho, Oregon and Washington: **Ken A. Bowring**	Northwest Office of Native American Programs, OAPI 909 First Avenue, Suite 300 Seattle, Washington 98104-1000 (206) 220-5276; Fax (206) 220-5234 TDD Number: (206) 220-5185
Alaska: **Marlin Knight**	Alaska Office of Native American Programs, OCPI University Plaza Building 949 East 36th Avenue, Suite 401 Anchorage, Alaska 99508-4399 (907) 271-4633; Fax (907) 271-4605 TDD Number: (907) 271-5115

[FR Doc. 00–11882 Filed 5–10–00; 8:45 am]
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Federal Register

Thursday,
May 11, 2000

Part V

Department of Commerce

National Telecommunications and Information Administration

Public Telecommunications Facilities Program (PTFP); Notices

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 000410097–0097–01]

RIN 0648–ZA11

Public Telecommunications Facilities Program (PTFP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of applications received.

SUMMARY: The National Telecommunications and Information Administration (NTIA) previously announced the solicitation of grant applications for the Public Telecommunications Facilities Program (PTFP). This notice announces the list of applications received and notifies any interested party that it may file comments with the Agency supporting or opposing an application.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Telecommunications Facilities Program, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PTFP can also be obtained electronically via Internet. The PTFP Internet site can be accessed at http://www.ntia.doc.gov.

SUPPLEMENTARY INFORMATION: By **Federal Register** notice dated December 23, 1999, the NTIA, within the Department of Commerce, announced that it was soliciting grant applications for the Public Telecommunications Facilities Program (PTFP). NTIA announced that the closing date for receipt of PTFP applications was 8 p.m. EST, February 17, 2000.

In all, the PTFP received 278 applications from 53 states and territories (including the District of Columbia). The total amount of funds requested by the applicants is $233 million. Requests for FY 2000 funds total $130 million with an additional $103 million requested during FY 2001–2003 as part of multi-year digital television applications.

Notice is hereby given that the PTFP received applications from the following organizations. The list includes all applications received. Identification of any application only indicates its receipt. It does not indicate that it has been accepted for review, has been determined to be eligible for funding, or that an application will receive an award. Further information about each application is available on the PTFP Internet site at http://www.ntia.doc.gov.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. PTFP will forward a copy of any opposing comments to the applicant. Comments must be sent to PTFP at the following address: NTIA/PTFP, Room 4625, 1401 Constitution Ave., N.W., Washington, D.C. 20230.

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

Alabama
- File No. 00165 Alabama ETV Commission (Birmingham)
- File No. 00084 Troy State University (Troy)

Alaska
- File No. 00186 Alaska Public Radio Network (Anchorage)
- File No. 00262 Alaska Public Telecommunications (Anchorage)
- File No. 00116 Kuskokwim Public Broadcasting Corporation (McGrath)
- File No. 00035 Pribilof School District (Saint Paul Island)
- File No. 00136 Talkeetna Community Radio, Inc. (Talkeetna)

American Samoa
- File No. 00214 KVZK, American Samoa Government (Pago Pago)

Arizona
- File No. 00128 Arizona State University (Tempe)
- File No. 00026 Northern Arizona University (Flagstaff)
- File No. 00254 Tohono O'odham Nation (Sells)
- File No. 00149 University of Arizona (Tucson)
- File No. 00150 University of Arizona (Tucson)

Arkansas
- File No. 00123 Arkansas Educational TV Commission (Conway)

California
- File No. 00152 CSPP Research and Service Foundation (San Diego)
- File No. 00189 California State University/Northridge Foundation (Northridge)
- File No. 00131 California State University/Sacramento (Sacramento)
- File No. 00137 California State University/Sacramento (Sacramento)
- File No. 00135 California State University/Stanislaus (Turlock)
- File No. 00146 Coast Community College District (Huntington Beach)
- File No. 00068 Humboldt State University (Arcata)
- File No. 00031 KTEH–TV Foundation (San Jose)
- File No. 00040 KVIE, Inc. (Sacramento)
- File No. 00052 Los Angeles Unified School District (Los Angeles)
- File No. 00261 Peralta Community College District (Oakland)
- File No. 00090 Radio Bilingue, Inc, (Fresno)
- File No. 00093 Radio Bilingue, Inc. (Fresno)
- File No. 00218 Rural California Broadcasting Corporation (Rohnert Park)
- File No. 00195 Rural California Broadcasting Corporation (Rohnert Park)
- File No. 00223 Rural California Broadcasting Corporation (Rohnert Park)
- File No. 00229 San Bernardino Community College (San Bernardino)
- File No. 00095 San Diego Community College District (San Diego)
- File No. 00170 San Diego State University Foundation (San Diego)
- File No. 00014 San Mateo County Community College (San Mateo)
- File No. 00125 Santa Monica Community College District (Santa Monica)
- File No. 00187 South Orange Co. Community College (Mission Viejo)
- File No. 00108 The National Hispanic University (San Jose)
- File No. 00088 University of California/Santa Cruz (Santa Cruz)
- File No. 00181 University of Southern California (Los Angeles)
- File No. 00039 Valley Public Television (Fresno)

Colorado
- File No. 00109 Boulder Community Broadcast Association (Boulder)
- File No. 00169 Colorado State Board of Agriculture (Durango)
- File No. 00194 Denver Educational Broadcasting (Denver)
- File No. 00027 Front Range Educational Media Corporation (Denver)
- File No. 00018 Grand Valley Public Radio Co, Inc. (Grand Junction)
- File No. 00101 KUTE Incorporated (Ignacio)
- File No. 00083 San Miguel Educational Fund (Telluride)

Connecticut
- File No. 00208 Connecticut Public Broadcasting (Hartford)

District of Columbia
- File No. 00211 American University (Washington)
- File No. 00272 Howard University (Washington)
- File No. 00273 Howard University (Washington)

Florida
- File No. 00064 Barry Telecommunications, Inc. (Boynton Beach)
- File No. 00067 Barry Telecommunications, Inc. (Boynton Beach)
- File No. 00242 Barry Telecommunications, Inc. (Boynton Beach)
- File No. 00134 City of Cape Coral (Cape Coral)
- File No. 00251 Community TV Foundation of South Florida (Miami)
- File No. 00066 Community Communications, Inc. (Orlando)
- File No. 00046 Florida Gulf Coast University (Fort Myers)
- File No. 00053 Florida Gulf Coast University (Fort Myers)
- File No. 00078 Florida State University (Tallahassee)
- File No. 00117 Florida State University (Tallahassee)
- File No. 00118 Florida State University (Tallahassee)
- File No. 00119 Florida State University (Tallahassee)

File No. 00112 Florida West Coast Public Broadcasting (Tampa)
File No. 00096 Sarasota County Government (Sarasota)
File No. 00102 School Board of Miami-Dade County (Miami)
File No. 00184 School Board of Miami-Dade County (Miami)
File No. 00028 University of Florida (Gainesville)
File No. 00151 University of Florida (Gainesville)
File No. 00192 University of Florida (Gainesville)
File No. 00059 University of South Florida (Tampa)
File No. 00202 University of South Florida (Tampa)
File No. 00054 WJCT, Inc. (Jacksonville)
File No. 00178 WJCT-FM (Jacksonville)
Georgia
File No. 00226 Clark Atlanta University (Atlanta)
File No. 00258 Fort Valley State University (Fort Valley)
File No. 00063 Georgia Public Broadcasting (Atlanta)
File No. 00191 Valdosta State University (Valdosta)
File No. 00225 West Georgia Telecommunications (Carrollton)
Guam
File No. 00147 University of Guam (Mangilao)
Idaho
File No. 00263 Boise State University Foundation (Boise)
File No. 00158 Idaho Public Television (Boise)
Illinois
File No. 00033 Black Hawk College (Moline)
File No. 00034 Black Hawk College (Moline)
File No. 00260 Illinois Valley Public Telecommunications Corporation (Peoria)
File No. 00233 LPE Foundation (Schaumburg)
File No. 00144 Loyola University Chicago (Chicago)
File No. 00069 Southern Illinois University (Carbondale)
File No. 00175 University of Illinois (Champaign)
File No. 00241 University of Illinois (Champaign)
File No. 00259 West Central Illinois Educational Telecommunications Corporation (Springfield)
File No. 00038 Window to the World Communications (Chicago)
Indiana
File No. 00274 Ball State University (Muncie)
File No. 00248 Fort Wayne Public Television, Inc. (Fort Wayne)
File No. 00143 Indiana University (Bloomington)
File No. 00244 Metro Indianapolis Public Broadcasting (Indianapolis)
File No. 00247 Metro Indianapolis Public Broadcasting (Indianapolis)
File No. 00055 Michiana Public Broadcasting Corporation (Elkhart)
File No. 00130 Tri-State Public Teleplex, Inc. (Evansville)
Iowa
File No. 00227 Iowa Public Broadcasting Board (Johnston)
File No. 00113 Iowa Public Television (Johnston)
File No. 00114 Iowa Public Television (Johnston)
File No. 00203 Iowa State University (Ames)
File No. 00204 Iowa State University (Ames)
File No. 00271 Iowa State University (Ames)
File No. 00008 University of Northern Iowa (Cedar Falls)
File No. 00010 University of Northern Iowa (Cedar Falls)
Kansas
File No. 00016 Kansas Public Telecommunications Service (Wichita)
File No. 00177 Kanza Society, Inc. (Garden City)
File No. 00087 Washburn University of Topeka (Topeka)
Kentucky
File No. 00176 City of Sparta Police & Fire Department (Sparta)
File No. 00089 Eastern Kentucky University (Richmond)
File No. 00185 Kentucky Authority for ETV (Lexington)
File No. 00250 Morehead State University (Morehead)
Louisiana
File No. 00171 Educational Broadcasting Foundation (Metairie)
File No. 00007 Louisiana Public Broadcasting (Baton Rouge)
Maine
File No. 00013 Maine Public Broadcasting Corporation (Bangor)
File No. 00029 Maine Public Broadcasting Corporation (Bangor)
Maryland
File No. 00085 Maryland Public Television (Owings Mills)
File No. 00139 University of Maryland Eastern Shore (Princess Anne)
Massachusetts
File No. 00103 Boston University (Boston)
File No. 00110 Technology Broadcasting Corporation (Cambridge)
File No. 00166 University of Massachusetts, Boston (Boston)
File No. 00115 University of Massachusetts/Boston (Boston)
File No. 00126 WGBH Educational Foundation (Boston)
File No. 00127 WGBH Educational Foundation (Boston)
Michigan
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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S.J. Res. 40/P.L. 106–198

Providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution. (May 5, 2000; 114 Stat. 249)

S.J. Res. 42/P.L. 106–199

Providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution. (May 5, 2000; 114 Stat. 250)

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