AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

5–16–00 Tuesday
Vol. 65 No. 95 May 16, 2000
Pages 31073–31244

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 65 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

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

WASHINGTON, DC

WHEN: May 23, 2000 at 9:00 am.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Printed on recycled paper.

Contents

Federal Register

Vol. 65, No. 95

Tuesday, May 16, 2000

Agricultural Marketing Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Lamb Meat Adjustment Assistance Measures Program, 31136–31138

Agriculture Department
See Agricultural Marketing Service
See Cooperative State Research, Education, and Extension Service

Air Force Department
NOTICES
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Killdeer Mountain Manufacturing, Inc., 31152

Alcohol, Tobacco and Firearms Bureau
RULES
Alcohol, tobacco, and other excise taxes:
Tobacco products—
Roll-your-own tobacco; manufacture permit requirements; correction, 31079

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Rhode Island senior citizens; health promotion and disease prevention, 31173–31175
Viral hepatitis prevention services; integration into existing prevention programs, 31175–31177

Children and Families Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 31178

Coast Guard
RULES
Anchorage regulations and ports and waterways safety:
Tall Ships Delaware activities, Delaware River, DE, 31091–31093
Anchorage regulations and regattas and marine parades:
OPSAIL 2000, San Juan, PR—
Regulated areas, 31083–31086
Regattas and marine parades:
OPSAIL 2000, 31086–31090

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

Commission of Fine Arts
NOTICES
Meetings, 31150

Commodity Futures Trading Commission
NOTICES
Meetings; Sunshine Act, 31150

Cooperative State Research, Education, and Extension Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31138–31139

Defense Department
See Air Force Department
See Defense Logistics Agency
See Navy Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31150–31151
Submission for OMB review; comment request, 31151
Meetings:
Defense Partnership Council, 31151
National Defense University Board of Visitors, 31152

Defense Logistics Agency
PROPOSED RULES
Acquisition regulations:
Alternative dispute resolution, 31131–31132

Defense Nuclear Facilities Safety Board
NOTICES
Meetings; Sunshine Act, 31152

Drug Enforcement Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31192–31194

Education Department
NOTICES
Meetings:
National Educational Research Policy and Priorities Board, 31152–31153

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Electricity export and import authorizations, permits, etc.:
Idaho Power Co., 31153
Meetings:
Nonproliferation and National Security Advisory Committee, 31153–31154

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 31093–31096
Hazardous waste:
Identification and listing—
Exclusions, 31096–31100
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 31120
Hazardous waste:
Project XL program; site-specific projects—
International Paper Androscoggin Mill pulp and paper manufacturing facility, ME, 31120–31124

NOTICES
Meetings:
Clean Air Act Advisory Committee, 31170–31171
Electronic submission of environmental reports, 31171

Federal Aviation Administration
RULES
Air traffic operating and flight rules, etc.:
Ethiopia; flights within territory and airspace; prohibition, 31213–31215
PROPOSED RULES
Airworthiness directives:
Airbus, 31113–31115
McDonnell Douglas, 31109–31113
NOTICES
Advisory circulars; availability, etc.:
Sustained engine imbalance, 31205–31206

Federal Communications Commission
RULES
Radio stations; table of assignments:
Montana, 31101
Wyoming and Nebraska, 31100–31101
PROPOSED RULES
Radio stations; table of assignments:
Idaho, 31130–31131
Texas, 31131

Federal Emergency Management Agency
PROPOSED RULES
Disaster assistance:
Debris removal, 31129–31130
NOTICES
Disaster and emergency areas:
Kansas, 31171

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Consumers Energy Co. et al., 31159–31160
Philbro Power LLC et al., 31160–31164
Hydroelectric applications, 31164–31170
Technology demonstration; e-commerce technologies and Internet use to develop markets for various power products, 31170
Applications, hearings, determinations, etc.:
CNG Transmission Corp., 31154
Eastern Shore Natural Gas Co., 31154
Entergy Services, Inc., 31155
Garden Banks Gas Pipeline, LLC, 31155
Kinder Morgan Interstate Gas Transmission LLC, 31155–31156
KN Wattenberg Transmission LLC, 31156
Mansfield Municipal Electric Department et al., 31156
Mississippi Canyon Gas Pipeline, LLC, 31156–31157
Nautilius Pipeline Company, L.L.C., 31157
Pacific Gas & Electric Co., 31157
Panhandle Eastern Pipe Line Co., 31157–31158
Providence Gas Co., 31158
Reliant Energy Gas Transmission Co., 31158
Tacoma, WA, 31158
Texas Gas Transmission Corp., 31159
Transcontinental Gas Pipe Line Corp., 31159

Federal Maritime Commission
PROPOSED RULES
Carrier automated tariffs and tariff systems:
Public access charges, 31130

Federal Railroad Administration
NOTICES
Exemption petitions, etc:
Texas Mexican Railway Co., 31206–31207

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
Incidental take permits—
Bastrop County, TX; Houston toad, 31184–31186
Travis County, TX; golden-cheeked warbler, 31185

Food and Drug Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31178–31179
Reporting and recordkeeping requirements, 31179–31180
Meetings:
National Center for Toxicological Research Science Advisory Board, 31180

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Alaska
Tesoro Petroleum Corp.; oil refinery complex, 31139–31140
New Jersey
Firmenich, Inc.; flavor and fragrance products manufacturing facilities, 31140
Ohio
Sunoco Inc.; oil refinery complex, 31140–31141
Oklahoma
Conoco Inc.; oil refinery complex, 31141

General Services Administration
RULES
Federal Management Regulation:
Excess personal property; disposition, 31217–31231

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Care Financing Administration
See Substance Abuse and Mental Health Services Administration
NOTICES
Grant and cooperative agreement awards:
National Alliance for Hispanic Health, 31172
Healthy People 2010; program announcement change, 31172–31173
Meetings:
Vital and Health Statistics National Committee, 31173

Health Care Financing Administration
PROPOSED RULES
Medicare:
Coverage decisions; criteria, 31124–31129

Housing and Urban Development Department
NOTICES
Grant and cooperative agreement awards:
Public and Indian housing—
Economic Development and Supportive Services Carryover Program, 31182–31184

Indian Affairs Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31186–31187
Indian entities recognized as eligible to receive services from BIA; list, 31188–31189
Tribal-State Compacts approval; Class III (casino) gambling:
Agua Caliente Band of Cahuilla Indians et al., CA, 31189
Coushatta Tribe of Louisiana, 31189

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Reclamation Bureau

Internal Revenue Service
RULES
Income taxes:
Reorganizations; nonqualified preferred stock, 31078–31079
Taxable transactions; treatment of disposition by one corporation of stock of another corporation, 31073–31078
PROPOSED RULES
Income taxes:
Corporate reorganizations involving disregarded entities, 31115–31118
Intangible property; amortization to partnership transactions
Hearing cancellation, 31118
NOTICES
Meetings:
Citizen Advocacy Panels—
Brooklyn District, 31209
Pacific-Northwest District, 31209

International Trade Administration
NOTICES
Antidumping:
Helical spring lock washers from—
China, 31143–31144
Porcelain-on-steel cooking ware from—
China, 31144–31145
Antidumping and countervailing duties:
Administrative review requests, 31141–31143

International Trade Commission
NOTICES
Import investigations:
Glycine from—
China, 31145–31146

Justice Department
See Drug Enforcement Administration

Labor Department
See Labor Statistics Bureau
See Occupational Safety and Health Administration
See Veterans Employment and Training, Office of Assistant Secretary

Labor Statistics Bureau
NOTICES
Meetings:
Labor Research Advisory Council, 31194

Land Management Bureau
PROPOSED RULES
Land resource management:
Recreation permits for public lands, 31233–31244
NOTICES
Closure of public lands:
Nevada, 31190
Meetings:
Resource Advisory Councils—
Mojave-Southern Great Basin, 31190
Realty actions; sales, leases, etc.:
Colorado, 31190–31191

National Aeronautics and Space Administration
RULES
Acquisition regulations:
Contract financing, 31101–31103
Meetings:
Centennial of Flight Commission [**Editorial Note:** The entry for this document, published at 65 FR 31016 in the **Federal Register** of May 15, 2000, was inadvertently omitted from that issue's table of contents.]

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31195–31196
Submission for OMB review; comment request, 31196

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
General Mortors North America, 31207
Motor vehicle theft prevention standards; exemption petitions, etc.:
Volkswagen of America, Inc., 31208–31209

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Gulf of Alaska groundfish, 31104–31105
License Limitation Program, 31103–31104
Pollock, 31105–31107
Shortraker and rougheye rockfish; correction, 31107–31108
PROPOSED RULES
Fishery conservation and management:
Caribbean, Gulf, and South Atlantic fisheries—
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 31132–31135
NOTICES
Meetings:
Pacific Fishery Management Council, 31146–31147
Permits:
Endangered and threatened species, 31147–31148
Exempted fishing, 31149–31150

National Park Service
NOTICES
Environmental statements; availability, etc.:
Maurice National Scenic and Recreational River, NJ, 31191
Meetings:
San Francisco Maritime National Historical Park Advisory Commission, 31191
White House Preservation Committee, 31191

Navy Department
RULES
Archeological research permits on ship and aircraft wrecks; application guidelines, 31079–31083

Nuclear Regulatory Commission
NOTICES
Meetings:
Reactor Safeguards Advisory Committee, 31197
Memorandums of understanding:
Federal Bureau of Investigation; nuclear threat incidents involving NRC licensed facilities, materials, or activities, 31197–31198

Occupational Safety and Health Administration
NOTICES
Meetings:
Occupational Safety and Health National Advisory Committee, 31194–31195

Postal Service
PROPOSED RULES
Domestic Mail Manual:
Sack preparation changes for periodicals nonletter-size pieces and periodicals prepared on pallets, 31118–31120

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

Railroad Retirement Board
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31198–31199

Reclamation Bureau
NOTICES
Repayment contract negotiations:
Pick-Sloan Missouri Basin Program; long-term water service contracts; availability, 31191–31192

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
New York Stock Exchange, Inc., 31199–31200
Pacific Exchange, Inc., 31200–31205

Small Business Administration
NOTICES
Applications, hearings, determinations, etc.:
TD Origen Fund, L.P., et al., 31205

Social Security Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 31205

Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Substance Abuse Treatment Center—
National Center for Mentally Ill and Substance Abusing Youth and Adults involved with Justice System, 31180–31182

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31209–31210
Submission for OMB review; comment request, 31210–31212

Veterans Employment and Training, Office of Assistant Secretary
NOTICES
Meetings:
Veterans Employment and Training Advisory Committee, 31195

Separate Parts In This Issue

Part II
Department of Transportation, Federal Aviation Administration, 31213–31215

Part III
General Services Administration, 31217–31231

Part IV
Department of Interior, Bureau of Land Management, 31233–31244

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

CFR PARTS AFFECTED IN THIS ISSUE

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

14 CFR
91 31214
Proposed Rules:
39 (2 documents) 31109, 31113

26 CFR
1 (2 documents) 31073, 31078
Proposed Rules:
1 (2 documents) 31115, 3118

27 CFR
275 31079

32 CFR
767 31079

33 CFR
100 (2 documents) 31083, 31086
110 (3 documents) 31083, 31086, 31091
165 (2 documents) 31086, 31091

39 CFR
Proposed Rules:
111 31118

40 CFR
52 31093
261 31096
Proposed Rules:
52 31120
430 31120

41 CFR
101-43 31218
102-36 31218

42 CFR
Proposed Rules:
405 31124

43 CFR
Proposed Rules:
2930 31234
3800 31234
8340 31234
8370 31234
8560 31234
9260 31234

44 CFR
Proposed Rules:
206 31129

46 CFR
Proposed Rules:
520 31130

47 CFR
73 (2 documents) 31100, 31101
Proposed Rules:
73 (2 documents) 31130, 31131

48 CFR
1804 31101
1806 31101
1815 31101
1823 31101
1832 31101
1845 31101
Proposed Rules:
5433 31131
5452 31131

50 CFR
679 (4 documents) 31103, 31104, 31105, 31107
Proposed Rules:
622 31132

Rules and Regulations

Federal Register
Vol. 65, No. 95
Tuesday, May 16, 2000

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

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8883]

RIN 1545–AW53

Guidance Under Section 1032 Relating to the Treatment of a Disposition by An Acquiring Entity of the Stock of a Corporation in a Taxable Transaction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the treatment of a disposition by a corporation or partnership (the acquiring entity) of the stock of a corporation (the issuing corporation) in a taxable transaction. The final regulations interpret section 1032 of the Internal Revenue Code. They affect persons engaging in certain taxable transactions, as described in the final regulations, occurring after May 16, 2000.

EFFECTIVE DATE: These regulations are effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Filiz Serbes, (202) 622–7550 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On September 23, 1998, the Treasury and the IRS issued a notice of proposed rulemaking in the **Federal Register** (63 FR 50816), setting forth rules relating to the treatment of a disposition by a corporation (the acquiring corporation) of the stock of another corporation (the issuing corporation) in a taxable transaction. A public hearing regarding these proposed regulations was held on January 7, 1999. Written comments responding to the notice were received. After consideration of all of the comments, the proposed regulations are adopted as revised by this Treasury decision.

Explanation of Revisions and Summary of Comments

The Immediacy Requirement

The proposed regulations adopted a cash purchase model in which certain transactions involving a contribution of issuing corporation stock by an issuing corporation to an acquiring corporation are recast as a contribution of cash by the issuing corporation to the acquiring corporation, which is used by the acquiring corporation to purchase issuing corporation stock from the issuing corporation. As a condition for application of the cash purchase model of the proposed regulations, the proposed regulations adopted the requirement of § 1.1502–13(f)(6)(ii)(B) that the issuing corporation stock received by the acquiring corporation be immediately transferred to acquire money or other property.

A number of commentators requested that the term ''immediately'' be explicitly defined. Some suggested replacing the temporal requirement with a transactional approach, requiring only that the stock be disposed of ''pursuant to a plan of acquisition.'' Others suggested that the immediacy requirement be waived in certain circumstances, such as with respect to a nonqualified deferred compensation arrangement involving a grantor trust (commonly referred to as a ''Rabbi Trust'') that is established to provide future benefits to the employees of an acquiring corporation and that is funded with issuing corporation stock.

After considering the purposes of section 1032 and issues of administrative burden and technical complexity, the Treasury and the IRS believe that the immediacy requirement should neither be waived nor construed to permit the acquiring corporation to hold issuing corporation stock for a period of time during which the value of the stock could fluctuate.

The Treasury and the IRS believe that, in a case where the issuing corporation contributes its stock to the acquiring corporation and the acquiring corporation does not immediately dispose of that stock, it is not appropriate to increase the basis of either the issuing corporation stock transferred to the acquiring corporation or the stock of the acquiring corporation held by the issuing corporation. In the cases addressed by the proposed regulations, in which the acquiring corporation exchanges the stock immediately for property owned by a third party, the transaction is indistinguishable from one in which the issuing corporation directly exchanges its stock for the property of the third party (an exchange to which section 1032 would apply) and contributes that property to the acquiring corporation, a transaction whose tax result would be the same as the cash purchase model set forth in the proposed regulations. However, in cases where the acquiring corporation's ownership of the issuing corporation stock is more than transitory, there appears to be no comparable transaction which would generate the same tax consequences as the cash purchase model.

Implementation of an approach that waives the immediacy requirement would raise administrative and policy concerns. If the acquiring corporation were to be permitted to hold the issuing corporation stock for a period of time, the regulations would have to adopt one of two alternative approaches. Under the first alternative, the regulations would provide that the cash purchase model would be deemed to apply at the time that the stock is contributed to the acquiring corporation, giving the acquiring corporation a fair market value basis in the stock. However, such an approach would raise at least two concerns. First, in the case that the issuing corporation stock is not publicly traded, such an approach would impose administrative burdens requiring a valuation of the stock at a time when there is no related transaction to assist in such valuation. Thus, there is a potential for the stock to be overvalued, with a result of inflating the basis in both the contributed issuing corporation stock and the acquiring corporation stock held by the issuing corporation.

Second, even if the valuation were accurate, providing for the cash purchase model on the date of the contribution would facilitate selective loss recognition. If the acquiring corporation could receive the stock at a fair market value basis and hold on to it, then if the value of the stock decreased, the subsidiary could sell the stock and recognize a loss. The Treasury and the IRS believe that it is

inappropriate to issue regulations facilitating selective loss recognition.

Under the second alternative, the regulations would suspend the operation of the cash purchase model until such time as the acquiring corporation actually disposes of the issuing corporation stock. However, such an approach also would give rise to inappropriate tax results. In addition to precluding gain recognition attributable to the zero basis result, this alternative would allow a subsidiary to avoid recognition of gain attributable to real appreciation in this asset.

Assume, for example, a case where the issuing corporation contributes issuing corporation stock worth $100 to the acquiring corporation, the acquiring corporation retains that stock while it appreciates to $300, and then sells the stock for $300 in cash. Absent an immediacy requirement, under the second alternative, the acquiring corporation would be deemed to have purchased the stock for $300 in cash contributed by the issuing corporation immediately before the sale of the stock to the third party. As a result, the acquiring corporation would not recognize any gain or loss, and the issuing corporation would increase its basis in the stock of the acquiring corporation by $300. More than merely avoiding a zero basis result (*i.e.,* taxation on the $100 value in the stock when contributed to the acquiring corporation), neither the acquiring corporation nor the issuing corporation would ever be taxed on the further $200 in appreciation of the issuing corporation stock which occurred while such stock was held by the acquiring corporation. Such a result, which effectively would provide full section 1032 protection for a subsidiary's gain in certain parent stock, would go well beyond addressing the zero basis result, the scope of these regulations.

Because each of those alternatives would be unsatisfactory for the reasons discussed above, the final regulations retain the immediacy requirement without further exception.

Consistent with that determination, and as in the case of any other transaction, the cash purchase model of these regulations applies to arrangements involving Rabbi Trusts only if the immediacy requirement is satisfied. Thus, these regulations do not apply to Rabbi Trust arrangements in which the stock of an issuing corporation is treated for federal tax purposes as owned for a period of time by its subsidiary. However, the Treasury and the IRS have reconsidered certain aspects of Rabbi Trust arrangements and have determined that the fact that trust assets are subject to the claims of creditors of the subsidiary corporation does not necessarily establish that the subsidiary should be treated as a grantor of the trust at the time the trust is funded. Guidance regarding the effects of this reconsideration on existing Rabbi Trusts will be forthcoming. In addition, the final regulations contain a new example describing an arrangement in which the issuing corporation (and not the subsidiary) is treated as the grantor and owner of the Rabbi Trust, with the result that the immediacy requirement is satisfied upon the transfer of issuing corporation stock by the trust to the subsidiary's employees.

Taxpayers could have reasonably anticipated that Rabbi Trust arrangements could not be structured without causing subsidiaries to be treated as grantors and owners of the trust. For that reason and because of the potential ambiguities in interpreting Rev. Rul. 80–76 (1980–1 C.B. 15), the IRS will not challenge a taxpayer's position that no gain is recognized by an acquiring corporation upon the disposition by a Rabbi Trust, established on or before June 15, 2000, of issuing corporation stock if that stock was contributed by the issuing corporation to the Rabbi Trust on or before May 16, 2001.

Exchanges by the Acquiring Corporation of Stock of the Issuing Corporation for Other Issuing Corporation Stock

Commentators noted that, unlike § 1.1502–13(f)(6)(ii), the recast of the proposed regulations applies even where the acquiring corporation exchanges stock of the issuing corporation for other issuing corporation stock. Allowing a subsidiary to receive parent stock it immediately swaps for other parent stock, which it could hold long term with a cost basis, would facilitate selective loss recognition with respect to parent stock by a subsidiary. Accordingly, the final regulations adopt, as a precondition for the recast, a requirement that the issuing corporation stock not be exchanged for other issuing corporation stock.

Exchanges by the Acquiring Corporation of Stock of the Issuing Corporation for Acquiring Corporation Debt

Commentators contended that it is unclear whether the proposed regulations are applicable when the acquiring corporation uses issuing corporation stock to satisfy acquiring corporation debt. The Treasury and the IRS believe that the regulations do apply to an exchange of issuing corporation stock for acquiring corporation debt. Although section 1032 refers to an exchange for money or other property and does not expressly refer to exchanges of stock for debt, it is generally acknowledged that section 1032 applies to an exchange of a corporation's stock for its debt, subject to sections 61(a)(12) and 108, which provide that a corporation may have income from a cancellation of indebtedness on an exchange of its stock for its own debt (that is, cancellation of indebtedness income can be realized and recognized when debt is satisfied with stock of the debtor corporation, even though no gain is recognized on the issuance of the stock). Similarly, therefore, the requirement set forth in these regulations that the acquiring corporation transfer issuing corporation stock to acquire money or other property is satisfied where the stock is used to satisfy acquiring corporation debt (although the acquiring corporation may be subject to sections 61(a)(12) and 108). No modifications to the language of the final regulations are needed to achieve this result.

Similarly, a commentator expressed concern that the proposed regulations do not expressly apply to an acquiring corporation's exchange of issuing corporation stock for the acquiring corporation's own outstanding acquiring corporation stock held by a shareholder other than the issuing corporation. The Treasury and the IRS believe that the regulations do apply to such an exchange.

Acquiring Corporation's Use of Issuing Corporation's Debt

Commentators also requested that the regulations be extended to issuing corporation debt instruments used by the acquiring corporation to acquire money or other property from unrelated third parties. Because section 1032 only refers to corporate stock, debt instruments are beyond the scope of these final regulations.

Reorganizations Coupled With Taxable Transactions

The proposed regulations do not apply if any party to the exchange receives a substituted basis in the issuing corporation stock. Commentators suggested that the final regulations provide that the above rule does not preclude application of the final regulations if a taxable exchange of issuing corporation stock for property accompanies a reorganization.

The Treasury and the IRS believe that a taxable transaction to which the regulations apply can accompany a reorganization, provided that the exchanges are separate and that the assets acquired in the taxable

transaction and the assets acquired as part of the reorganization can be identified. If these elements can be established, the substituted basis prohibition should not preclude application of the final regulations to the taxable portion of the exchange. Accordingly, clarifying language has been added to § 1.1032–3(c)(3).

Options Without a Readily Ascertainable Fair Market Value

Several commentators asked how the proposed regulations apply to a compensatory stock option without a readily ascertainable fair market value. Pursuant to section 83(e)(3) and § 1.83–7(a), the grant of such options is effectively treated as an open transaction. Section § 1.83–7(a) provides that section 83(a) and (b) applies at the time the option is exercised or is otherwise disposed of. An example has been added to confirm that the final regulations do not apply to such options.

When the option is exercised, section 83(a) and (b) applies to the transfer of stock pursuant to the exercise. If all of the requirements of § 1.1032–3 are met, those regulations apply to determine the treatment accorded the issuing corporation and the acquiring corporation upon transfer of the issuing corporation stock to the employee.

Reversionary Interest in Issuing Corporation Stock

Examples 4 and *5* of the proposed regulations set forth situations in which either the issuing corporation (*X*) or the acquiring corporation (*Y*) retains a reversionary interest in the issuing corporation stock. One commentator pointed out that the preamble of the proposed regulations does not articulate reasons for concern with reversionary interests.

These facts were included in the examples in the proposed regulations to indicate ownership of the stock for tax purposes.

Example 6 of the final regulations has been modified to state that *X* retains the only reversionary interest in the *X* stock in the event that *A* forfeits the right to the stock.

Actual Payment for Issuing Corporation Stock

Under the cash purchase model of the proposed regulations, the acquiring corporation is deemed to have purchased the issuing corporation stock from the issuing corporation for fair market value with cash contributed to the acquiring corporation by the issuing corporation. Commentators requested clarification of the tax consequences in cases where the acquiring corporation or another party makes an actual payment to the issuing corporation for issuing corporation stock. Specifically, concern was expressed as to whether any or all of the amounts actually paid to the issuing corporation are treated as a distribution by the acquiring corporation to the issuing corporation. Assume, for example, that the issuing corporation, which owns all the stock of the acquiring corporation, transfers an option for issuing corporation stock to an employee of the acquiring corporation. At a time when one share of issuing corporation stock has a fair market value of $100, that employee exercises the option to acquire one share of issuing corporation stock and pays a strike price of $80 to the issuing corporation. The acquiring corporation pays some or all of the ''spread'' of $20 to the issuing corporation.

The Treasury and the IRS do not believe that an actual payment to the issuing corporation for issuing corporation stock should be taxed as a distribution with respect to acquiring corporation stock. Accordingly, the final regulations have been modified to provide that the amount of cash deemed contributed by the issuing corporation to the acquiring corporation in the cash purchase model is equal to the difference between the fair market value of the issuing corporation stock and the fair market value of the money or other property received by the issuing corporation as payment from the employee or the acquiring corporation. An example to such effect has been added to the final regulations.

Although in other contexts partial payments received by a shareholder of an acquiring corporation should be characterized as boot under section 351(b), these final regulations integrate such payments into the cash purchase model described above. Because the property transferred by the issuing corporation to the acquiring corporation in this context is the issuing corporation's stock (or is deemed to be cash under the recast of these regulations), characterization of the payment as boot in this context would have no effect. No inference should be drawn from the recast in the final regulations to transactions in which a shareholder receives money or other property in exchange for property other than its own stock.

Section 1.83–6 is currently under study. A cross-reference in § 1.83–6(d) to these final regulations has been added to indicate that the mechanics of § 1.1032–3, rather than the mechanics of § 1.83–6(d), apply to a corporate shareholder's transfer of its own stock to any person in consideration of services performed for another entity where the conditions of the final regulations are satisfied.

Applicability of the Final Regulations in the Partnership Context

Consistent with a suggestion by commentators that the regulations be expanded to apply to transactions involving partnerships, the final regulations treat an acquiring partnership's disposition of the stock of the issuing corporation in the same manner as an acquiring corporation's disposition of such stock. The regulations also have been expanded to apply to transactions in which the stock of the issuing corporation is obtained indirectly by the acquiring entity in any combination of exchanges under sections 721 and 351.

In certain situations where the recast of the final regulations does not apply to the disposition by a partnership of a corporate partner's stock (for example, because the immediacy requirement is not satisfied), realized gain or loss that is allocated to that corporate partner may nonetheless not be recognized pursuant to section 1032. See Rev. Rul. 99–57 (1999–51 I.R.B. 678).

Status of § 1.1502–13(f)(6)(ii)

The Treasury and the IRS believe that the finalization of these § 1.1032–3 regulations renders § 1.1502–13(f)(6)(ii) superfluous because there should be no cases which would be subject to recast under § 1.1502–13(f)(6)(ii), but in which a member would ''otherwise recognize gain'' as required for § 1.1502–13(f)(6)(ii) to apply. Accordingly, the effective date paragraph in the § 1.1502–13(f)(6) regulations has been modified to limit the applicability of § 1.1502–13(f)(6)(ii) and the last sentence of § 1.1502–13(f)(6)(iv)(A) to periods before the effective date of these regulations.

Status of Rev. Rul. 80–76

The preamble to the proposed regulations states that Rev. Rul. 80–76 (1980–1 C.B. 15) addresses the same issues as the proposed regulations and that, when finalized, the regulations will render Rev. Rul. 80–76 obsolete. In Rev. Rul. 80–76, a majority shareholder of parent transfers parent stock to an employee of its subsidiary corporation as compensation. The holding of the revenue ruling that the subsidiary does not recognize gain or loss on the transfer of the parent stock is now governed by these regulations. An example has been added to the final regulations to clarify how general tax principles (see *Commissioner* v. *Fink*, 483 U.S. 89 (1987)) and these final regulations interact when a shareholder of the parent/issuing corporation compensates

an employee of the subsidiary/acquiring corporation. With the finalization of these regulations, Rev. Rul. 80–76 is obsolete.

Additional Issues and Future Guidance

Since issuance of the proposed regulations, commentators have raised questions regarding the tax treatment of restricted stock and options granted to employees before or in connection with a transaction in which an issuing corporation distributes the stock of the acquiring corporation under section 355 (commonly referred to as a ''spin off''). For example, assume that employees of both *X* corporation and its subsidiary *Y* corporation have outstanding options to acquire stock in *X* corporation. In connection with a spin off of the *Y* stock by *X*, the employees of both corporations have their outstanding options converted into options to acquire stock of both *X* and *Y*, with option terms preserving the overall values of the original options. Commentators have requested guidance on the tax consequences to *X* when, after the spin off, employees of *X* exercise options to acquire *Y* stock and, likewise, the tax consequences to *Y* when, after the spin off, employees of *Y* exercise options to acquire *X* stock. Guidance addressing these issues will be forthcoming.

Effective Date

Commentators suggested that taxpayers who engaged in transactions described in these final regulations prior to the effective date should be eligible for the tax treatment prescribed by the regulations. While the final regulations are applicable only prospectively, the IRS will not challenge a taxpayer's position taken in a prior period that is consistent with the requirements set forth in the final regulations.

For a discussion of transitional relief concerning certain Rabbi Trust arrangements, see the discussion of the immediacy requirement above.

Effect on Other Documents

Rev. Rul. 80–76 (1980–1 C.B. 15) is obsolete.

Special Analyses

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

Drafting Information: The principal author of these final regulations is Filiz Serbes of the Office of the Assistant Chief Counsel (Corporate), IRS. However, other personnel from the IRS and the Treasury Department participated in its development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.83–6 is amended by adding two sentences to the end of paragraph (d)(1) to read as follows:

§ 1.83–6 Deduction by employer.

* * * * *

(d) * * * (1) * * * For special rules that may apply to a corporation's transfer of its own stock to any person in consideration of services performed for another corporation or partnership, see § 1.1032–3. The preceding sentence applies to transfers of stock and amounts paid for such stock occurring on or after May 16, 2000.

* * * * *

Par. 3. Section 1.1032–2 is amended by:

1. Revising paragraph (e).
2. Adding paragraph (f).

The addition and revision read as follows:

§ 1.1032–2 Disposition by a corporation of stock of a controlling corporation in certain triangular reorganizations.

* * * * *

(e) *Stock options.* The rules of this section shall apply to an option to buy or sell P stock issued by P in the same manner as the rules of this section apply to P stock.

(f) *Effective dates.* This section applies to triangular reorganizations occurring on or after December 23, 1994, except for paragraph (e) of this section, which applies to transfers of stock options occurring on or after May 16, 2000.

Par. 4. Section 1.1032–3 is added to read as follows:

§ 1.1032–3 Disposition of stock or stock options in certain transactions not qualifying under any other nonrecognition provision.

(a) *Scope.* This section provides rules for certain transactions in which a corporation or a partnership (the acquiring entity) acquires money or other property (as defined in § 1.1032–1) in exchange, in whole or in part, for stock of a corporation (the issuing corporation).

(b) *Nonrecognition of gain or loss*—(1) *General rule.* In a transaction to which this section applies, no gain or loss is recognized on the disposition of the issuing corporation's stock by the acquiring entity. The transaction is treated as if, immediately before the acquiring entity disposes of the stock of the issuing corporation, the acquiring entity purchased the issuing corporation's stock from the issuing corporation for fair market value with cash contributed to the acquiring entity by the issuing corporation (or, if necessary, through intermediate corporations or partnerships). For rules that may apply in determining the issuing corporation's adjustment to basis in the acquiring entity (or, if necessary, in determining the adjustment to basis in intermediate entities), see sections 358, 722, and the regulations thereunder.

(2) *Special rule for actual payment for stock of the issuing corporation.* If the issuing corporation receives money or other property in payment for its stock, the amount of cash deemed contributed under paragraph (b)(1) of this section is the difference between the fair market value of the issuing corporation stock and the amount of money or the fair market value of other property that the issuing corporation receives as payment.

(c) *Applicability.* The rules of this section apply only if, pursuant to a plan to acquire money or other property—

(1) The acquiring entity acquires stock of the issuing corporation directly or indirectly from the issuing corporation in a transaction in which, but for this section, the basis of the stock of the issuing corporation in the hands of the acquiring entity would be determined, in whole or in part, with respect to the issuing corporation's basis in the issuing corporation's stock under section 362(a) or 723;

(2) The acquiring entity immediately transfers the stock of the issuing corporation to acquire money or other property (from a person other than an

entity from which the stock was directly or indirectly acquired);

(3) The party receiving stock of the issuing corporation in the exchange specified in paragraph (c)(2) of this section from the acquiring entity does not receive a substituted basis in the stock of the issuing corporation within the meaning of section 7701(a)(42); and

(4) The issuing corporation stock is not exchanged for stock of the issuing corporation.

(d) *Stock options.* The rules of this section shall apply to an option issued by a corporation to buy or sell its own stock in the same manner as the rules of this section apply to the stock of an issuing corporation.

(e) *Examples.* The following examples illustrate the application of this section:

Example 1. (i) *X*, a corporation, owns all of the stock of *Y* corporation. *Y* reaches an agreement with *C,* an individual, to acquire a truck from *C* in exchange for 10 shares of *X* stock with a fair market value of $100. To effectuate *Y*'s agreement with *C, X* transfers to *Y* the *X* stock in a transaction in which, but for this section, the basis of the *X* stock in the hands of *Y* would be determined with respect to *X*'s basis in the *X* stock under section 362(a). *Y* immediately transfers the *X* stock to *C* to acquire the truck.

(ii) In this *Example 1,* no gain or loss is recognized on the disposition of the *X* stock by *Y*. Immediately before *Y*'s disposition of the *X* stock, *Y* is treated as purchasing the *X* stock from *X* for $100 of cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 2. (i) Assume the same facts as *Example 1*, except that, rather than *X* stock, *X* transfers an option with a fair market value of $100 to purchase *X* stock.

(ii) In this *Example 2*, no gain or loss is recognized on the disposition of the *X* stock option by *Y*. Immediately before *Y*'s disposition of the *X* stock option, *Y* is treated as purchasing the *X* stock option from *X* for $100 of cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 3. (i) *X*, a corporation, owns all of the outstanding stock of *Y* corporation. *Y* is a partner in partnership *Z*. *Z* reaches an agreement with *C*, an individual, to acquire a truck from *C* in exchange for 10 shares of *X* stock with a fair market value of $100. To effectuate *Z*'s agreement with *C*, *X* transfers to *Y* the *X* stock in a transaction in which, but for this section, the basis of the *X* stock in the hands of *Y* would be determined with respect to *X*'s basis in the *X* stock under section 362(a). *Y* immediately transfers the *X* stock to *Z* in a transaction in which, but for this section, the basis of the *X* stock in the hands of *Z* would be determined under section 723. *Z* immediately transfers the *X* stock to *C* to acquire the truck.

(ii) In this *Example 3*, no gain or loss is recognized on the disposition of the *X* stock by *Z*. Immediately before *Z*'s disposition of the *X* stock, *Z* is treated as purchasing the *X* stock from *X* for $100 of cash indirectly contributed to *Z* by *X* through an intermediate corporation, *Y*. Under section 722, *Y*'s basis in its *Z* partnership interest is increased by $100, and, under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 4. (i) X, a corporation, owns all of the outstanding stock of *Y* corporation. *B*, an individual, is an employee of *Y*. Pursuant to an agreement between *X* and *Y* to compensate *B* for services provided to *Y*, *X* transfers to *B* 10 shares of *X* stock with a fair market value of $100. Under § 1.83-6(d), but for this section, the transfer of *X* stock by *X* to *B* would be treated as a contribution of the *X* stock by *X* to the capital of *Y*, and immediately thereafter, a transfer of the *X* stock by *Y* to *B*. But for this section, the basis of the *X* stock in the hands of *Y* would be determined with respect to *X*'s basis in the *X* stock under section 362(a).

(ii) In this *Example 4*, no gain or loss is recognized on the deemed disposition of the *X* stock by *Y*. Immediately before *Y*'s deemed disposition of the *X* stock, *Y* is treated as purchasing the *X* stock from *X* for $100 of cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 5. (i) *X*, a corporation, owns all of the outstanding stock of *Y* corporation. *B*, an individual, is an employee of *Y*. To compensate *B* for services provided to *Y*, *B* is offered the opportunity to purchase 10 shares of *X* stock with a fair market value of $100 at a reduced price of $80. *B* transfers $80 and *Y* transfers $10 to *X* as partial payment for the *X* stock.

(ii) In this *Example 5*, no gain or loss is recognized on the deemed disposition of the *X* stock by *Y*. Immediately before *Y*'s deemed disposition of the *X* stock, *Y* is treated as purchasing the *X* stock from *X* for $100, $80 of which *Y* is deemed to have received from *B*, $10 of which originated with *Y*, and $10 of which is deemed to have been contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $10.

Example 6. (i) *X*, a corporation, owns stock of *Y*. To compensate *Y*'s employee, *B*, for services provided to *Y*, *X* issues 10 shares of *X* stock to *B*, subject to a substantial risk of forfeiture. *B* does not have an election under section 83(b) in effect with respect to the *X* stock. *X* retains the only reversionary interest in the *X* stock in the event that *B* forfeits the right to the stock. Several years after *X*'s transfer of the *X* shares, the stock vests. At the time the stock vests, the 10 shares of *X* stock have a fair market value of $100. Under § 1.83-6(d), but for this section, the transfer of the *X* stock by *X* to *B* would be treated, at the time the stock vests, as a contribution of the *X* stock by *X* to the capital of *Y*, and immediately thereafter, a disposition of the *X* stock by *Y* to *B*. The basis of the *X* stock in the hands of *Y*, but for this section, would be determined with respect to *X*'s basis in the *X* stock under section 362(a).

(ii) In this *Example 6*, no gain or loss is recognized on the deemed disposition of *X* stock by *Y* when the stock vests. Immediately before *Y*'s deemed disposition of the *X* stock, *Y* is treated as purchasing *X*'s stock from *X* for $100 of cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 7. (i) Assume the same facts as in *Example 6*, except that *Y* (rather than *X*) retains a reversionary interest in the *X* stock in the event that *B* forfeits the right to the stock. Several years after *X*'s transfer of the *X* shares, the stock vests.

(ii) In this *Example 7*, this section does not apply to *Y*'s deemed disposition of the *X* shares because *Y* is not deemed to have transferred the *X* stock to *B* immediately after receiving the stock from *X*. For the tax consequences to *Y* on the deemed disposition of the *X* stock, see § 1.83–6(b).

Example 8. (i) *X*, a corporation, owns all of the outstanding stock of *Y* corporation. In Year 1, *X* issues to *Y*'s employee, *B*, a nonstatutory stock option to purchase 10 shares of *X* stock as compensation for services provided to *Y*. The option is exercisable against *X* and does not have a readily ascertainable fair market value (determined under § 1.83–7(b)) at the time the option is granted. In *Y*ear 2, *B* exercises the option by paying *X* the strike price of $80 for the *X* stock, which then has a fair market value of $100.

(ii) In this *Example 8*, because, under section 83(e)(3), section 83(a) does not apply to the grant of the option, paragraph (d) of this section also does not apply to the grant of the option. Section 83 and § 1.1032–3 apply in Year 2 when the option is exercised; thus, no gain or loss is recognized on the deemed disposition of *X* stock by *Y* in Year 2. Immediately before *Y*'s deemed disposition of the *X* stock in Year 2, *Y* is treated as purchasing the *X* stock from *X* for $100, $80 of which *Y* is deemed to have received from B and the remaining $20 of which is deemed to have been contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $20.

Example 9. (i) *A,* an individual, owns a majority of the stock of *X*. *X* owns stock of *Y* constituting control of *Y* within the meaning of section 368(c). *A* transfers 10 shares of its *X* stock to B, a key employee of *Y*. The fair market value of the 10 shares on the date of transfer was $100.

(ii) In this *Example 9*, *A* is treated as making a nondeductible contribution of the 10 shares of *X* to the capital of *X*, and no gain or loss is recognized by *A* as a result of this transfer. See *Commissioner v. Fink*, 483 U.S. 89 (1987). *A* must allocate his basis in the transferred shares to his remaining shares of *X* stock. No gain or loss is recognized on the deemed disposition of the *X* stock by *Y*. Immediately before *Y*'s disposition of the *X* stock, *Y* is treated as purchasing the *X* stock from *X* for $100 of cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock is increased by $100.

Example 10. (i) In Year 1, *X*, a corporation, forms a trust which will be used to satisfy deferred compensation obligations owed by *Y*, *X*'s wholly owned subsidiary, to *Y*'s employees. *X* funds the trust with *X* stock, which would revert to *X* upon termination of the trust, subject to the employees' rights to be paid the deferred compensation due to them. The creditors of *X* can reach all the trust assets upon the insolvency of *X*. Similarly, *Y*'s creditors can reach all the trust assets upon the insolvency of *Y*. In Year 5, the trust transfers *X* stock to the employees

of *Y* in satisfaction of the deferred compensation obligation.

(ii) In this *Example 10*, *X* is considered to be the grantor of the trust, and, under section 677, *X* is also the owner of the trust. Any income earned by the trust would be reflected on *X*'s income tax return. *Y* is not considered a grantor or owner of the trust corpus at the time *X* transfers *X* stock to the trust. In Year 5, when employees of *Y* receive X stock in satisfaction of the deferred compensation obligation, no gain or loss is recognized on the deemed disposition of the *X* stock by *Y*. Immediately before *Y*'s deemed disposition of the *X* stock, *Y* is treated as purchasing the *X* stock from *X* for fair market value using cash contributed to *Y* by *X*. Under section 358, *X*'s basis in its *Y* stock increases by the amount of cash deemed contributed.

(f) *Effective date.* This section applies to transfers of stock or stock options of the issuing corporation occurring on or after May 16, 2000.

Par. 5. In § 1.1502–13, paragraph (f)(6)(v) is amended by adding a sentence after the first sentence to read as follows:

§ 1.1502–13 Intercompany transactions.

* * * * *

(f) * * *

(6) * * *

(v) *Effective date.* * * * However, paragraph (f)(6)(ii) of this section and the last sentence of paragraph (f)(6)(iv)(A) of this section do not apply to dispositions of P stock or options occurring on or after May 16, 2000.

* * * * *

Approved: May 5, 2000.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Jonathan Talisman;

Assistant Secretary of the Treasury.

[FR Doc. 00–11900 Filed 5–11–00; 2:30 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8882]

RIN 1545–AV86

Reorganizations; Nonqualified Preferred Stock

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to nonqualified preferred stock and rights to acquire nonqualified preferred stock. The regulations are necessary to reflect changes to the law concerning these instruments that were made by the Taxpayer Relief Act of 1997. The regulations affect shareholders who receive nonqualified preferred stock, or rights to acquire such stock, in certain corporate reorganizations and divisions.

EFFECTIVE DATE: These regulations are effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Michael J. Danbury, (202) 622–7750 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

On January 6, 1998, a temporary regulation (TD 8753) was published in the **Federal Register** (63 FR 411). A notice of proposed rulemaking (REG–121755–97) cross-referencing the temporary regulation was published in the **Federal Register** (63 FR 453) on the same day.

The temporary regulation provided that, notwithstanding contemporaneously issued final regulations treating certain rights to acquire stock as securities that can be received tax-free in corporate reorganizations and divisions, nonqualified preferred stock (as defined in section 351(g)(2) of the Internal Revenue Code) (NQPS), or a right to acquire NQPS, will in some circumstances not be treated as stock or securities for purposes of sections 354, 355, and 356. The temporary regulation added § 1.356–6T, and applied to NQPS received in connection with a transaction occurring on or after March 9, 1998 (other than certain recapitalizations of family-owned corporations and transactions described in section 1014(f)(2) of the Taxpayer Relief Act of 1997, Public Law 105–34, 111 Stat. 788, 921). No written comments responding to the notice of proposed rulemaking were received, and no public hearing was requested or held.

The regulation proposed by REG–121755–97 is adopted by this Treasury decision, and the corresponding temporary regulation is removed. Cross-references to the temporary regulation in §§ 1.354–1(e), 1.355–1(c), and 1.356–3(b) have been removed and replaced with cross-references to the final regulation at § 1.356–6.

Special Analyses

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

Drafting Information

The principal author of these regulations is Michael J. Danbury of the Office of Assistant Chief Counsel (Corporate). However, other personnel from the IRS and Treasury participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 is amended by adding an entry in numerical order to read in part as follows:

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

Section 1.356–6 also issued under 26 U.S.C. 351(g)(4). * * *

§ 1.354–1 [Amended]

Par. 2. In § 1.354–1, paragraph (e), first sentence, the language ''§ 1.356–6T'' is removed and ''§ 1.356–6'' is added in its place.

§ 1.355–1 [Amended]

Par. 3. In § 1.355–1, paragraph (c), first sentence, the language ''§ 1.356–6T'' is removed and ''§ 1.356–6'' is added in its place.

§ 1.356–3 [Amended]

Par. 4. In § 1.356–3, paragraph (b), first sentence, the language ''§ 1.356–6T'' is removed and ''§ 1.356–6'' is added in its place.

Par. 5. Section 1.356–6T is redesignated as § 1.356–6 and the section heading is revised to read as follows:

§ 1.356–6 Rules for treatment of nonqualified preferred stock as other property.

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: May 5, 2000.

Jonathan Talisman,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–11899 Filed 5–15–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 275

[T.D. ATF–424a]

RIN 1512–AB92

Implementation of Public Law 105–33, Section 9302, Relating to the Imposition of Permit Requirements on the Manufacturer of Roll-Your-Own Tobacco (98R–370P)

ACTION: Temporary rule; correction.

SUMMARY: This document corrects a section of regulations that was erroneously revised in a temporary rule (T.D. ATF–424) published in the **Federal Register** of December 22, 1999, regarding the imposition of permit requirements on manufacturers of roll-your-own tobacco.

DATES: This rule is effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Ruhf, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW, Washington, DC 20226 (202–927–8210).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) published a document in the **Federal Register** of December 22, 1999 (64 FR 71929). We erroneously revised § 275.117(e). This document corrects that error.

In rule FR Doc. 99–32602 published on December 22, 1999, on page 71932, in the third column, remove the instruction and amendatory text in paragraph 25.

Signed: May 9, 2000.

Bradley A. Buckles,

Director.

[FR Doc. 00–12160 Filed 5–15–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 767

RIN 0703–AA57

Application Guidelines for Archeological Research Permits on Ship and Aircraft Wrecks Under the Jurisdiction of the Department of the Navy

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This final rule adds guidelines for obtaining Department of the Navy (DON) archeological research permits for those applying for permission to conduct research on, and/or recover, ship or aircraft wrecks under the jurisdiction of the DON. This permit process will assist the DON in managing and protecting its historic ship and aircraft wrecks. This rule will provide clear guidance on the permit application requirements to conduct research on, and/or recover, DON ship and aircraft wrecks.

DATES: Effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Robert S. Neyland, Underwater Archeologist, or Barbara A. Voulgaris, 202–433–2210.

SUPPLEMENTARY INFORMATION: On November 19, 1999 (64 FR 63263), the Department of the Navy (DON) published a notice of proposed rulemaking on the application guidelines for archeological research permits on Submerged Cultural Resources under the jurisdiction of DON. The comment period closed on January 18, 2000. Interested persons have been afforded the opportunity to participate in the making of this rule. Seven comments were submitted in response to the notice of proposed rulemaking. The comments from cultural resource professionals focused on the meaning of several definitions. In particular, there was a concern that the term ''submerged cultural resources'' would include more than ship and aircraft wrecks and the term would exclude ship and aircraft wrecks on land. As a result, a change was made to replace the terms ''submerged cultural resources'' and ''underwater cultural resources'' with ''ship and aircraft wrecks''. Also adopted were suggestions that provide additional time in the permit review process, to increase the permit duration, and to clarify guidance on state participation when a DON resource is on a State bottomland. Comments from those representing salvage interests were generally against restrictions. These comments and suggestions were carefully considered, but most were not adopted since they were in opposition to our goal of protecting DON cultural resources.

As background, in 1993, DON initiated an archeological management program for its historic ship and aircraft wreck sites. This was aided in part by the U.S. Department of Defense (DoD) Legacy Resource Management Program that was established by Congress in 1991, 10 U.S.C. 114, to provide DoD with an opportunity to enhance the management of DoD stewardship resources. The U.S. Naval Historical Center's (NHC) Office of Underwater Archeology is the DON command responsible for managing the DON's ship and aircraft wrecks under the guidelines of the Federal Archeological Program. Under the National Historic Preservation Act of 1966 as amended (NHPA), 16 U.S.C. 470 (1999), DON is obligated to protect historic properties, including ship and aircraft wrecks, for which it has custodial responsibilities. The NHPA directs federal agencies to manage their cultural resource properties in a way that emphasizes preservation and minimizes the impact of undertakings that might adversely affect such properties. Management of DON cultural resources such as ship and aircraft wrecks is not only a matter of preservation. The issues of gravesites, unexploded ordnance, and potential military usage of recovered weapons systems must also be addressed in wrecksite management.

Custody and Management of DON Ship and Aircraft Wrecksites

a. DON ship and aircraft wrecks are government property in the custody of DON. These seemingly abandoned wrecks remain government property until specific formal action is taken to dispose of them. DON custody of its wrecks is based on the property clause of the U.S. Constitution and international maritime law, and is consistent with Articles 95 and 96 of the Law of the Sea Convention. These laws establish that right, title, or ownership of Federal property is not lost to the government due to the passage of time. Department of the Navy ships and aircraft cannot be abandoned without formal action as authorized by Congress. Aircraft and ships stricken from the active inventory list are not considered formally disposed of or abandoned. Through the sovereign immunity provisions of admiralty law, DON retains custody of all its naval vessels and aircraft, whether lost in U.S., foreign, or international boundaries.

b. Divers may dive on DON wrecks at their own risk; however, Federal property law dictates that no portion of a government wreck may be disturbed or removed. The DON strongly encourages cooperation with other agencies and individuals interested in preserving our maritime and aviation heritage. Diving on sunken DON ships and aircraft located in units of the national park system or the national marine sanctuary system may be prohibited unless authorized by a Federal land manager.

c. The diving public is encouraged to report the location of underwater ship and aircraft wrecksites to the NHC. Documentation of these wreck locations allows the DON to evaluate and preserve important sites for the future. Under no circumstances will salvage of DON aircraft or shipwrecks be undertaken without prior and specific written approval by the NHC.

d. Wrecksites that are not entire aircraft or ships, but are parts strewn in a debris field, are considered potential archeological sites. Such sites still contain DON property and must be managed by the DON in accordance with the NHPA, the Secretary of the Interior's Standards and Guidelines on Archeology and Historic Preservation, 48 FR 44716 (1983), and departmental regulations. Permits for recovery of DON ship or aircraft wrecks will be considered only for educational or scientific reasons. It is unlikely DON will recommend the disposal and sale of a DON ship or aircraft wreck that is eligible for listing on the National Register of Historic Places. The DON maintains a policy of not disposing of wrecked ships and aircraft for the following reasons:

1. Congress has mandated through the NHPA that DON make every effort to preserve its historic cultural resources;

2. The remains of crewmembers, if any, deserve respect and should remain undisturbed unless proper retrieval and burial become necessary;

3. There is a possibility that live explosives or ordnance may still be associated with the vessel or aircraft;

4. The arbitrary disposal and sale of wrecks may foster commercial exploitation of cultural resources and;

5. The abandonment of wrecks could deplete a finite inventory of significant cultural resources.

Matters of Regulatory Procedure

Executive Order 12866, Regulatory Planning and Review. This rule does not meet the definition of ''significant regulatory action'' for purposes of E.O. 12866.

Executive Order 13132, Federalism. It has been determined that this rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will have little or no direct effect on States or local governments.

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

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

List of Subjects in 32 CFR Part 767

Aircraft, Archeology, Educational research, Government property, Government property management, Historic preservation, Research, Vessels.

For the reasons stated in the preamble, the Department of the Navy adds 32 CFR part 767 to read as follows:

PART 767—APPLICATION GUIDELINES FOR ARCHEOLOGICAL RESEARCH PERMITS ON SHIP AND AIRCRAFT WRECKS UNDER THE JURISDICATION OF THE DEPARTMENT OF THE NAVY

Subpart A—Regulations and Obligations

Sec.
767.1 Purpose.
767.2 Definitions.
767.3 Policy.

Subpart B—Permit Guidelines

Sec.
767.4 Application for permit.
767.5 Evaluation of permit application.
767.6 Credentials of principal investigator.
767.7 Conditions of permits.
767.8 Requests for amendments or extensions of active permits.
767.9 Content of permit holder's final report.
767.10 Monitoring of performance.
767.11 Violations of permit conditions.
767.12 References for submission of permit application to conduct archeological research.

Authority: 5 U.S.C. 301; 16 U.S.C. 470.

Subpart A—Regulations and Obligations

§ 767.1 Purpose.

(a) The purpose of this part is to establish the requirement and procedural guidelines for permits to conduct research on and/or recover Department of the Navy (DON) ship and aircraft wrecks.

(b) The U.S. Naval Historical Center's (NHC) Office of Underwater Archeology is the DON command responsible for managing DON ship and aircraft wrecks under the guidelines of the Federal Archeological Program. In order for the NHC's management policy to be consistent with the Federal Archeology Program, and the goals of the NHPA, DON has implemented a permitting process applicable to DON property consistent with and applying the Archeological Resources Protection Act of 1979 as amended (ARPA), 16 U.S.C. 470aa–mm, permitting criteria. Department of the Navy policies regarding its ship and aircraft wrecks are consistent with ARPA permitting requirements. Department of the Navy application of ARPA permitting criteria promotes consistency among federal agencies and meets DON's responsibilities under the NHPA while allowing qualified non-federal and private individuals and entities access to DON historic ship and aircraft wrecks.

(c) To assist NHC in managing, protecting, and preserving DON ship and aircraft wrecks.

§ 767.2 Definitions.

Aircraft wreck means the physical remains of an aircraft, intact or otherwise, its cargo, and other contents. Aircraft wrecks are classified as either historic structures or archeological sites.

Archeological site means the location of an event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure. A ship or aircraft wreck, along with its debris field, is an archaeological site when it lacks the structural integrity of an intact aircraft or vessel and when it and its location retain archeological or historical value regardless of the value of any existing remains.

Artifact means any object or assemblage of objects, regardless of age, whether in situ or not, that may carry archeological or historical information that yields or is likely to yield information to the scientific study of culture or human history.

Cultural resource means any prehistoric or historic district, site, building, structure, or object, including artifacts, records, and material remains related to such a property or resource. Historic aircraft wrecks or shipwrecks are classified as either archeological sites or historic structures.

Gravesite means any natural or prepared physical location, whether

originally below, on, or above the surface of the earth, where individual human remains are deposited.

Historic structure means a structure made up of interdependent and interrelated parts in a definite pattern or organization. Constructed by humans, it is often an engineering project large in scale. An aircraft wreck or shipwreck is a historic structure when it is relatively intact and when it and its location retain historical, architectural, or associative value.

Permit holder means any person authorized and given the exclusive right by the NHC to conduct any activity under these regulations.

Permitted activity means any activity that is authorized by the NHC under the regulations in this part.

Research vessel means any vessel employed for scientific purposes under the regulations in this part.

Ship wreck means the physical remains of a vessel, intact or otherwise, its cargo, and other contents. Shipwrecks are classified as either historic structures or archeological sites.

Wrecksite means the location of a ship or aircraft that has been sunk, crashed, ditched, damaged, or stranded. The wreck may be intact or scattered, may be on land or in water, and may be a structure or a site. The site includes the physical remains of the wreck and all other associated artifacts.

§ 767.3 Policy.

(a) The Naval Historical Center's policy has been to evaluate each DON ship and aircraft wreck on an individual basis. In some cases, the removal of DON ship and aircraft wrecks may be necessary or appropriate to protect the cultural resource and/or to fulfill other NHC goals, such as those encompassing research, education, public access, and appreciation. Recovery of DON ship and aircraft wrecks may be justified in specific cases where the existence of a cultural resource may be threatened. Therefore, recovery of some or all of a cultural resource may be permitted for identification and/or investigation to answer specific questions; or the recovery presents an opportunity for public research or education.

(b) Generally, DON ship and aircraft wrecks will be left in place unless artifact removal or site disturbance is justified and necessary to protect DON ship and aircraft wrecks, to conduct research, or provide public education and information that is otherwise inaccessible. While NHC prefers non-destructive, in situ research on DON ship and aircraft wrecks, it recognizes that site disturbance and/or artifact recovery is sometimes necessary. At such times, site disturbance and/or archeological recovery may be permitted, subject to conditions specified by NHC.

Subpart B—Permit Guidelines

§ 767.4 Application for permit.

(a) To request a permit application form, please write to: Department of the Navy, U.S. Naval Historical Center, Office of the Underwater Archeologist, 805 Kidder Breese St. SE, Washington Navy Yard, DC 20374–5060. Telefax number: 202–433–2729.

(b) Applicants must submit three copies of their completed application at least 120 days in advance of the requested effective date to allow sufficient time for evaluation and processing. Requests should be sent to the Department of the Navy, U.S. Naval Historical Center, Office of the Underwater Archeologist, 805 Kidder Breese St. SE, Washington Navy Yard, DC 20374–5060.

(c) If the applicant believes that compliance with one or more of the factors, criteria, or procedures in the guidelines contained in this part is not practicable, the applicant should set forth why and explain how the purposes of NHC are better served without compliance with the specified requirements. Permits are valid for one year from the issue date.

§ 767.5 Evaluation of permit application.

(a) Permit applications for archeological research are reviewed for completeness, compliance with program policies, and adherence to the guidelines of this subpart. Incomplete applications will be returned to the applicant for clarification. Complete applications are reviewed by NHC personnel and, when necessary, outside experts. In addition to the criteria set forth in § 767.6, applications are also judged on the basis of: relevance or importance; archeological merits; appropriateness and environmental consequences of technical approach; and qualifications of the applicants.

(b) Under certain circumstances, it may be necessary to consult with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) about the need to comply with section 106 of the NHPA. A section 106 review may require the NHC to consult with the appropriate SHPO and the ACHP. The ACHP review can take up to 60 days beyond the NHC's required 120-day review. Therefore, the entire review process may take up to 180 days.

(c) The NHC shall send applications for research at sites located in units of the national park system, national wildlife refuge system, and national marine sanctuary system to the appropriate Federal land manager for review. The Federal land manager is responsible for ensuring that the proposed work is consistent with any management plan or established policy, objectives or requirements applicable to the management of the public lands concerned. NHC shall send applications for research at sites located on state bottomlands to the appropriate state agency for review. The burden of obtaining any and all additional permits or authorizations, such as from a state or foreign government or agency, private individual or organization, or from another federal agency, is on the applicant.

(d) Based on the findings of the NHC evaluation, the NHC Underwater Archeologist will recommend an appropriate action to the NHC Director. If approved, NHC will issue the permit; if denied, applicants are notified of the reason for denial and may appeal within 30 days of receipt of the denial. Appeals must be submitted in writing to: Director of Naval History, Naval Historical Center, 805 Kidder Breese St. SE, Washington Navy Yard, DC 20374–5060.

§ 767.6 Credentials of principal investigator.

A resume or curriculum vitae detailing the professional qualifications and professional publications and papers of the principal investigator (PI) must be submitted with the permit application. The PI must have: a graduate degree in archeology, anthropology, maritime history, or a closely related field; at least one year of professional experience or equivalent specialized training in archeological research, administration or management; at least four months of supervised field and analytic experience in general North American historic archaeology and maritime history; the demonstrated ability to carry research to completion; and at least one year of full-time professional experience at a supervisory level in the study of historic marine archeological resources. This person shall be able to demonstrate ability in comprehensive analysis and interpretation through authorship of reports and monographs.

§ 767.7 Conditions of permits.

(a) Upon receipt of a permit, permit holders must counter-sign the permit and return copies to the NHC and the applicable SHPO, Federal or State land manager, or foreign government official prior to conducting permitted activities

on the site. Copies of countersigned permits should also be provided to the applicable federal land manager when the sunken vessel or aircraft is located within a unit of the national park system, the national wildlife refuge system, or the national marine sanctuary system.

(b) Permits must be carried aboard research vessels and made available upon request for inspection to regional preservation personnel or law enforcement officials. Permits are non-transferable. Permit holders must abide by all provisions set forth in the permit as well as applicable state or Federal regulations. Permit holders should abide by applicable regulations of a foreign government when the sunken vessel or aircraft is located in foreign waters. To the extent reasonably possible, the environment must be returned to the condition that existed before the activity occurred.

(c) Upon completion of permitted activities, the permit holder is required to submit to NHC a working and diving log listing days spent in field research, activities pursued, and working area positions.

(d) The permit holder must prepare and submit a final report as detailed in § 767.9, summarizing the results of the permitted activity.

(e) The permit holder must agree to protect all sensitive information regarding the location and character of the wreck site that could potentially expose it to non-professional recovery techniques, looters, or treasure hunters. Sensitive information includes specific location data such as latitude and longitude, and information about a wreck's cargo, the existence of armaments, or the knowledge of gravesites.

(f) All recovered DON cultural resources remain the property of the United States. These resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution and must meet the standards set forth in 36 CFR part 79, Curation of Federally Owned and Administered Archeological Collections, at the expense of the applicant. The repository shall be specified in the permit application.

§ 767.8 Requests for amendments or extensions of active permits.

(a) Requests for amendments to active permits (*e.g.,* a change in study design or other form of amendment) must conform to the regulations in this part. All necessary information to make an objective evaluation of the amendment should be included as well as reference to the original application.

(b) Permit holders desiring to continue research activities must reapply for an extension of their current permit before it expires. A pending extension or amendment request does not guarantee extension or amendment of the original permit. Therefore, you must submit an extension request to NHC at least 30 days prior to the original permit's expiration date. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly. Applicants may apply for one-year extensions subject to annual review.

(c) Permit holders may appeal denied requests for amendments or extensions to the appeal authority listed in § 767.5.

§ 767.9 Content of permit holder's final report.

The permit holder's final report shall include the following:

(a) A site history and a contextual history relating the site to the general history of the region;

(b) A master site map;

(c) Feature map(s) of the location of any recovered artifacts in relation to their position within the wrecksite;

(d) Photographs of significant site features and significant artifacts both in situ and after removal;

(e) If applicable, a description of the conserved artifacts, laboratory conservation records, and before and after photographs of the artifacts at the conservation laboratory;

(f) A written report describing the site's historical background, environment, archeological field work, results, and analysis;

(g) A summary of the survey and/or excavation process; and

(h) An evaluation of the completed permitted activity that includes an assessment of the permit holder's success of his/her specified goals.

§ 767.10 Monitoring of performance.

Permitted activities will be monitored to ensure compliance with the conditions of the permit. NHC on-site personnel, or other designated authorities, may periodically assess work in progress by visiting the study location and observing any activity allowed by the permit or by reviewing any required reports. The discovery of any potential irregularities in performance under the permit will be promptly reported and appropriate action will be taken. Permitted activities will be evaluated and the findings will be used to evaluate future applications.

§ 767.11 Violations of permit conditions.

The Director of Naval History, the Underwater Archeologist for DON, or his/her designee may, amend, suspend, or revoke a permit in whole or in part, temporarily or indefinitely, if in his/her view the permit holder has acted in violation of the terms of the permit or of other applicable regulations, or for other good cause shown. Any such action will be communicated in writing to the permit holder and will set forth the reason for the action taken. The permit holder may appeal the action to the appeal authority listed in § 767.5.

§ 767.12 References for submission of permit application to conduct archeological research.

(a) National Historic Preservation Act of 1966, as amended (NHPA), 16 U.S.C. 470 *et seq.* (1999), and Protection of Historic Properties, 36 CFR part 800. These regulations govern the Section 106 Review Process established by the NHPA.

(b) Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation published on September 29, 1983 (48 FR 44716). These guidelines establish standards for the preservation planning process with guidelines on implementation.

(c) Archeological Resources Protection Act of 1979, as amended (ARPA), 16 U.S.C. 470aa-mm, and the Uniform Regulations, 43 CFR part 7, subpart A. These regulations establish basic government-wide standards for the issuance of permits for archeological research, including the authorized excavation and/or removal of archeological resources on public lands or Indian lands.

(d) Secretary of the Interior's regulations, Curation of Federally-Owned and Administered Archeological Collections, 36 CFR part 79. These regulations establish standards for the curation and display of federally-owned artifact collections.

(e) Antiquities Act of 1906, Public Law 59–209, 34 Stat. 225 (codified at 16 U.S.C. 431 *et seq.* (1999)).

(f) Executive Order 11593, 36 FR 8291, 3 CFR, 1971–1975 Comp., p. 559 (Protection and Enhancement of the Cultural Environment).

(g) Department of Defense Instruction 4140.21M (DoDI 4120.21M, August 1998). Subject: Defense Disposal Manual.

(h) Secretary of the Navy Instruction 4000.35 (SECNAVINST 4000.35, 17 August 1992). Subject: Department of the Navy Cultural Resources Program.

(i) Naval Historical Center Instruction 5510.4. (NAVHISTCENINST 5510.4, 14

December 1995). Subject: Disclosure of Information from the Naval Shipwreck Database.

Dated: April 26, 2000.

J. L. Roth,

Lieutenant Commander, Judge Advocate General's Corp, Federal Register Liaison Officer.

[FR Doc. 00–12076 Filed 5–15–00; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110

[CGD07–00–014]

RIN 2115–AE46, AA98

OPSAIL 2000, Port of San Juan, PR

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in the Port of San Juan, Puerto Rico for OPSAIL 2000 activities from 17 May through 29 May 2000. The Coast Guard is establishing temporary limited access areas and Special Local Regulations to control vessel traffic within the Port of San Juan during this event. This action is necessary to provide for the safety of life on navigable waters during OPSAIL 2000. This action will restrict vessel traffic in portions of the Port of San Juan during specific time periods.

DATES: This rule becomes effective at 9 p.m. Atlantic Standard Time (AST) on May 17, 2000, and terminates at 6 p.m. AST on May 29, 2000.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of the docket CGD707–00–014 and are available for inspection or copying at the U.S. Coast Guard Marine Safety Office San Juan, Puerto Rico, between the hours of 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. Marine Safety Office San Juan Puerto Rico is located in the Rodriguez & Del Valle Building, 4th Floor, Calle San Martin, Carr #2 km 4.9, Guaynabo, Puerto Rico 00968.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert Le Fevers, U.S. Coast Guard Marine Safety Office, San Juan at (787) 706–2440, between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On January 13, 2000, we published an advanced notice of proposed rulemaking (ANRPM) (65 FR 2095), and on March 29, 2000 we published a notice of proposed rulemaking (NPRM) in the **Federal Register** (65 FR 16554) titled OPSAIL 2000, Port of San Juan, PR. We received no comments during the comment period for the ANPRM and two comments during the comment period for the NPRM. No public hearing was requested and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard certifies that good cause exists from making these regulations effective less than 30 days after **Federal Register** publication. There was not sufficient time remaining for a full 30-day delayed effective date after the comment period for the ANPRM and NPRM. Furthermore, the event is very highly publicized.

Background and Purpose

These temporary regulations are for OPSAIL 2000 events in the Port of San Juan, in San Juan Puerto Rico. These events will be held from May 17 through May 29, 2000, and the Coast Guard estimates many spectator craft and commercial vessels will be in the area during that period. This rule is proposed to provide for the safety of life on navigable waters and to promote maritime safety and protect participants and the Port of San Juan during this event. The restrictions stated for the regulated areas will be enforced at various times throughout the official Opsail 2000 event from May 17–29, 2000.

Discussion of Rule

These regulations create temporary anchorage regulations and vessel movement controls. Special local regulations will be in effect for San Juan Bay including the waterways and adjacent piers along the Bar Channel, Anegado Channel, San Antonio Channel, Graving Dock Channel, Army Terminal Channel and Puerto Nuevo Channel for the period beginning at 9 p.m. on Friday, May 17 and ending at 6 p.m. on Monday, May 29. The safety of parade participants and spectators will require that spectator craft including, but not limited to, jet skis and sail boards be kept at a safe distance from participating tall ships while the vessels are in the harbor, whether moving, anchored, or tied up at their respective piers. The Bar Channel will be closed to inbound and outbound traffic to San Juan Harbor from 7 a.m. to 6 p.m. on Monday, May 29 during the Parade of Sail. No vessel will be permitted to transit the entrance channel during that time without permission from the Captain of the Port. This is required to ensure the safety of Tall Ships during the Parade of Sail event. Vessel movements inside the Port of San Juan will be prohibited from 7 a.m. to 12 p.m. on May 29, 2000, except Tall Ships departing for the Parade of Sail, Law Enforcement Patrol vessels, and the Puerto Rico Ports Authority ferries. This is required to ensure the safety of participating Tall Ships as they queue up to depart San Juan Bay during the Parade of Sail. The San Juan Harbor entrance must be kept clear to ensure safety of participant vessels. Normal commercial vessel operations will resume within the harbor from noon to 6 p.m., and through the harbor entrance after all participant vessels have cleared the harbor.

These regulations establish multiple limited access areas and temporarily modify existing anchorage areas within the port area to provide for maximum spectator viewing areas and traffic patterns for deep draft and barge traffic.

The Parade of Sail route will extend from the EL MORRO Fortress, coastwise to Boca de Cangrejos Inlet where participants will turn to the west, set sail, and return to EL MORRO. The safety of parade participants and spectators will require that spectator craft including jet skis and sail boards be kept at a minimum of 300 yards from parade vessels while the vessels are in the parade route.

The vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life. This rulemaking is necessary to ensure the safety of life on the navigable waters of the United States.

Discussion of Comments and Changes

The Coast Guard received two comments during the comment period. Both comments requested that the beginning of the enforcement periods on May 29, 2000, be changed from 7 a.m. to 9 a.m. and 10 a.m. respectively, so commercial vessels can be moved through the harbor prior to the regulations taking effect. The Coast Guard decided not to change the time of the regulations but advised that the regulations as written permit vessels to move through the regulated areas with the permission of the Patrol Commander. Moreover, the Coast Guard plans to meet again with commercial maritime interests to coordinate requested harbor transits prior to and during the early stages of the port closure.

Regulated Areas

Three regulated areas will be established in the Port of San Juan. These three regulated areas are needed to protect the maritime public and participating vessels from possible hazards to navigation associated with the large number of participant and spectator craft transiting the waters of the Port of San Juan, Puerto Rico.

Regulated Area A is in the proximity of the fireworks launch area at the point of Isla Grande. This regulated area will be in effect from 9 p.m. to 9:30 p.m. daily from 17 May to 29 May 2000. An area within a 300 yard radius around the point of Isla Grande will be kept clear for the duration of the fireworks display. Vessel traffic movements through the regulated area will be coordinated by the Patrol Commander to avoid conflict with the daily fireworks.

Regulated Area B covers all navigable channels within San Juan Bay and their adjacent piers from 7 a.m. until 12 noon on Monday, May 29, 2000. No vessels other than OPSAIL 2000 vessels, their assisting tugs, and enforcement vessels, may enter or navigate within the boundaries of the Port of San Juan unless specifically authorized by the Coast Guard Captain of the Port, San Juan, or his on-scene representative. The operation of seaplanes, including taxiing, landing, and taking off, is prohibited without prior written authorization from the Captain of the Port. The Catano Ferry will continue to operate on its established route during this time. This regulated area is necessary to ensure maritime safety and protect the boating public and the participating Tall Ships as the Tall Ships form up in order during the Outbound Parade of Sail.

Regulated Area C comprises the Parade of Sail route. No vessel will be permitted to transit the Bar Channel to enter or depart San Juan Bay from 7 a.m. to 6 p.m. on Monday, May 29, 2000 without the consent of the Captain of the Port or his on-scene representative. The Parade of Sail route will encompass an area starting at the Northeast point of Isla Las Cabras extending north to the Three Nautical Mile line then east to a point north of Boca de Congrejos then south to the twenty fathom line just north of Boca de Congrejos, then west to the Northeast point of Isla Las Cabras. A line of anchored official yachts will mark the southern portion of this parade of sail route. The safety of parade participants and spectators will require that spectator craft including jet skis and sail boards be kept at a minimum of 300 yards from parade vessels while the vessels are in the parade route.

Regulated Area D comprises Bar Channel, the entrance to San Juan Harbor. No vessel will be permitted to transit the Bar Channel to enter or depart san Juan harbor from 7 a.m. to 6 p.m. on Monday, May 29, 2000, without the consent of the Captain of the Port or his on-scene representative.

Anchorage Regulations

These regulations also establish temporary Anchorage Regulations for participating OPSAIL 2000 vessels and spectator craft. The Anchorage Grounds are needed to provide viewing areas for spectator vessels while maintaining a clear parade route for the participating OPSAIL vessels and to protect boaters and spectator vessels. Rule 9 of the International Navigation Rules will be enforced. No vessel may anchor in any channel or otherwise impede the passage of a vessel, which can safely navigate only within a narrow channel or fairway. The Catano Ferry will continue to operate on its established route at all times. Spectator vessels will not anchor within 100 yards of the Catano Ferry route. The Catano Ferry route is defined by a line from the Catano Ferry pier at Punta Catano to pier two.

The following temporary anchorage regulations will be enforced, in addition to the existing anchorage regulations at 33 CFR 110.240, between 19 May and 29 May, 2000:

Anchorage ''El Morro'' (M)—Official Vessel Anchorage—Anchorage Permit Required. Temporary Anchorage M is a triangular area bounded by a line starting at 18–28.0N, 066–07.5W then southeast to 18–27.92N, 066–07.21w, then south to 18–27.65N, 066–07.15W, then to the starting point.

Anchorage ''Catano'' (C)—Spectator Anchorage—No Permit Required. Temporary anchorage area C is rectangular area near Catano bounded by a line starting at 18–27N, 066–07W, then south to 18–26.7N, 066–07W, then west to 18–26.7N, 066–07.55W, then north to 18–27N, 066–07.55W, then east to the starting point.

Regulatory Evaluation

This 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. Although the Coast Guard anticipates restricting traffic in San Juan Harbor on Monday, May 29, 2000 during the events, the effect of this regulation will not be significant for the following reasons: the limited duration that the regulated areas will be in effect and the extensive advance notifications that will be made to the maritime community via the **Federal Register**, the Local Notice to Mariners, facsimile, the internet, marine information broadcasts, maritime association meetings, and San Juan area newspapers, so mariners can adjust their plans accordingly. Based upon the Coast Guard's experiences learned from previous events of a similar magnitude, these regulations have been narrowly tailored to impose the least impact on maritime interests yet provide the level of safety deemed necessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we must consider whether this rule would have a significant economic impact on a substantial number of small entities. ''Small entities'' include 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. For the reasons discussed in the Regulatory Evaluation section above, 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 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 portions of San Juan Harbor during May 29, 2000. These regulations would not have a significant economic impact on a substantial number of small entities for the following reasons. Before the effective period, the Coast Guard would make notifications to the public via mailings, facsimiles, the Local Notice to Mariners and use of the sponsors Internet site. In addition, the sponsoring organization, OPSAIL Inc., is planning to publish information of the event in local newspapers, pamphlets, and television and radio broadcasts.

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 rule so that they can better evaluate its effects on them and

participate in the rulemaking. If you are a small entity and believe the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Coast Guard point of contact designated in the **FOR FURTHER INFORMATION CONTACT** section.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under Executive Order 13132 and has 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 rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

This 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

The Coast Guard has analyzed this rule under Executive Order 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 action and have determined under figure 2–1, paragraph 34 (f and h), of Commandant Instruction M16475.lC; that this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket where indicated under **ADDRESSES**. By controlling vessel traffic during the event, this rule is intended to minimize environmental impacts from increased vessel traffic during the parade of sail.

List of Subjects

33 CFR Part 100

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

33 CFR Part 110

Anchorage grounds.

In consideration of the foregoing, the Coast Guard amends 33 CFR Parts 100, and 110 as follows:

PART 100—[AMENDED]

1. The authority for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233, 49 CFR 1.46, and 33 CFR 100.35.

2. Temporary § 100.35T–07–014 is added as follows:

§ 100.35T–07–014; OPSAIL 2000, Port of San Juan, Puerto Rico.

(a) *Regulated Areas:*

(1) Area A, fireworks exclusion area.

(i) Location. All waters within a 300 yard radius around the point of Isla Grande in position 18–27.58N, 066–06.33W.

(ii) Enforcement Period. Paragraph (a)(1)(i) of this section is enforced from 9 p.m. to 9:30 p.m. daily from May 17, 2000 until May 29, 2000.

(2) Regulated Area B, San Juan Harbor.

(i) Location. All waters within San Juan Harbor.

(ii) Enforcement Period. Paragraph (a)(2)(i) of this section is enforced from 7 a.m. May 29, 2000 until 12 noon on May 29, 2000.

(3) Regulated Area C, parade area.

(i) Location. The Parade of Sail route will encompass an area starting at the Northeast point of Isla Las Cabras at 18–28.5N, 066–08.4W; then north to the Three Nautical Mile line at 18–31.5N, 066–08.4W; then east to a point north of Boca de Congrejos at 18–31.5N, 066–00.0W, then south to the twenty fathom line just north of Boca de Congrejos at 18–28.5N, 066–00.0W, then west to the starting point. All coordinates reference Datum NAD:83.

(ii) Enforcement Period. Paragraph (a)(3)(i) of this section is enforced from 7 a.m. May 29, 2000 until 6 p.m. May 29, 2000.

(4) Regulated Area D, Bar Channel.

(i) Location. Bar Channel, San Juan Harbor.

(ii) Paragraph (a)(4)(i) of this section is enforced from 7 a.m. to 6 p.m. on May 29, 2000.

(b) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commander, Coast Guard Greater Antilles Section.

(c) *Special Local Regulations.*

(1) Entry into the regulated areas described in paragraph (a)(1), (a)(3) and (a)(4) of this section during enforcement periods is prohibited, unless otherwise authorized by the Patrol Commander.

(2) Entry into and movement by vessels already within the regulated area described in paragraph (a)(2) of this section will be prohibited from 7 a.m. to 12 p.m. on May 29, 2000, except for Tall Ships departing for the Parade of Sail, Law Enforcement Patrol vessels, and the Puerto Rico Ports Authority ferries.

(d) *Effective period.* This section becomes effective at 9 p.m. on May 17, 2000 and terminates at 6 p.m. on May 29, 2000.

PART 110—[AMENDED]

3. The authority for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46, and 33 CFR 1.05–1(g).

4. In § 110.240, from 9 p.m. on May 17, 2000 through 6 p.m. on May 29, 2000, temporary new paragraphs (a)(3) and (a)(4) and (b)(3) and (b)(4) are added to read as follows:

§ 110.240 San Juan Harbor, P.R.

(a) * * *

(3) Temporary Anchorage (M). A triangular area bounded by a line starting at 18–28.0N, 066–07.5W then southeast to 18–27.92N, 066–07.21w, then south to 18–27.65N, 066–07.15W, then to the starting point.

(4) Temporary Anchorage (C). is rectangular area near Catano bounded by a line starting at 18–27N, 066–07W, then south to 18–26.7N, 066–07W, then west to 18–26.7N, 066–07.55W, then north to 18–27N, 066–07.55W, then east to the starting point.

(b) * * *

(3)(i) Anchorage M is for Official Vessels and an Anchorage Permit from the Opsail 2000 organizers is required.

(ii) No vessel other than OPSAIL 2000 vessels and enforcement vessels may anchor, loiter, or approach any OPSAIL vessel when it is navigating or at anchor in this area.

(iii) Mariners are cautioned that anchorage area M has not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shallowest depths. Vessels must display anchor lights, as required by the navigation rules.

(4)(i) Anchorage C is a Spectator Anchorage and no permit is required.

(ii) Mariners are cautioned that anchorage area C has not been subject to any special survey or inspection and that charts may not show all seabed obstructions or the shallowest depths. Vessels must display anchor lights, as required by the navigation rules.

Dated: May 8, 2000.

T.W. Allen,

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

[FR Doc. 00–12274 Filed 5–12–00; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100, 110, and 165

[CGD05–99–068]

RIN 2115–AA97, AA98, AE46, AE84

OPSAIL 2000, Port of Hampton Roads, VA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule; Notice of Implementation.

SUMMARY: The Coast Guard is establishing temporary regulations in the Port of Hampton Roads, Virginia and adjacent areas on the James and Elizabeth Rivers for OPSAIL 2000 activities. This action is necessary to provide for the safety of life on navigable waters before, during, and after OPSAIL 2000 events. This action will restrict vessel traffic in portions of Chesapeake Bay, Hampton Roads, and the James and Elizabeth Rivers.

DATES: This rule is effective from June 15, 2000 through June 20, 2000, except for the amendments to § 100.501 which are effective from 9:15 p.m. to 10:15 p.m. on June 17, 2000, the amendments to § 110.168 which are effective from 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000, and the amendments to § 165.501 which are effective from June 15, 2000 through June 16, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–99–068 and are available for inspection or copying at Coast Guard Marine Safety Office Hampton Roads, 200 Granby Street, Norfolk, Virginia 23510 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander S. Moody or Lieutenant K. Sniffen, Port Operations Department, Coast Guard Marine Safety Office Hampton Roads, (757) 441–6442.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On September 30, 1999, we published an advanced notice of proposed rulemaking; request for comments (ANPRM) entitled OPSAIL 2000, Port of Hampton Roads, VA in the **Federal Register** (64 FR 52723). We received no letters commenting on our anticipated rulemaking. No public hearing was requested and none was held.

On February 29, 2000, we published a notice of proposed rulemaking (NPRM) entitled OPSAIL 2000, Port of Hampton Roads, VA in the **Federal Register** (65 FR 10731). We received three letters commenting on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

OPSAIL 2000® Norfolk is sponsoring OPSAIL 2000 in the Port of Hampton Roads. Planned events in the Port of Hampton Roads include: the arrival of more than 200 Tall Ships and other vessels at Lynnhaven Anchorage on June 15 and 16, 2000; a Parade of Sail of approximately 200 Tall Ships and other vessels from that anchorage to Town Point Park, downtown Norfolk, on June 16, 2000; a firework display adjacent to the Norfolk and Portsmouth seawalls on June 17, 2000. This event will substitute for the annual Harborfest, normally held on the first Friday, Saturday, and Sunday of June.

The Coast Guard anticipates 10,000 spectator craft for these events. Operators should expect significant vessel congestion along the parade route and viewing areas for the fireworks displays.

The purpose of these regulations is to promote maritime safety and protect participants and the boating public in the Port of Hampton Roads immediately prior to, during, and after the scheduled events. The regulations will establish a clear parade route for the participating vessels, establish no wake zones along the parade route and in certain anchorage areas, modify existing anchorage regulations for the benefit of participants and spectators, and provide a safety buffer around the planned fireworks displays. The regulations will impact the movement of all vessels operating in the specified areas of the Port.

It may be necessary for the Coast Guard to establish safety or security zones in addition to these regulations to safeguard dignitaries and certain vessels participating in the event. If the Coast Guard deems it necessary to establish such zones at a later date, the details of those zones will be announced separately via the **Federal Register**, Local Notice to Mariners, Safety Voice Broadcasts, and any other means available.

All vessel operators and passengers are reminded that vessels carrying passengers for hire or that have been chartered and are carrying passengers may have to comply with certain additional rules and regulations beyond the safety equipment requirements for all pleasure craft. When a vessel is not being used exclusively for pleasure, but rather is engaged in carrying passengers for hire or has been chartered and is carrying the requisite number of passengers, the vessel operator must possess an appropriate license and the vessel may be subject to inspection. The definition of the term ''passenger for hire'' is found in 46 U.S.C. 2101(21a). In general, it means any passenger who has contributed any consideration (monetary or otherwise) either directly or indirectly for carriage onboard the vessel. The definition of the term ''passenger'' is found in 46 U.S.C. 2101(21). It varies depending on the type of vessel, but generally means individuals carried aboard vessels except for certain specified individuals engaged in the operation of the vessel or the business of the owner/charterer. The law provides for substantial penalties for any violation of applicable license and inspection requirements. If you have any questions concerning the application of the above law to your particular case, you should contact the Coast Guard at the address listed in **ADDRESSES** for additional information.

Vessel operators are reminded they must have sufficient facilities on board their vessels to retain all garbage and untreated sewage. Discharge of either into any waters of the United States is strictly forbidden. Violators may be assessed civil penalties up to $25,000 or face criminal prosecution.

Vessel operators are also reminded that Norfolk Naval Base will be strictly enforcing the existing restricted area defined at 33 CFR 334.300 during all of the OPSAIL 2000 events.

We recommend that vessel operators visiting the Port of Hampton Roads for this event obtain up to date editions of the following charts of the area: Nos. 12222, 12245, 12253, and 12254 to

avoid anchoring within a charted cable or pipeline area.

With the arrival of OPSAIL 2000 and spectator vessels in the Port of Hampton Roads for this event, it will be necessary to curtail normal port operations to some extent. Interference will be kept to the minimum considered necessary to ensure the safety of life on the navigable waters immediately before, during, and after the scheduled events.

Discussion of the Rule

The vessels involved in the Parade of Sail are scheduled to enter Thimble Shoal Channel at 7:30 a.m. on June 16, 2000. The lead vessel is scheduled to be abreast of Old Point Comfort Light at 9:30 a.m. The parade route includes Norfolk Harbor Entrance Reach, Norfolk Harbor Reach, Craney Island Reach, Lambert Bend, Port Norfolk Reach and Town Point Reach. The larger OPSAIL 2000 vessels will be berthed in the vicinity of the respective downtown Norfolk and Portsmouth waterfronts as they complete the parade route. The smaller OPSAIL 2000 vessels will proceed past Town Point Park to the vicinity of the Norfolk Naval Shipyard to avoid interfering with the docking of the larger vessels. Once all the larger vessels have been docked, the smaller vessels will proceed to their assigned berths.

The safety of parade participants and spectators will require that spectator craft be kept at a safe distance from the parade route during these vessel movements. The Coast Guard is closing the parade route to all vessels not involved in the Parade of Sail for the duration of the Parade of Sail on June 16, 2000. The parade route has been segmented in this rulemaking to facilitate the earliest possible reopening of the waterway once all OPSAIL 2000 vessels have cleared a particular segment of the route, but portions of the Elizabeth River will remain closed to all traffic until all of the OPSAIL 2000 vessels are safely moored at their assigned berths.

In addition to closing the parade route, we are establishing Vessel Traffic Control Points to control the flow of spectator vessel traffic immediately prior to and during the parade. Vessel Traffic Control Points will be established at: the *Elizabeth River, Western Branch* along a line drawn across the Elizabeth River, Western Branch, at the West Norfolk Bridge; the *Elizabeth River, Eastern Branch* along a line drawn across the Elizabeth River, Eastern Branch, at the Berkley Bridge; the *Elizabeth River, Southern Branch* along a line drawn across the Elizabeth River, Southern Branch, at the Jordan Bridge; the *James River* along a line drawn across the James River at the Monitor-Merrimac Bridge/Tunnel; at *Old Point Comfort* along a line drawn from Old Point Comfort Light (37°00′10″ N, 076°18′40″ W) to Fort Wool Light (36°59′20″ N, 076°18′20″ W); at *Craney Island* along a line drawn from Elizabeth River Channel Buoy 20 to a point of land at 36°53′32″ N, 076°20′19″ W; at *Lamberts Point* along a line drawn from Elizabeth River Channel Lighted Buoy 29 to a point of land at 36°52′20″ N, 076°19′32″ W; at *Hospital Point* along a line drawn from the Southeast corner of Hospital Point (36°50′44″ N, 076°18′14″ W) to Elizabeth River Channel Lighted Buoy 36; and at the *Portsmouth Seawall* along a line drawn due East across the Elizabeth River, from the Northeast corner of the Portsmouth Seawall (36°50′26″ N, 076°17′45″ W). The Captain of the Port will restrict vessel traffic flow and maintain safe ingress and egress to areas adjacent to the parade route.

The Coast Guard is also temporarily modifying the existing anchorage regulations found at 33 CFR 110.168 to accommodate OPSAIL 2000 and spectator vessels. Vessels will not be allowed to anchor in Anchorage E, or Anchorage P without permission of the Captain of the Port, and Berth K–1 of Anchorage K will be closed to all vessels except large spectator vessels.

The regulations for the Regulated Navigation Area defined in 33 CFR 165.501 will also be temporarily modified for the OPSAIL 2000 event. Non-commercial vessels, regardless of length, will be allowed to anchor outside the defined anchorage areas; the draft limitation for vessels using Thimble Shoal Channel will be waived for OPSAIL 2000 vessels; and no wake zones will be placed in effect in the areas where OPSAIL 2000 vessels are anchored prior to the start of the parade and along the parade route.

In order to provide for the safety of vessels transiting the area or observing the firework display, the Coast Guard is implementing the regulations found at 33 CFR 100.501 from 9:15 p.m. to 10:15 p.m. on June 17, 2000.

Discussion of Comments and Changes

We received three letters commenting on the proposed rule. All three letters were from locally based tour boat operators. One letter, while referencing the proposal and declaring the desire of the author to participate in the rulemaking process, merely contained a request to anchor in a specific anchorage. Such requests are allowed by the existing anchorage regulations and the proposed rule. No changes were made based on this comment.

The remaining two letters offered the same specific recommendation. In the NPRM, a ''High Capacity Passenger Vessel'' was defined as ''any vessel greater than 65′ in length with a passenger capacity of 150 persons or greater.'' Two letters requested that we change that definition to ''any vessel 60′ or greater in length with a passenger capacity of 100 or greater'' in order for their vessels to use the designated anchorage. After considering the comments, we decided that reducing the size and passenger limits is a reasonable accommodation to small business and will still provide for the safety of persons and vessels during the OPSAIL 2000 events. Therefore, we have responded to the concerns raised in the comments by replacing the term ''High Capacity Passenger Vessel'' with the term ''Large Spectator Vessel'' defined as ''any vessel 60′ or greater in length carrying 50 or more passengers.''

We have also dropped the anchorage restrictions for Anchorage F and have made Anchorage F a safety zone. In our initial proposal we proposed closing berths F–1 and F–2 of Anchorage F. An additional portion of Anchorage F would have been closed because it was part of a safety zone established for the route of the Parade of Sail. Since publication of the NPRM we have received additional information which necessitates making all of Anchorage F a safety zone. Some of the vessels participating in the Parade of Sail will veer off from the main parade and proceed up the Hampton River. Making Anchorage F a safety zone will provide them with room to safely execute their turning maneuvers and a clear path to the Hampton River channel entrance. Additionally, we have been notified of the expected presence of high-ranking dignitaries aboard the U.S.S. *Nassau.* As stated in our NPRM, the presence of certain vessels and dignitaries could result in the creation of additional safety or security zones. Closing Anchorage F and allowing the U.S.S. *Nassau* to anchor in that anchorage will provide for the safety and security of that vessel and the dignitaries onboard while at the same time creating a safe turning and maneuvering area and a clear path to the Hampton River channel entrance for those OPSAIL vessels following that alternate route.

Regulatory Evaluation

This 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 rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The primary impact of these regulations will be on vessels wishing to transit the affected waterways during the Parade of Sail. Although these regulations prevent traffic from transiting a portion of the Chesapeake Bay and Elizabeth River during this event, that restriction is limited to under twelve hours in duration, affects only a limited area that is totally contained within an already established regulated navigation area, and will be well publicized to allow mariners to make alternative plans for transiting the affected area. In addition, we changed the anchorage portion of this rule in response to comments received in order to avoid any negative economic effect on the commentor's businesses. Finally, the magnitude of the event itself will severely hamper or prevent transit of the waterway, even absent these regulations designed to ensure it is conducted in a safe and orderly fashion.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to operate or anchor in portions of Chesapeake Bay and the Elizabeth River from 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000. The regulations will not have a significant impact on a substantial number of small entities for the following reasons: the restrictions are limited in duration, affect only limited areas that are totally contained within an already established regulated navigation area, and will be well publicized to allow mariners to make alternative plans for transiting the affected areas. In addition, we modified the anchorage portion of this rule to accommodate the concerns raised by the three small businesses that commented on the rulemaking. Finally, the magnitude of the event itself will severely hamper or prevent transit of the waterway, even absent these regulations designed to ensure it is conducted in a safe and orderly fashion.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking process. No requests for assistance in understanding this rule were received, but all three comments received were from tour boat operators qualifying as small businesses. Two of those small businesses requested changes in the proposed rule to facilitate the operation of their small businesses and the small businesses of other similarly situated tour boat operators. We responded by changing the rule to alleviate their concerns.

Small businesses may send comments on the actions of the Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

We have analyzed this rule under Executive Order 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 rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

We have analyzed this rule under Executive Order 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 rule and concluded that, under figure 2–1, paragraphs (34)(f, g, and h), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.** By controlling vessel traffic during these events, this rule is intended to minimize environmental impacts of increased vessel traffic during the transits of event vessels and fireworks displays.

List of Subjects

33 CFR Part 100

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

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Parts 100, 110, and 165 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Add temporary § 100.35T–05–068 to read as follows:

§ 100.35T–05–068 Special Local Regulations; OPSAIL 2000, Port of Hampton Roads, VA.

(a) *Definitions.* (1) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Large Spectator Vessel* includes any vessel 60′ or greater in length carrying 50 or more passengers.

(3) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(4) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(5) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(6) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port.

(b) *Vessel traffic Control Points.* The following Vessel Traffic Control Points are established (all coordinates use datum NAD 1983):

(1) *Elizabeth River, Western Branch* Along a line drawn across the Elizabeth River, Western Branch, at the West Norfolk Bridge.

(2) *Elizabeth River, Eastern Branch* Along a line drawn across the Elizabeth River, Eastern Branch, at the Berkley Bridge.

(3) *Elizabeth River, Southern Branch* Along a line drawn across the Elizabeth River, Southern Branch, at the Jordan Bridge.

(4) *James River* Along a line drawn across the James River at the Monitor-Merrimac Bridge/Tunnel.

(5) *Old Point Comfort* Along a line drawn from Old Point Comfort Light (37°00′10″ N, 076°18′40″ W) to Fort Wool Light (36°59′20″ N, 076°18′20″ W).

(6) *Craney Island* Along a line drawn from Elizabeth River Channel Buoy 20 to a point of land at 36°53′33″ N, 076°22′32″ W.

(7) *Lamberts Point* Along a line drawn from Elizabeth River Channel Lighted Buoy 29 to a point of land at 36°52′20″ N, 076°19′32″ W.

(8) *Hospital Point* Along a line drawn from the Southeast corner of Hospital Point (36°50′44″ N, 076°18′14″ W) to Elizabeth River Channel Lighted Buoy 36.

(9) *Portsmouth Seawall* Along a line drawn due East across the Elizabeth River, from the Northeast corner of the Portsmouth Seawall (36°50′26″ N, 076°17′45″ W).

(c) *Special Local Regulations.* (1) No vessel may proceed past a Vessel Traffic Control Point unless authorized to do so by the Captain of the Port.

(2) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(3) The Captain of the Port will notify the public of changes in the status of these Vessel Traffic Control Points by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(d) *Effective date.* This section is applicable from 9 a.m. to 5 p.m. on June 16, 2000.

3. From 9:15 p.m. to 10:15 p.m., June 17, 2000, temporarily suspend § 100.501(c) and Table 1 of § 100.501 and temporarily add § 100.501(d) and Table 1 of 100.501(d) to read as follows:

§ 100.501 Norfolk Harbor, Elizabeth River, Norfolk, Virginia and Portsmouth Virginia.

* * * * *

(d) Effective period. This section is effective from 9:15 p.m. to 10:15 p.m. on June 17, 2000.

Table 1 of § 100.501(d)

OPSAIL 2000, Port of Hampton Roads
Sponsor: OPSAIL 2000® Norfolk

PART 110—[AMENDED]

4. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

5. From 7 a.m., June 15, 2000 until 8 p.m., June 16, 2000 temporarily suspend § 110.168 (f)(4), (f)(8), and (f)(9) and temporarily add § 110.168 (f)(12) through (f)(15) to read as follows:

§ 110.168 Hampton Roads, Virginia, and adjacent waters

* * * * *

(f) * * *

(12) *Definitions as used in paragraphs (f)(13) through (15) of this section.* (i) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(ii) *Large Spectator Vessel* includes any vessel 60′ or greater in length carrying 50 or more passengers.

(iii) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(iv) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(v) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(vi) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port

(13) *Anchorage E.* No vessel may anchor in Anchorage E without permission of the Captain of the Port.

(14) *Anchorage K.* (i) Berth K–1 of Anchorage K is closed to all vessels except as noted in paragraph (f)(14)(ii) of this section.

(ii) Anchorage Berth K–1. Only large spectator vessels may anchor in Anchorage Berth K–1.

(15) *Anchorage P.* No vessel may anchor in Anchorage P without permission of the Captain of the Port.

PART 165—[AMENDED]

6. 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, and 160.5; 49 CFR 1.46.

7. From June 15, 2000 through June 16, 2000, § 165.501 is temporarily amended by adding new paragraph (d)(1)(i)(C); adding a sentence at the end of paragraph (d) (4); and adding paragraph (d)(14) to read as follows:

§ 165.501 Chesapeake Bay entrance and Hampton Roads, Va. and adjacent waters—regulated navigation area.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(C) Notwithstanding § 165.501(d)(1), any non-commercial vessel, regardless of length, may anchor outside of the anchorages designated in § 110.168 of

this chapter from 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000.

* * * * *

(4)* * * The limitation in the first sentence of this paragraph (d)(4) is waived for OPSAIL 2000 vessels from 7 a.m. until 1 p.m. on June 16, 2000.

* * * * *

(14) *No-Wake Zones for OPSAIL 2000.* (i) From 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000, vessels shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake when operating in an area bounded by the northwestern limit of Anchorage A, thence along the western border of Anchorage A to the Virginia Beach shoreline, thence to the southern terminus of Trestle A, Chesapeake Bay Bridge Tunnel, thence to the northern terminus of Trestle A, Chesapeake Bay Bridge Tunnel, thence to the beginning.

(ii) From 7 a.m. June 15, 2000 until 8 p.m. June 16, 2000, vessels shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake when operating in Anchorage E.

(iii) Spectator vessels observing the Parade of Sail shall operate at the minimum speed required to maintain steerage and shall avoid creating a wake from 9 a.m. June 16, 2000 until 5 p.m. June 16, 2000.

* * * * *

8. Add temporary § 165.T05–068 to read as follows:

§ 165.T05–068 Safety Zone; OPSAIL 2000, Port of Hampton Roads, VA.

(a) *Location.* The following areas are Safety Zones (all coordinates use datum NAD1983):

(1) *Parade of Sail Route—First Segment—Thimble Shoal Channel.* All waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 1TS, thence to Thimble Shoal Channel Lighted Gong Buoy 17, thence to Thimble Shoal Channel Lighted Bell Buoy 21, thence to Thimble Shoal Channel Lighted Buoy 22, thence to Thimble Shoal Channel Lighted Buoy 18, thence to Thimble Shoal Channel Lighted Buoy 2, thence to the beginning.

(2) *Parade of Sail Route-Second Segment.* All waters bounded by a line connecting Thimble Shoal Channel Lighted Bell Buoy 21, thence to Elizabeth River Channel Lighted Buoy 1ER, thence to Elizabeth River Channel Lighted Bell Buoy 3, thence to Elizabeth River Channel Lighted Gong Buoy 5, thence to Elizabeth River Channel Lighted Buoy 7, thence to Elizabeth River Channel Lighted Buoy 9, thence to Elizabeth River Channel Lighted Buoy 11, thence to Elizabeth River Channel Lighted Buoy 13, thence to Elizabeth River Channel Lighted Buoy 15, thence to Elizabeth River Channel Lighted Buoy 17, thence to Elizabeth River Channel Lighted Buoy 19, thence to Elizabeth River Channel Lighted Buoy 21, thence to Elizabeth River Channel Lighted Buoy 23, thence to Norfolk and Western Coal Pier Light (36°52′48″ N, 076° 19′54″ W), thence to Elizabeth River Channel Lighted Buoy 25, thence to Elizabeth River Channel Lighted Buoy 29, thence to Elizabeth River Channel Buoy 31, thence to Elizabeth River Channel Lighted Buoy 33, thence to Elizabeth River Channel Lighted Buoy 32, thence to Elizabeth River Channel Lighted Buoy 30, thence to Elizabeth River Obstruction Light (36°52′ 06″ N, 076°20′00″ W) thence to Elizabeth River Channel Lighted Buoy 20, thence to Elizabeth River Channel Lighted Buoy 18, thence to Elizabeth River Channel Lighted Buoy 14, thence to Elizabeth River Channel Lighted Buoy 12, thence to Elizabeth River Channel Lighted Bell Buoy 10, thence to Elizabeth River Articulated Light 8, thence to Newport News Channel Lighted Buoy 2, thence to Old Point Comfort Light (37°00′10″ N, 076°18′40″ W), thence to Thimble Shoal Channel Lighted Buoy 22, thence to the beginning.

(3) *Parade of Sail Route-Third Segment.* All waters bounded by a line connecting Elizabeth River Channel Lighted Buoy 33, thence to a point of land Northwest of Fort Norfolk, marked by a large pile of oyster shells at (36°51′31″ N, 076°18′37″ W), thence following the shoreline to the northern terminus of the Berkley Bridge, thence to the southern terminus of the Berkley Bridge, thence following the shoreline to the eastern terminus of the Jordan Bridge, thence to the western terminus of the Jordan Bridge, thence following the shoreline to the Northeast corner of the Portsmouth Seawall (36°50′26″ N, 076°17′45″ W), thence to Elizabeth River Channel Lighted Buoy 36, thence to Elizabeth River Channel Buoy 34, thence to Elizabeth River Channel Lighted Buoy 32, thence to the beginning.

(4) *Anchorage F.* Anchorage F, as defined in 33 CFR 110.168(a)(3)(i).

(b) *Effective Dates.*

(1) Paragraph (a)(1) is effective from 7:30 a.m. until 1 p.m. on June 16, 2000.

(2) Paragraph (a)(2) is effective from 9 a.m. until 3 p.m. on June 16, 2000.

(3) Paragraph (a)(3) is effective from 9 a.m. to 5 p.m. on June 16, 2000.

(4) Paragraph (a)(4) is effective from 7:30 a.m. until 5 p.m. on June 16, 2000.

(c) *Definitions.*

(1) *Captain of the Port* means the Commanding Officer of the Marine Safety Office Hampton Roads, Norfolk, VA or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf

(2) *Large Spectator Vessel* includes any vessel 60′ or greater in length carrying 50 or more passengers.

(3) *OPSAIL 2000 Vessels* includes all vessels participating in Operation Sail 2000 under the auspices of the Marine Event Permit submitted for the Port of Hampton Roads and approved by Commander, Fifth Coast Guard District.

(4) *Parade of Sail* is the inbound procession of OPSAIL 2000 vessels as they navigate designated routes in the port of Hampton Roads on June 16, 2000.

(5) *Spectator vessel* includes any vessel, commercial or recreational, being used for pleasure or carrying passengers, that is in the Port of Hampton Roads to observe part or all of the events attendant to OPSAIL 2000.

(6) *Vessel Traffic Control Point* is a designated point which vessel traffic may not proceed past in either inbound or outbound direction without permission of the Captain of the Port

(d) *Regulations.*

(1) All persons are required to comply with the general regulations governing safety zones in § 165.23.

(2) No person or vessel may enter or navigate within these regulated areas unless authorized to do so by the Captain of the Port. Any person or vessel authorized to enter the regulated area must operate in strict conformance with any directions given by the Captain of the Port and leave the regulated area immediately if the Captain of the Port so orders.

(3) The Coast Guard vessels enforcing these regulations can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (757) 484–8192.

(4) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: May 8, 2000.

Thomas E. Bernard,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 00–12149 Filed 5–11–00; 4:55 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 110 and 165

[CGD05–00–008]

RIN 2115–AA97, AA98

Tall Ships Delaware, Delaware River, Wilmington, DE

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in the Delaware River, Wilmington, Delaware, for Tall Ships Delaware activities. This action is necessary to provide for the safety of life on navigable waters before, during, and after Tall Ships Delaware events. This action will restrict vessel traffic in the Delaware River between the mouth of the Christina River and New Castle, Delaware.

DATES: This rule is effective from 12 p.m. to 4 p.m. on June 23, 2000.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–00–008 and are available for inspection or copying at Coast Guard Marine Safety Office/Group Philadelphia, One Washington Avenue, Philadelphia, Pennsylvania 19147 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade K. Codel, Coast Guard Marine Safety Office/Group Philadelphia, (215) 271–4991.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 7, 2000, we published a notice of proposed rulemaking (NPRM) entitled Tall Ships Delaware, Delaware River, Wilmington, DE in the **Federal Register** (65 FR 18261). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

Background and Purpose

The Diamond State Port Corporation (Port of Wilmington) is sponsoring Tall Ships Delaware activities in the Delaware River, Wilmington, Delaware. The planned event includes a Parade of Sail from the confluence of the Christina River and the Delaware River, down river to New Castle, Delaware, and back to the mouth of the Christina River on June 23, 2000.

The Coast Guard anticipates a large spectator fleet for this event. Operators should expect significant vessel congestion along the parade route.

The purpose of these regulations is to promote maritime safety and protect participants and the boating public immediately prior to, during, and after the scheduled event. The regulations provide a safety buffer around the participating vessels during the parade of sail and modify existing anchorage regulations for the benefit of participants and spectators. The regulations will affect the movement of all vessels operating in the specified areas of the Delaware River.

It may be necessary for the Coast Guard to establish safety or security zones in addition to these regulations to safeguard dignitaries and certain vessels participating in the event. If the Coast Guard deems it necessary to establish such zones at a later date, the details of those zones will be announced separately via the **Federal Register**, Local Notice to Mariners, Safety Voice Broadcasts, and any other means available.

All vessel operators and passengers are reminded that vessels carrying passengers for hire or that have been chartered and are carrying passengers may have to comply with certain additional rules and regulations beyond the safety equipment requirements for all pleasure craft. When a vessel is not being used exclusively for pleasure, but rather is engaged in carrying passengers for hire or has been chartered and is carrying the requisite number of passengers, the vessel operator must possess an appropriate license and the vessel may be subject to inspection. The definition of the term ''passenger for hire'' is found in 46 U.S.C. 2101(21a). In general, it means any passenger who has contributed any consideration (monetary or otherwise) either directly or indirectly for carriage onboard the vessel. The definition of the term ''passenger'' is found in 46 U.S.C. 2101(21). It varies depending on the type of vessel, but generally means individuals carried aboard vessels except for certain specified individuals engaged in the operation of the vessel or the business of the owner/charterer. The law provides for substantial penalties for any violation of applicable license and inspection requirements. If you have any questions concerning the application of the above law to your particular case, you should contact the Coast Guard at the address listed in **ADDRESSES** for additional information.

Vessel operators are reminded they must have sufficient facilities on board their vessels to retain all garbage and untreated sewage. Discharge of either into any waters of the United States is strictly forbidden. Violators may be assessed civil penalties up to $25,000 or face criminal prosecution.

We recommend that vessel operators visiting the Wilmington area for this event obtain an up to date edition of National Ocean Service Chart 12311 to avoid anchoring within a charted cable or pipeline area.

With the arrival of Tall Ships Delaware and spectator vessels in the Wilmington area for this event, it will be necessary to curtail normal port operations to some extent. Interference will be kept to the minimum considered necessary to ensure the safety of life on the navigable waters immediately before, during, and after the scheduled events.

Discussion of the Rule

The Tall Ships Delaware vessels are scheduled to arrive and moor at various locations along the Christina River by June 23, 2000. The lead vessel is scheduled to begin the Parade of Sail at 12 p.m. on June 23, 2000, and will follow a parade route of approximately 4 nautical miles on the Delaware River from the mouth of the Christina River, outbound to New Castle, Delaware, sailing outside the western side of the channel. The parade vessels will then cross the federal navigation channel of the Delaware River and return to the eastern side of the channel adjacent to the mouth of the Christina River sailing outside the eastern side of the channel. The parade vessels will then cross the navigable channel and enter the Christina River. After the parade, the larger Tall Ships Delaware vessels will moor at the Port of Wilmington on the Christina River. The remainder of the vessels will proceed up the Christina River to various mooring locations.

The safety of parade participants and spectators will require that spectator craft be kept at a safe distance from the parade route during these vessel movements. The Coast Guard will be using a moving safety zone around the Parade of Sail to keep all vessels not involved in the Parade of Sail a safe distance from the Tall Ships Delaware vessels. The Parade of Sail route is outside the federal navigation channel of the Delaware River, allowing the channel to remain open, except when the Parade of Sail is crossing the navigable channel. However, the Coast Guard expects that there will be increased vessel congestion in the vicinity of the federal navigation channel.

The Coast Guard is temporarily modifying the existing anchorage regulations found in 33 CFR 110.157 to accommodate Tall Ships Delaware

vessels. A leg of the parade route runs through General Anchorage 6 (Deepwater Point Anchorage). Therefore, General Anchorage 6 will be closed to all vessels except Tall Ships Delaware vessels from 12 p.m. to 4 p.m. on June 23, 2000. (A notice of proposed rulemaking affecting 33 CFR 110.157 has been published in the **Federal Register** at 65 FR 16361. Those proposed temporary regulations affect Anchorages 9–13 and would be temporarily added at § 110.157(d). Accordingly, this rule will be temporarily added at § 110.157(e).)

Discussion of Comments and Changes

We did not receive any comments on the proposed rule. No changes were made to the proposed rule.

Regulatory Evaluation

This 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.

The primary impact of these regulations will be on vessels wishing to transit the affected waterways during the Parade of Sail on June 23, 2000. Although these regulations prevent traffic from transiting portions of the Delaware River during the event, that restriction is limited in duration, affects only a limited area, and will be well publicized to allow mariners to make alternative plans for transiting the affected area. Moreover, the parade route will be outside the federal navigational channel allowing the channel to remain open with the exception of when the Parade of Sail actually crosses the channel. This should minimize the effect on non-participant and spectator vessels intending to transit the federal navigation channel.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate or anchor in portions of the Delaware River in the vicinity of Wilmington, Delaware. The regulations will not have a significant impact on a substantial number of small entities for the following reasons: the restrictions are limited in duration, affect only limited areas, and will be well publicized to allow mariners to make alternative plans for transiting the affected areas. Moreover, the parade route will be outside the federal navigational channel allowing the channel to remain open with the exception of when the Parade of Sail actually crosses the channel.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. No requests for assistance in understanding this rule were received.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

We have analyzed this 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 rule will not impose an unfunded mandate.

Taking of Private Property

This rule will 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 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 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 rule and concluded that, under figure 2–1, paragraphs (34)(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.** By controlling vessel traffic during these events, this rule is intended to minimize environmental impacts of increased vessel traffic during the transits of event vessels.

List of Subjects

33 CFR Part 110

Anchorage grounds.

33 CFR Part 165

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 110, and 165 as follows:

PART 110—[AMENDED]

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. From 12 p.m. until 4 p.m. on June 23, 2000 temporarily add § 110.157(e) to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(e) Not withstanding the above, the following temporary regulations will be in effect from 12 p.m. through 4 p.m. on June 23, 2000 for Tall Ships Delaware: Anchorage 6 will be closed to all vessels except Tall Ships Delaware vessels. ''Tall Ships Delaware vessels'' includes all vessels participating in Tall Ships Delaware under the auspices of the Marine Event Permit submitted for the Port of Wilmington, Delaware, and approved by the Commander, Fifth Coast Guard District.

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46. Section 165.100 is also issued under authority of Sec. 311, Pub. L. 105–383.

4. Add temporary § 165.T05–008 to read as follows:

§ 165.T05–008 Safety Zone; Tall Ships Delaware, Delaware River, Wilmington, DE.

(a) *Definitions:*

(1) *Captain of the Port* means the Commanding Officer of the Coast Guard Marine Safety Office/Group Philadelphia or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Coast Guard Patrol Commander* is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commanding Officer, Coast Guard Marine Safety Office/Group Philadelphia.

(3) *Tall Ships Delaware Vessels* includes all vessels participating in the Tall Ships Delaware under the auspices of the Marine Event Permit submitted for the Port of Wilmington, Delaware, and approved by Commander, Fifth Coast Guard District.

(b) *Location.* The following area is a moving safety zone: All waters from 500 yards forward of the lead Tall Ships Delaware vessel to 100 yards aft of the last Tall Ships Delaware vessel, and extending 50 yards outboard of each Tall Ships Delaware vessel participating in the Parade of Sail. This safety zone will move with the Parade of Sail as it transits the Delaware River from the mouth of the Christina River outbound to New Castle, Delaware, returns to the mouth of the Christina River, and as each Tall Ships Delaware vessel moors in Wilmington, Delaware.

(c) *Regulations.*

(1) All persons are required to comply with the general regulations governing safety zones in § 165.23 of this part.

(2) No person or vessel may enter or navigate within this safety zone unless authorized to do so by the Coast Guard Patrol Commander. Any person or vessel authorized to enter the safety zone must operate in strict conformance with any directions given by the Coast Guard Patrol Commander and leave the safety zone immediately if the Coast Guard Patrol Commander so orders.

(3) The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, channels 13 and 16. The Captain of the Port can be contacted at telephone number (215) 271–4940.

(4) The Coast Guard Patrol Commander will notify the public of changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22 (157.1 MHZ).

(d) *Effective dates:* These regulations are effective from 12 p.m. to 4 p.m. on June 23, 2000.

Dated: May 9, 2000.

Thomas E. Bernard,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 00–12283 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 240–0237a; FRL–6602–2]

Approval and Promulgation of Implementation Plans; Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving a local rule that concerns definitions and rescinding one rule that addresses standard conditions.

DATES: This rule is effective on July 17, 2000 without further notice, unless EPA receives adverse comments by June 15, 2000. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 744–1189.

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

Table of Contents

I. The State's Submittal
A. What Rules Did the State Submit?
B. Are There Other Versions of These Rules?
C. What Is the Purpose of the Submitted Rules?
II. EPA's Evaluation and Action
A. How Is EPA Evaluating the Rules?
B. Do the Rules Meet the Evaluation Criteria?
C. Public Comment and Final Action
III. Background Information
Why Were These Rules Submitted?
IV. Administrative Requirements

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
MBUAPCD	101	Definitions	36508	36578
MBUAPCD	102	Standard Conditions (Rescission)	36508	36578

On March 7, 2000, these rule submittals were found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

There are previous versions of Rules 101 and 102 in the SIP. We approved a version of Rules 101 and 102 into the SIP on February 6, 1998 and July 13, 1987, respectively. The MBUAPCD adopted revisions to the SIP-approved version of Rules 101 and 102 on December 15, 1999 and CARB submitted them to us on February 23, 2000.

C. What Is the Purpose of the Submitted Revisions?

Rule 101 revises Section 2.10 to add methyl acetate as an exempt compound to be consistent with the federal definition of volatile organic compounds and to correct the scientific names for HFC–245ca, HFC–245eb, and HFC–245fa.

Rule 102 is being rescinded because it is included in Rule 101 as Section 2.29.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

These rules describe administrative provisions and definitions that support emission controls found in other local agency requirements. In combination with the other requirements, these rules must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193). EPA policy that we used to define specific enforceability requirements includes, ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 **Federal Register** document,'' (Blue Book), notice of availability published in the May 25, 1988 **Federal Register**.

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule revisions because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule revisions. If we receive adverse comments by June 15, 2000, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on July 17, 2000. This will incorporate these rules into the federally enforceable SIP.

III. Background Information

Why Were These Rules Submitted?

Section 110(a) of the CAA requires states to submit regulations that control volatile organic compounds, oxides of nitrogen, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of the local agency's program to control these pollutants. Table 2 lists some of the national milestones leading to the submittal of these rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.

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 17, 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 18, 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)(275) and (c)(276) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(275) Reserved.

(276) New and amended regulations for the following APCDs were submitted on February 23, 2000, by the Governor's designee.

(i) Incorporation by reference.

(A) Monterey Bay Unified Air Pollution Control District.

(*1*) Rules 101 and 102, adopted on December 15, 1999.

* * * * *

[FR Doc. 00–11998 Filed 5–15–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW–FRL–6606–5]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA (also, ''the Agency'' or ''we'' in this preamble) is granting a petition submitted by General Motors Corporation, Lansing Car Assembly—Body Plant (GM) in Lansing, Michigan, to exclude (or ''delist'') certain solid wastes generated by its wastewater treatment plant (WWTP) from the lists of hazardous wastes contained in subpart D of part 261.

After careful analysis, the EPA has concluded that the petitioned waste is not hazardous waste when disposed of in a Subtitle D landfill. This exclusion applies to wastewater treatment sludge generated at GM's Lansing, Michigan facility. Accordingly, this final rule excludes the petitioned waste from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in a Subtitle D landfill but imposes testing conditions to ensure that future-generated wastes remain qualified for delisting.

EFFECTIVE DATE: This rule is effective on May 16, 2000.

ADDRESSES: The RCRA regulatory docket for this proposed rule is located at the U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, and is available for viewing from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call Peter Ramanauskas at (312) 886–7890 for appointments. The public may copy material from the regulatory docket at $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For technical information concerning this document, contact Peter Ramanauskas at the address above or at (312) 886–7890.

SUPPLEMENTARY INFORMATION: The information in this section is organized as follows:

I. Background
A. What Is a Delisting Petition?
B. What Regulations Allow a Waste To Be Delisted?
II. GM's Petition to Delist Wastewater Treatment Sludge
A. What Waste Did GM Petition EPA to Delist?
B. What Information Must the Generator Supply?
C. What Information Did GM Submit to Support This Petition?
III. EPA's Evaluation and Final Rule
A. What Decision Is EPA Finalizing and Why?
B. What Are the Terms of This Exclusion?
C. When Is the Delisting Effective?
D. How Does This Action Affect the States?
IV. Public Comments Received on the Proposed Exclusion
A. Who Submitted Comments on the Proposed Rule?
B. Comments and Responses From EPA
V. Regulatory Impact
VI. Congressional Review Act
VII. Executive Order 12875

I. Background

A. What Is a Delisting Petition?

A delisting petition is a request from a generator to exclude waste from the list of hazardous wastes under RCRA regulations. In a delisting petition, the petitioner must show that waste generated at a particular facility does not meet any of the criteria for which EPA listed the waste as set forth in 40 Code of Federal Regulations (CFR) § 261.11 and the background document for the waste. In addition, a petitioner must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, reactivity, corrosivity, and toxicity) and must present sufficient information for us to decide whether factors other than those for which the waste was listed warrant retaining it as a hazardous waste.

Generators remain obligated under RCRA to confirm that their waste remains nonhazardous based on the hazardous waste characteristics even if EPA has ''delisted'' the wastes.

B. What Regulations Allow a Waste To Be Delisted?

Under 40 CFR 260.20 and 260.22, facilities may petition the EPA to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Specifically, § 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 266, 268, and 273 of Title 40 of the Code of Federal Regulations. Section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator specific'' basis from the hazardous waste lists.

II. GM's Petition to Delist Wastewater Treatment Sludge

A. What Waste Did GM Petition EPA to Delist?

In November 1998, GM petitioned EPA to exclude an annual volume of 1,250 cubic yards of F019 wastewater treatment sludges from the chemical conversion coating of aluminum generated at its Lansing Car Assembly—Body Plant located in Lansing, Michigan from the list of hazardous wastes contained in 40 CFR 261.31.

B. What Information Must the Generator Supply?

Petitioners must provide sufficient information to allow the EPA to determine that the waste does not meet any of the criteria for which it was listed as a hazardous waste. In addition, where there is a reasonable basis to believe that factors other than those for which the waste was listed (including additional constituents) could cause the waste to be hazardous, the Administrator must determine that such factors do not warrant retaining the waste as hazardous.

C. What Information Did GM Submit to Support This Petition?

To support its petition, GM submitted (1) Descriptions and schematic diagrams of its manufacturing and wastewater treatment processes; (2) results of analyses for the characteristics of ignitability, corrosivity, and reactivity; (3) total constituent analyses and Extraction Procedure for Oily Wastes (OWEP, SW–846 Method 1330A) analyses for the eight toxicity characteristic metals listed in 40 CFR 261.24, plus antimony, beryllium, cobalt, copper, hexavalent chromium, nickel, tin, thallium, vanadium, and zinc; (4) total constituent and Toxicity Characteristic Leaching Procedure (TCLP), SW–846 Method 1311 analyses for 56 volatile and 117 semi-volatile organic compounds and formaldehyde; (5) total constituent and TCLP analyses for sulfide, cyanide, and fluoride; (6) total constituent and TCLP analyses for organochlorine pesticides and chlorinated herbicides; and (7) analysis for oil and grease, and percent solids.

III. EPA's Evaluation and Final Rule

A. What Decision Is EPA Finalizing and Why?

Today the EPA is finalizing an exclusion to GM for its wastewater treatment plant sludge generated at the GM facility in Lansing, Michigan. GM petitioned EPA to exclude, or delist, the wastewater treatment sludge because GM believes that the petitioned waste does not meet the RCRA criteria for which it was listed and that there are no additional constituents or factors which could cause the waste to be hazardous. Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA). See § 222 of HSWA, 42 United States Code (U.S.C.) 6921(f), and 40 CFR 260.22 (d)(2)–(4). On October 13, 1999, EPA proposed to exclude or delist GM's wastewater treatment sludge from the list of hazardous wastes in 40 CFR 261.31 and accepted public comment on the proposed rule (64 FR 55443). EPA considered all comments received, and for reasons stated in both the proposal and this document, we believe that GM's waste should be excluded from hazardous waste control.

C. What Are the Terms of This Exclusion?

GM must dispose of the waste in a Subtitle D landfill which is permitted, licensed, or registered by a state to manage industrial waste. GM must verify on an annual basis that the concentrations of the constituents of concern do not exceed the allowable levels set forth in this exclusion. This exclusion applies to a maximum annual volume of 1,250 cubic yards of waste water treatment sludge and is effective only if all conditions contained in today's rule are satisfied.

D. When Is the Delisting Effective?

This rule is effective May 16, 2000. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. This rule reduces rather than increases the existing requirements and, therefore, is effective immediately upon publication under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

E. How Does This Action Affect the States?

Because EPA is issuing today's exclusion under the federal RCRA delisting program, only states subject to federal RCRA delisting provisions would be affected. This exclusion may not be effective in states having a dual system that includes federal RCRA requirements and their own requirements, or in states which have received our authorization to make their own delisting decisions.

EPA allows states to impose their own non-RCRA regulatory requirements that are more stringent than EPA's, under section 3009 of RCRA. These more stringent requirements may include a provision that prohibits a federally issued exclusion from taking effect in the state. Because a dual system (that is, both federal (RCRA) and state (non-RCRA) programs) may regulate a petitioner's waste, we urge petitioners to contact the state regulatory authority to establish the status of their wastes under the state law.

EPA has also authorized some states to administer a delisting program in place of the federal program, that is, to make state delisting decisions. Therefore, this exclusion does not apply in those authorized states. If GM transports the petitioned waste to or manages the waste in any state with delisting authorization, GM must obtain a delisting from that state before it can manage the waste as nonhazardous in the state.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

The EPA received public comments on the proposed notice published on October 13, 1999 from General Motors Corporation, Ford Motor Company, DaimlerChrysler Corporation, The American Zinc Association, Mr. John S. Olczak, Michigan Department of Environmental Quality, Alcoa Inc., Michigan Manufacturers Association, Reynolds Metals Company, Alcan Aluminum Corporation, The Aluminum Association, and Heritage Environmental Services, LLC.

B. Comments and Responses From EPA

Comment: Land Disposal Restrictions (LDRs) are not applicable to waste which is not hazardous.

Response: LDRs will not apply to GM's petitioned waste because the waste meets the delisting levels at the point of generation. However, the Agency believes that in some circumstances wastes which meet exemption levels may also have to meet LDR requirements. The Proposed Hazardous Waste Identification Rule (HWIR) in the November 19, 1999 **Federal Register** states that ''Wastes that have met the HWIR exemption levels after the point of generation, however, would still be subject to LDRs even after they become exempt from the definition of hazardous, because LDRs apply to wastes that are hazardous or have ever been hazardous.''

Comment: LDRs for nickel and lead should not apply to the petitioned waste

because LDRs do not apply to these constituents in F019 waste.

Response: In the proposed rule, the agency interpreted the requirement to consider all factors which could cause the waste to be hazardous to include consideration of LDRs for all hazardous constituents. However, since the universal treatment standards for nickel and lead are based on technology rather than on risk, there is no risk basis for applying them to this waste. These LDRs will not apply to GM's petitioned waste.

Comment: The frequency of verification testing is unnecessarily burdensome.

Response: The levels set forth in condition 1 of this rule must be verified on an annual basis. The monthly verification of the treatment standards in the proposed rule has been eliminated in today's final rule. The agency believes that verification on an annual basis is appropriate.

Comment: Verification testing for the pesticides Beta-BHC and DDT is inappropriate. These constituents were reported in only the extract from one sample and the data were rejected due to laboratory contamination. These chemicals are not used at this facility and were not detected in any total analysis.

Response: The constituents in question are pesticides which are not likely to be in the facility's waste. The Agency accepts the facility's statement that these substances are not used at the facility and the single TCLP analysis which indicates their presence should be rejected on the basis of laboratory contamination.

Comment: Verification testing should be limited to Appendix IX metals & other constituents that were present in the TCLP extract at greater than 1/100 of the delisting level. Testing for constituents which do not exceed 1/100th of the delisting level is unnecessary and overly burdensome.

Response: The Agency believes that continued testing for all constituents in condition 1 is appropriate.

Comment: The test for reactivity (if one becomes available) should be required only when there is a process change that could cause the waste to be reactive.

Response: Delisting policy requires demonstration that the wastes are not characteristic. The analysis for total cyanide in Table 1 of the proposed rule demonstrates that the waste will not be reactive for hydrogen cyanide. However, the concentration of sulfide in this waste is substantially greater and could cause the waste to be reactive. Condition 1(c) has been modified to specify reactivity for sulfide.

Comment: Zinc is not included in the list of hazardous constituents in Appendix VIII to 40 CFR Part 261 and is not included in the definition of ''underlying hazardous constituent'' in § 268.2(i). Commenter requested that zinc be eliminated as a hazardous constituent in GM's waste.

Response: Zinc is not referred to as a hazardous constituent in this rule, but it is a constituent of concern and it can reasonably be expected to be present at the point of generation. Table 3 of the proposed rule, which includes zinc, sets forth allowable concentration levels for constituents of concern.

Comment: Chromium VI is one of the constituents that caused the F019 waste to be listed and it is not clear that chromium VI concerns have been addressed.

Response: The allowable level for chromium is presented as total chromium but the allowable level for total chromium was calculated based on the conservative assumption that all chromium in the waste is chromium VI.

Comment: In Condition 5(a) and (c), 10 days is not sufficient time to review the data and prepare an adequate response.

Response: The Agency agrees that more time may be necessary to initially validate the data, but believes the allotted time in Condition 5(c) for a preliminary response is adequate. In the final rule, the last two lines in Condition 5(a) have been changed to read ''* * * then GM must notify the Regional Administrator in writing within 10 days and must report the data within 45 days of first possessing or being made aware of that data.'' Condition 5(c) is unchanged.

Comment: GM will be using high performance liquid chromatography (HPLC) method for future analysis of formaldehyde.

Response: We agree that HPLC is an appropriate method for this constituent.

Comment: The conditions would set a new and unjustified precedent for all generators considering delisting.

Response: The conditions in this delisting are limited to a specific waste at a specific facility. This rule does not set standards for other generators.

Comment: Application of different testing protocols or inconsistency by the USEPA between petitioners introduces uncertainty to the exclusion process and may pose a barrier to interstate commerce.

Response: The conditions in this delisting are limited to a specific waste at a specific facility. The delisting process excludes waste on a ''generator specific'' basis. Due to the variety of waste types that may be the subject of a delisting petition, there will always be the potential that different testing protocols will be utilized to adequately characterize the petitioned waste.

Comment: Commenter supports EPA's consistent application of the published TCLP procedure to guide waste management decisions along with the published guidance used to exclude petitioned hazardous waste from regulation.

Response: As wastes and disposal environments may vary, the factors influencing the leachability of wastes will also vary. For a more complete assessment of leachability, it may be necessary to supplement the TCLP with a modified TCLP as discussed in the most recent version of the *Region 6 Guidance Manual for the Petitioner.* The Region 6 guidance manual is endorsed and recommended by Region 5.

Comment: The requirement to compile an annual report and submit the data to the EPA is an additional burden on the regulated community as the facility is already required to maintain the data for a period of five years.

Response: Condition 4 of the proposed rule requires that the data be compiled, summarized and maintained on site. Only a summary of the data is to be submitted to the EPA. Today's rule does not require the preparation of an annual report to the EPA.

V. Regulatory Impact

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a rule of general applicability and therefore is not a ''regulatory action'' subject to review by the Office of Management and Budget. Because this action is a rule of particular applicability relating to a facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because the rule will affect only one facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA, or communities of tribal governments, as specified in Executive Order 13084 (63 FR 27655, May 10, 1998). For the same reason, 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). This rule

also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not involve technical standards; thus, the requirements of section 12(c) 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.*).

VI. Congressional Review Act

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 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, the Comptroller General of the United States prior to publication of the final rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will become effective on the date of publication in the **Federal Register**.

VII. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: May 3, 2000.

Robert Springer,

Director, Waste, Pesticides and Toxics Division.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of Appendix IX of Part 261 add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
General Motors Corporation. Lansing Car Assembly—Body Plant.	Lansing, Michigan	Wastewater treatment plant (WWTP) sludge from the chemical conversion coating (phosphate coating) of aluminum (EPA Hazardous Waste No. F019) generated at a maximum annual rate of 1,250 cubic yards per year and disposed of in a Subtitle D landfill, after May 16, 2000. 1. Delisting Levels: (A) The constituent concentrations measured in the TCLP extract may not exceed the following levels (mg/L): Antimony—0.576; Arsenic—4.8; Barium—100; Beryllium—0.384; Cadmium—0.48; Chromium (total)—5; Cobalt—201.6; Copper—124.8; Lead—1.44; Mercury—0.192; Nickel—67.2; Selenium—1; Silver—5; Thallium—0.192; Tin—2016; Vanadium—28.8; Zinc—960; Cyanide—19.2; Fluoride—384; Acetone—336; m,p—Cresol—19.2; 1,1—Dichloroethane—0.0864; Ethylbenzene—67.2; Formaldehyde—672; Phenol—1920; Toluene—96; 1,1,1—Trichloroethane—19.2; Xylene—960. (B) The total concentration of formaldehyde in the waste may not exceed 2100 mg/kg. (C) Analysis for determining reactivity from sulfide must be added to verification testing when an EPA-approved method becomes available. 2. Verification Testing: GM must implement an annual testing program to demonstrate that the constituent concentrations measured in the TCLP extract (or OWEP, where appropriate) of the waste do not exceed the delisting levels established in Condition (1).

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		3. Changes in Operating Conditions: If GM significantly changes the manufacturing or treatment process or the chemicals used in the manufacturing or treatment process, GM must notify the EPA of the changes in writing. GM must handle wastes generated after the process change as hazardous until GM has demonstrated that the wastes meet the delisting levels set forth in Condition (1), that no new hazardous constituents listed in Appendix VIII of Part 261 have been introduced, and GM has received written approval from EPA. 4. Data Submittals: GM must submit the data obtained through annual verification testing or as required by other conditions of this rule to U.S. EPA Region 5, 77 W. Jackson Blvd. (DW–8J), Chicago, IL 60604, within 60 days of sampling. GM must compile, summarize, and maintain on site for a minimum of five years records of operating conditions and analytical data. GM must make these records available for inspection. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12). 5. Reopener Language—(a) If, anytime after disposal of the delisted waste, GM possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in Condition (1) is at a level in the leachate higher than the delisting level established in Condition (1), or is at a level in the ground water or soil higher than the level predicted by the CML model, then GM must notify the Regional Administrator in writing within 10 days and must report the data within 45 days of first possessing or being made aware of that data. (b) Based on the information described in paragraph (a) and any other information received from any source, the Regional Administrator will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (c) If the Regional Administrator determines that the reported information does require Agency action, the Regional Administrator will notify GM in writing of the actions the Regional Administrator believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing GM with an opportunity to present information as to why the proposed Agency action is not necessary or to suggest an alternative action. GM shall have 10 days from the date of the Regional Administrator's notice to present the information. (d) If after 10 days GM presents no further information, the Regional Administrator will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator's determination shall become effective immediately, unless the Regional Administrator provides otherwise.

* * * * * * *

[FR Doc. 00–12306 Filed 5–15–00; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–865; MM Docket No. 97–106, RM–9044, RM–9741]

Radio Broadcasting Services; Cheyenne, Wyoming and Gering, Nebraska.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Allocations Branch at the request of petitioner, TSB II, Inc. allots Channel 280C2 at Cheyenne as that community's 12th local aural service, substitutes Channel 239C3 for Channel 280C1 at Gering, Nebraska and modifies Station's KOLT–FM license accordingly. *See,* 62 FR 15870 (April 3, 1997) The Branch determined that a new allotment at Cheyenne was preferable to a counterproposal of two station upgrade and one downgrade. Each channel can be allotted to its respective community in compliance with the Commission's minimum distance separation requirements. The reference coordinates for a Channel 280C2 allotment at Cheyenne, Wyoming, are 41–08–17 North Latitude and 104–48–22 West Longitude. The reference coordinates for Channel 239C3 at Gering, Nebraska are 41–51–50 North Latitude and 103–42–20 West Longitude.

DATES: Effective May 30, 2000.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–106, adopted March 31, 2000, and released April 15, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Channel 280C2 at Cheyenne.

3. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 280C1 and adding Channel 239C3 at Gering.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–12254 Filed 5–15–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–917; MM Docket No. 99–134; RM–9543 and RM–9572]

Radio Broadcasting Services; Drummond and Victor, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 268C to Drummond, Montana, in response to a petition filed by the Battani Corporation and allots Channel 250C3 to Victor, Montana, in response to a petition filed by Mountain West Broadcasting. *See* 64 FR 24996, May 10, 1999. The coordinates for Channel 268C at Drummond are 46–16–47 and 113–31–05. The coordinates for Channel 250C3 at Victor are 46–25–06 and 114–08–54. Canadian concurrence has been obtained for Channel 268C at Drummond. Allotment of Channel 250C3 at Victor is conditioned on concurrence of the Canadian Government in accordance with the 1991 Canada-USA FM Broadcast Agreement. With this action, this proceeding is terminated.

DATES: Effective June 9, 2000.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–134, adopted April 12, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Drummund, Channel 268C and Victor, Channel 250C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–12255 Filed 5–15–00; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1804, 1806, 1815, 1823, 1832, and 1845

Contract Financing

AGENCY: Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This final rule amends the NASA FAR Supplement (NFS) to: provide guidance on administering progress payments on indefinite-delivery contracts; delete outdated performance-based payments guidance; and provide guidance on using performance-based payments in competitive negotiated acquisitions. These revisions result from the final FAR rule (FAR Case 98–400) on contract financing that was published in the March 27, 2000, **Federal Register**. This final rule also makes changes to conform the NFS with changes made by FAC 97–15; and makes editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.

EFFECTIVE DATE: May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, NASA Headquarters, Code HK, Washington, DC 20546, telephone: (202) 358–0444, e-mail: *joseph.lecren@hq.nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

A final FAR rule was published in the **Federal Register** that simplified and streamlined the administration of progress payments, and removed the prohibition against using performance-based payments in contracts for research and development and contracts awarded through competitive negotiation procedures.

The FAR revisions deleted previous language on the administration of progress payments under indefinite delivery contracts that allowed administration on an overall contract basis, or for the treatment of a group of orders as a single unit. However, the FAR rule also allows for agency procedures to specify other procedures. In order to provide contracting officers with the maximum flexibility for administering progress payments, NASA chooses to retain the deleted FAR language.

The FAR revisions incorporated language requiring that the amounts of performance-based payments not result in unreasonably low or negative level of contractor investment in the contract and provide guidance on how the contracting officer would assure this did not take place. As a result of this change, similar NFS language is unnecessary and is deleted. The FAR rule also deleted section 32.1006, Agency Approvals, and the NFS implementing guidance at 1832.1006 is no longer necessary and is likewise deleted.

FAR 32.1001(a) requires two conditions for the use of performance-based payments: ''the contracting officer finds them practical, and the contractor agrees to their use.'' Although the FAR does not offer any guidance for determining practicality of use, the preamble to the final FAR rule indicates that, relative to the use of performance-based payments in competitive negotiations, contracting officers may consider the effect on the source selection process and the ''potential impact on small business competitiveness'' among the factors for determining practicality. In the last few years, NASA has adopted a number of source selection streamlining procedures (awarding without discussions and requiring no cost information on firm-fixed-price competitions) that could be

compromised by the use of performance-based payments, a financing option that would almost always require discussions and cost information. In addition, NASA has been a leader in encouraging small business participation in its competitions, and will not take any action that might deter continued high levels of small business competitiveness. Accordingly, NASA believes it important to specify in the NFS that contracting officers should consider the procedural and small business competitiveness factors when determining the practicality of the use of performance-based payments in competitive negotiations. As a management control to ensure that the source selection process and small business competitiveness are not adversely affected, HQ approval is required for use of performance-based payments in competitions under $50M. NASA will use its Master Buy Plan process to obtain visibility into acquisitions over that amount.

When performance-based payments are used in competitive negotiated acquisitions, FAR 32.1004(e) indicates that the solicitation should include a price adjustment ''if the contracting officer anticipates that the cost of providing performance-based payments would have a significant impact on determining the best value offer.'' However, the FAR also allows agencies to establish other evaluation procedures. NASA believes that the use of the price adjustment evaluation has the potential to lengthen the source selection process, require the submission of proposal information otherwise not required, and adversely impact small and small disadvantaged businesses. Accordingly, the NFS advises contracting officers to consider qualitative evaluation methods when performance-based payments are used in competitive negotiations under $50M.

Finally, the NFS change also requires that when performance-based payments are planned to be used in competitive negotiated acquisitions, the draft RFP must request the potential offerors to suggest terms, including performance events or payment criteria. The information provided by the offerors will be used, when possible, to establish a common set of performance-based payment parameters in the formal solicitation.

FAC 97–15 changed the section heading at 4.804–5 and deleted subpart 23.1. This final rule conforms the NFS with these changes; makes other editorial changes to correct referenced FAR citations, office designations; and provides an example of ''evidence of endorsement by another agency of the U.S. Government based on national security or foreign policy of the United States'' at section 1845.405–70.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577, and publication for public comments is not required. However, comments from small entities concerning the affected NFS subpart will be considered in accordance with 5 U.S.C. 610. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.*

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 1804, 1806, 1815, 1823, 1832, and 1845

Government procurement.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1804, 1806, 1815, 1823, 1832 and 1845 are amended as follows:

1. The authority citation for 48 CFR parts 1804, 1806,1815, 1823, 1832, and 1845 continues to read as follows:

Authority: 42 U.S.C. 2473 (c)(1).

PART 1804—ADMINISTRATIVE MATTERS

2. In section 1804.804–5, revise the section heading and amend paragraphs (a) and (b) by removing the word ''shall'' and inserting the word ''must'' in its place. The revised section heading reads as follows:

1804.804–5 Procedures for closing out contract files.

* * * * *

PART 1806—COMPETITION REQUIREMENTS

1806.303–1 [Amended]

3. Amend paragraph (d) of section 1806.303–1 by removing the reference ''FAR 25.403'' and adding ''FAR 25.401'' in its place.

PART 1815—CONTRACTING BY NEGOTIATION

4. Amend section 1815.201 by redesignating paragraph (c)(6)(E) as 1815.201(c)(6)(F) and adding a new paragraph (c)(6)(E) to read as follows:

1815.201 Exchanges with industry before receipt of proposals.

* * * * *

(c)(6) * * *

(E) If performance-based payments are planned to be used in a competitive negotiated acquisition, the DRFP shall request potential offerors to suggest terms, including performance events or payment criteria. Contracting officers shall use that information to establish a common set of performance-based payments parameters in the formal RFP when practicable.

* * * * *

PART 1823—ENVIRONMENT, CONSERVATION, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 1823.1 [Removed]

5. Remove subpart 1823.1

PART 1832—CONTRACT FINANCING

6. Add sections 1832.503 and 1832.503–5 to read as follows:

1832.503 Postaward matters.

1832.503–5 Administration of progress payments. (NASA supplements paragraph (c).)

(c)(i) If the contractor requests it and the contracting officer approving individual progress payments agrees, the administration of progress payments may be based on the overall contract agreement. Under this method, the contractor must include a supporting schedule with each request for a progress payment. The schedule should identify the costs applicable to each order.

(ii) The contracting officer may treat a group of orders as a single unit for administration of progress payments if each order in the group is subject to a uniform liquidation rate and under the jurisdiction of the same payment office.

7. Add section 1832.1001 to read as follows:

1832.1001 Policy.

(a)(i) In determining whether performance-based payments are practical in competitive negotiated acquisitions, the contracting officer should consider the procedural impacts (*e.g.*, proposal evaluation complications, longer evaluations, elimination of the potential for award without discussions, increased proposal information requirements) and the impact on small business competitiveness.

(ii) The contracting officer must obtain approval from the Director of the Headquarters Office of Procurement Contract Management Division (Code HK) to use performance-based payments in competitive negotiated solicitations under $50M. The request for approval must include an assessment of the practicality of using performance-based payments, as well as the proposed performance-based payments evaluation approach (see 1832.1004(e)(1)(ii)).

8. Revise section 1832.1004 to read as follows:

1832.1004 Procedures.

(a) See 1815.201(c)(6)(E) for establishing performance bases and payment terms in competitive negotiated acquisitions.

(e)(1)(ii) Use of the price adjustment evaluation technique may require obtaining and analyzing proposal information that is normally not required in NASA firm-fixed-price competitions (see 1815.403–3). When using performance-based payments in competitive negotiated acquisitions under $50 million, contracting officers should consider the use of alternative evaluation methods, *e.g.*, qualitative evaluation under Mission Suitability or another appropriate factor.

9. In section 1832.1005, add paragraph (b)(2) to read as follows:

1832.1005 Contract clauses.

* * * * *

(b)(2) Contracting officers shall not use Alternate I in competitive negotiated acquisitions under $50 million, unless approval has been obtained to use performance-based payments (see 1832.1001(a)(ii)).

1832.1006 [Removed]

10. Remove section 1832.1006.

PART 1845—GOVERNMENT PROPERTY

11. In section 1845.405–70, revise paragraphs (b) and (c)(9) to read as follows:

1845.405–70 NASA procedures.

* * * * *

(b) The prior written approval of the Associate Administrator for Procurement (Code H) is required for the use of Government production and research property on work for foreign countries or for international organizations. The Logistics Management Office of the Headquarters Office of Management Systems (Code JG), the Office of General Counsel (Code G), and the Headquarters Office of External Relations (Code I) are required concurrences.

(c) * * *

(9) Any evidence of endorsement by another agency of the U.S. Government based on national security or foreign policy of the United States (*e.g.*, an approved license or agreement from the Department of State or Department of Commerce).

* * * * *

[FR Doc. 00–12141 Filed 5–15–00; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 00424110–0110–01; I.D. 040600A]

RIN 0648–AO01

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to amend the regulations implementing the License Limitation Program (LLP) to include provisions inadvertently omitted that would have made area endorsements and area/species endorsements specified on a license non-severable from the license and that would have made a groundfish license and a crab species license issued based on the legal landings of the same vessel and initially issued to the same qualified person non-severable from each other. Thus, the endorsements in the first case must be transferred with the license and in the second case both licenses must be transferred together. This regulatory amendment is necessary to include in the regulations non-severability provisions proposed by the North Pacific Fishery Management Council (Council) and NMFS in the original proposed rule to implement the LLP. This action is necessary to promote the objectives of the Federal fishery management plans for the affected fisheries by further preventing increased harvesting capacity.

DATES: Effective May 11, 2000.

FOR FURTHER INFORMATION CONTACT: James Hale, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the U.S. groundfish fisheries of the exclusive economic zone off Alaska pursuant to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska and the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The commercial king crab and Tanner crab fisheries in the Bering Sea and Aleutian Islands Area are managed by the State of Alaska with Federal oversight, pursuant to the FMP for those fisheries. The Council prepared the FMPs pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq.* Federal regulations implementing the FMPs appear at 50 CFR part 679. General regulations at 50 CFR part 600 also apply.

The proposed rule to implement Amendment 39 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Amendment 41 to the FMP for Groundfish of the Gulf of Alaska, and Amendment 5 to the FMP for the Commercial King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands (62 FR 43866, August 15, 1997) contained provisions which would have made (1) area endorsements or area/species endorsements specified on a license non-severable from the license and (2) a groundfish license and a crab license issued based on the legal landings of the same vessel and initially issued to the same qualified person non-severable. No comments were received on these provisions. These provisions were intended to prevent increased capacity in the groundfish and crab fisheries managed under the FMPs.

In the final rule implementing the LLP, the application provisions (§ 679.4(i)(6)) and the transfer provisions (§ 679.4(i)(7)), including the non-severability provisions, were removed and the appropriate paragraphs reserved to allow for further refinement of the application and transfer processes (63 FR 52642, October 1, 1998). The final rule gave notice that a proposed rulemaking regarding those processes was under development.

Subsequently, NMFS initiated a proposed rulemaking to implement the application and transfer provisions (64 FR 19113, April 19, 1999). On August 6, 1999, NMFS issued a final rule implementing the application and transfer processes (64 FR 42826). While NMFS intended that the regulatory text include the non-severability provisions, that language was inadvertently omitted.

This final rule amends the LLP regulations by restoring the omitted non-severability provisions without change from those published in the original proposed rule (62 FR 43866, August 15, 1997) and approved by

NMFS with the approval of Amendments 39, 41, and 5.

Classification

Pursuant to 5 U.S.C. 553(b)(B), a rule may be issued without prior notice and opportunity for public comment if providing such notice and comment period would be impractical, unnecessary, or contrary to the public interest. Additionally, a rule may be made effective prior to 30 days after its issuance if good cause is found and provided by the agency in the rule,pursuant to 5 U.S.C. 553(d)(3). This final rule implements the original intent of the Council and NMFS concerning severability of LLP licenses. The public was provided with prior notice and an opportunity to comment on these and other proposed regulations implementing the LLP by the proposed rule published at 62 FR 43866 (August 15, 1997). A delay in implementation of this action would unnecessarily encumber persons conducting business under the LLP transfer provisions. For these reasons, the Assistant Administrator, NMFS, finds good cause to make this rule effective immediately upon filing for public inspection with the Office of the Federal Register.

In connection with the proposed rule published at 62 FR 43866 (August 15, 1997), to implement the LLP, the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that the regulations implementing the LLP would not have a significant adverse economic impact on a substantial number of small entities. The regulations implemented by this action consist of the transfer provisions in that proposed rule and accordingly are covered by that certification.

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

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 10, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 679 is amended to read as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.4, paragraph (k)(7)(viii) is added to read as follows:

§ 679.4 Permits.

* * * * *

(k) * * *

(7) * * *

(viii) *Severability of licenses.* (A) Area endorsements or area/species endorsements specified on a license are not severable from the license and must be transferred together.

(B) A groundfish license and a crab species license issued based on the legal landings of the same vessel and initially issued to the same qualified person are not severable and must be transferred together.

* * * * *

[FR Doc. 00–12276 Filed 5–11–00; 3:16 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211039–0039–01; I.D. 050800A]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for groundfish by vessels using hook-and-line gear in the Gulf of Alaska (GOA), except for sablefish or demersal shelf rockfish. This action is necessary because the second seasonal halibut bycatch mortality allowance apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 18, 2000, until 1200 hrs, A.l.t., September 1, 2000.

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

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

The Final 2000 Harvest Specifications of Groundfish for the GOA (65 FR 8298, February 18, 2000) established the Pacific halibut bycatch mortality allowance for groundfish included in the other hook-and-line fishery, which is defined at § 679.21(d)(4)(iii)(C), for the second season, the period May 18, 2000, through August 31, 2000, as 15 metric tons. The other hook-and-line fishery includes all groundfish, except sablefish or demersal shelf rockfish.

In accordance with § 679.21(d)(7)(ii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the second seasonal apportionment of the 2000 Pacific halibut bycatch mortality allowance specified for the hook-and-line groundfish fisheries other than sablefish or demersal shelf rockfish in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for groundfish other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA.

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

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the second seasonal apportionment of the 2000 Pacific halibut bycatch mortality allowance specified for the groundfish fisheries other than sablefish or demersal shelf rockfish by vessels using hook-and-line gear in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The second seasonal bycatch mortality allowance of Pacific halibut apportioned to hook-and-line gear targeting groundfish other than sablefish or demersal shelf rockfish in the GOA has been caught. NMFS finds for good cause that the implementation of this action can not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under E.O. 12866.

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

Dated: May 10, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–12297 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991221345–0108–02; I.D. 113099B]

RIN 0648–AL30

Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 57 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP). This action consists of three regulatory changes. First, it prohibits the use of nonpelagic trawl gear in the directed non-community development quota (CDQ) pollock fisheries of the Bering Sea and Aleutian Islands (BSAI). Second, it makes the performance standard for pelagic trawl gear applicable at all times to vessels in the directed non-CDQ pollock fishery in the BSAI. Third, it reduces the crab and Pacific halibut (halibut) bycatch limits established for the BSAI groundfish trawl fisheries. This action is necessary to address bycatch reduction objectives in the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and is intended to further the goals and objectives of the FMP.

DATES: Effective June 15, 2000.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) and the Final Regulatory Flexibility Analysis (FRFA) prepared for this action may be obtained from the Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel, or by calling the Alaska Region, NMFS, at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Nina Mollett, (907) 586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries of the BSAI under the FMP. The North Pacific Fishery Management Council (Council) prepared the FMP, and NMFS approved it, under the Magnuson-Stevens Act. Regulations governing the groundfish fisheries of the BSAI appear at 50 CFR parts 600 and 679.

Background and Need for Action

The objective of Amendment 57 is to reduce bycatch in the BSAI pollock fishery. The amendment and its implementing regulations are designed to comply with the Magnuson-Stevens Act, which emphasizes the importance of reducing bycatch to maintain sustainable fisheries. National standard 9 of the Magnuson-Stevens Act mandates that conservation and management measures minimize bycatch, to the extent practicable, and minimize mortality where bycatch cannot be avoided.

NMFS published the proposed rule to implement Amendment 57 in the **Federal Register** on December 29, 1999 (64 FR 73003). The public comment period ended on February 14, 2000. NMFS approved Amendment 57 on March 8, 2000.

The final action to implement the amendment has three parts.

1. Prohibition on the Use of Nonpelagic Trawl Gear in the BSAI Directed Non-CDQ Pollock Fishery

This rule prohibits nonpelagic trawling for non-CDQ pollock in the BSAI. Since January 1999, the entire BSAI pollock TAC, except for the CDQ fishery, has been allocated to pelagic trawl gear.

The prohibition is expected to reduce bycatch on a permanent basis (for the past 2 years the nonpelagic trawl ban has been in effect through allocation of zero TAC) while imposing a relatively low cost on the fishery. Pollock is the only fishery where both pelagic and nonpelagic trawl gear are used. Pelagic gear has a substantially lower bycatch rate for halibut and crab. Most fishing for pollock in the BSAI was conducted with pelagic gear even before 1999.

2. Performance Standard

The existing performance standard for pelagic trawl gear at § 679.7(a)(14) prohibits a vessel engaged in directed fishing for pollock, when directed fishing for pollock with nonpelagic trawl gear is closed, from having 20 or more crabs of any species, with a carapace width of more than 1.5 inches (38 mm) at the widest dimension, on board at any one time. Crabs were chosen for the standard because they inhabit the seabed and, if caught with trawl gear, indicate that the trawl has been in contact with the bottom. The standard is revised to make it applicable at all times to vessels engaged in a directed fishery for non-CDQ pollock in the BSAI because all vessels, except those fishing for CDQ pollock, are prohibited from using nonpelagic trawl gear.

3. Prohibited Species Catch (PSC) Limits

The final rule reduces the bycatch limit for halibut and crab caught using trawl gear in the BSAI. The CDQ program will continue to receive 7.5 percent of each PSC limit, in accordance with § 679.21(e)(1), which contains the existing limits for each PSC species in the BSAI. The current halibut PSC allowance is 3,775 metric tons (mt). Crab bycatch limits vary according to abundance and spawning biomass as determined by annual surveys.

This final rule reduces the halibut PSC limit by 100 mt to 3,675 mt. The rule reduces the PSC allowance for red king crabs by 3,000 animals, for *Chionoecetes* (*C.*) *bairdi* crabs by 50,000 animals, and for *C. opilio* crabs by 150,000 animals. The rule reduces the *C. bairdi* crabs allowance by 20,000 in Zone 1 and by 30,000 in Zone 2, reflecting the larger fishery there.

The Council recommended these reduced PSC limits after considering data on bycatch rates from vessels using pelagic gear while the performance standard was in effect. Two other options were considered: Option 1 would have reduced only the halibut bycatch limit, and Option 2 would have reduced bycatch by lesser amounts for halibut and the three PSC crab species. The Council chose Option 3 because it more realistically conforms to the amount of bycatch likely to be avoided as a result of the prohibition on nonpelagic trawl gear. The analysis of all options and alternatives is contained in the EA/RIR, the Initial Regulatory Flexibility Analysis, and the FRFA that were prepared for this action.

Pollock CDQ Fisheries

Under this final rule, vessels fishing for CDQ pollock are not subject to the prohibition on the use of nonpelagic trawl gear. The structure of the CDQ program provides a strong incentive to the CDQ groups and their harvesting partners to use fishing gear and fishing techniques that minimize the bycatch of non-target groundfish and prohibited species. Under this final rule, the CDQ program will receive a reduced allocation of PSC, because it will continue to receive a 7.5 percent

allocation of what will be a reduced overall PSC allowance. Therefore, although the prohibition the use of on nonpelagic trawl gear will not apply to the CDQ fisheries, the collateral reduction in PSC allowance will increase the effect of the existing incentive for CDQ groups to minimize the bycatch of PSQ species.

Fishing Trip Definition

This final rule also changes the ''fishing trip'' definition contained in § 679.2. Under the new definition, when a vessel begins fishing with a new gear type, it must start recordkeeping for a new fishing trip. This change enables, for example, a vessel legitimately fishing with bottom trawl gear for yellowfin sole, and under a maximum retainable bycatch restriction for pollock (see § 679.20(e)), to keep clear records if it switches to directed fishing for pollock using pelagic gear.

Changes From Proposed to Final Rule

One technical change was made from the proposed rule to this final rule. This change clarifies that the performance standard applies at all times to non-CDQ trawl vessels in the directed fishery for pollock in the BSAI, but that the performance standard has not changed for vessels fishing in the GOA (§ 679.7((a)(14)).

Response to Comments

NMFS received one letter during the public comment period, from the Alaska Marine Conservation Council. The letter supported the amendment and rulemaking in general but expressed disappointment that the Council and NMFS did not set a separate halibut bycatch allowance for the directed pollock fishery in the BSAI that, when reached, would require closure of the directed fishery for pollock. The EA/RIR/IRFA for Amendment 57 considered a regulatory amendment that would have split out pollock from the pollock/Atka mackerel/other species category and accounted for PSC bycatch separately. The RIR/IRFA analysis indicated potential problems with this regulatory amendment. According to the analysis, the directed pollock fishery generates about $382 for the fishery per pound of halibut caught, as opposed to less than $50 per pound for other groundfish fisheries examined. If the pollock fishery were to meet its PSC limit in the BSAI, resulting in a closure of the fishery, major costs could be incurred, the magnitude of which would depend in part on the amount of remaining pollock TAC. In view of these potentially high costs, compared to the benefits of holding the pollock fishery more strictly accountable for its bycatch, managers might tend to apportion more halibut PSC to the pollock category than warranted by historical catch records. In that case, the halibut PSC limit for other groundfish fisheries would be correspondingly lower, and amount to a cost to those fisheries that would not occur if the fishery were not split. Finally, the bycatch of halibut and crab in the pollock fishery is very low; only about 3 percent of trawl halibut bycatch mortality and less than 0.4 percent of crab taken in the trawl fisheries. NMFS believes it would be more appropriate to work with the Council to develop measures that would result in meaningful reductions of overall bycatch in the fisheries that are responsible for taking greater proportions of bycatch.

In light of the high costs associated with a separate halibut bycatch allowance, and the relatively small gains in bycatch reduction that would result, NMFS believes that the proposed action is fully consistent with national standard 9's mandate to minimize bycatch ''to the extent practicable.''

Classification

This action has been determined to be not significant for purposes of E.O. 12866. This rule imposes no new reporting, recordkeeping, or compliance requirements.

NMFS has prepared an FRFA that describes the economic impact this rule is expected to have on small entities. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Analysis of catch data from 1997 to 2000 indicates that no vessels will be adversely affected by the Council's preferred alternative with respect to buying and using new gear because all vessels currently eligible to fish for pollock in the BSAI under the American Fisheries Act (AFA) fish with pelagic gear. In 1996, five small catcher vessels used bottom trawl gear only. This number dropped to two vessels in 1997. In 1999 and 2000, no vessels deployed bottom gear in the BSAI pollock fishery because bottom trawling for pollock was closed those years through the annual specifications process. This action only has the effect of making permanent a prohibition on the use of bottom trawl gear in the pollock fishery that has already been in place since January 1999.

Of the approximately 120 catcher vessels that are eligible to fish for pollock in the BSAI under the AFA, approximately 60 are small entities, and these vessels have fished for pollock exclusively with pelagic trawl gear for the past 2 years. None of the 21 catcher/processors eligible to fish for pollock under the AFA are small entities under the Regulatory Flexibility Act. The crab performance standard may pose some unquantifiable inconvenience to vessel operators fishing with pelagic gear, as it is intended to discourage them from trawling on the bottom. To the extent that they have chosen to fish on the bottom in the past, economic theory suggests that they were probably gaining some economic advantage the past 2 years.

The reductions in overall PSC limits for halibut, red king crab, Tanner crab, and snow crab are not expected to cause significant impacts to small entities, as the reductions are based on the expected improvement in bycatch rates and are not expected to constrain fishing activity. The actual improvement in bycatch from using the cleaner pelagic gear occurred in 1999 when the Council began eliminating bottom trawling for pollock on an annual basis. Many factors operate to influence bycatch in the fisheries, but to the extent that bycatch was reduced in the pollock fishery through the use of cleaner gear, the other trawl fisheries (e.g., rock sole, yellowfin sole, Pacific cod) may have received an unintended increase since 1999. This action constrains the other trawl fisheries by removing their unintended increase estimated as: halibut–100 mt; red king crabs–3,000 animals; *C. bairdi* crabs-50,000 animals; and *C. opilio* crabs–160,000 animals. The reductions in PSC limits turn the PSC savings in the pollock fishery into a conservation savings as intended rather than just a reallocation between target fisheries. The pollock fishermen will be no worse off than they were before the process of prohibiting nonpelagic trawls in the pollock fishery began.

Under this final rule, CDQ vessels are not subject to the prohibition on the use of nonpelagic trawl gear because they have a built-in incentive to minimize bycatch. Once a group has reached its allocation of any PSC species, all of its member vessels must stop fishing and forego any remaining CDQ allocations of groundfish species for the season.

The CDQ groups will not be affected very much by this exemption, as they primarily use pelagic gear to fish for pollock. In 1998, for example, only 2 percent of the approximately 85,000 mt of pollock harvested under the CDQ program was harvested using bottom trawl gear. Furthermore, the catcher vessels that have harvested pollock CDQ thus far are larger catcher vessels, owned by the shoreside processors, which are CDQ partners and; therefore, are not small entities under the RFA.

Under this final rule, CDQ groups will continue to receive 7.5 percent of all PSC limits, which, since the overall limits will be reduced, will result in reduced Prohibited Species Quota (PSQ) allocations to CDQ groups. These reductions constitute an added incentive to improve techniques for minimizing bycatch. The reductions are small in proportion to the total PSQ allocations, but it is possible that they could result in some loss of CDQ groundfish. This could happen if a group reached one of its PSQ allocations before it otherwise would have, and was required to stop fishing for CDQ groundfish species.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: May 10, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons discussed in the preamble, 50 CFR part 679 is amended to read as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definition of ''*fishing trip*'', paragraph (1) is amended by redesignating paragraph (1)(iv) as paragraph (1)(v), adding a new paragraph (1)(iv), and removing the final word, ''or,'' from paragraph (1)(iii), to read as follows:

§ 679.2 Definitions.

* * * * *

Fishing trip means:

(1) * * *

(iv) The vessel begins fishing with different type of authorized fishing gear; or

* * * * *

3. In § 679.7, paragraph (a)(14) is revised to read as follows:

§ 679.7 Prohibitions.

* * * * *

(a) * * *

(14) *Trawl gear performance standard*—(i) *BSAI.* Use a vessel to participate in a non-CDQ directed fishery for pollock using trawl gear and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

(ii) *GOA.* Use a vessel to participate in a directed fishery for pollock using trawl gear when directed fishing for pollock with nonpelagic trawl gear is closed and have on board the vessel, at any particular time, 20 or more crabs of any species that have a carapace width of more than 1.5 inches (38 mm) at the widest dimension.

* * * * *

4. In § 679.20, paragraph (a)(5)(i)(B) is removed and paragraph (a)(5)(i)(C) is redesignated as paragraph (a)(5)(i)(B).

5. In § 679.21, paragraphs (e)(1)(ii)(A) through (C), (e)(1)(iii)(A) through (B), (e)(1)(iv)(A) through (C), and (e)(1)(v) are revised to read as follows:

§ 679.21 Prohibited species bycatch management.

* * * * *

(e) * * *

(1) * * *

(ii) * * *

(A) When the number of mature female red king crabs is at or below the threshold of 8.4 million mature crabs or the effective spawning biomass is less than or equal to 14.5 million lb (6,577 mt), the Zone 1 PSC limit will be 32,000 red king crabs.

(B) When the number of mature female red king crabs is above the threshold of 8.4 million mature crabs and the effective spawning biomass is greater than 14.5 million lb but less than 55 million lb (24,948 mt), the Zone 1 PSC limit will be 97,000 red king crabs.

(C) When the number of mature female red king crabs is above the threshold of 8.4 million mature crabs and the effective spawning biomass is equal to or greater than 55 million lb, the Zone 1 PSC limit will be 197,000 red king crabs.

(iii) * * *

(A) *Zone 1.* When the total abundance of *C. bairdi* crabs is:

(*1*) 150 million animals or less, the PSC limit will be 0.5 percent of the total abundance, minus 20,000 animals.

(*2*) Over 150 million to 270 million animals, the PSC limit will be 730,000 animals.

(*3*) Over 270 million to 400 million animals, the PSC limit will be 830,000 animals.

(*4*) Over 400 million animals, the PSC limit will be 980,000 animals.

(B) *Zone 2.* When the total abundance of *C. bairdi* crabs is:

(*1*) 175 million animals or less, the PSC limit will be 1.2 percent of the total abundance, minus 30,000 animals.

(*2*) Over 175 million to 290 million animals, the PSC limit will be 2,070,000 animals.

(*3*) Over 290 million to 400 million animals, the PSC limit will be 2,520,000 animals.

(*4*) Over 400 million animals, the PSC limit will be 2,970,000 animals.

(iv) * * *

(A) *PSC Limit.* The PSC limit will be 0.1133 percent of the total abundance, minus 150,000 *C. opilio* crabs, unless;

(B) *Minimum PSC Limit.* If 0.1133 percent multiplied by the total abundance is less than 4.5 million, then the minimum PSC limit will be 4.350 million animals; or

(C) *Maximum PSC Limit.* If 0.1133 percent multiplied by the total abundance is greater than 13 million, then the maximum PSC limit will be 12.850 million animals.

(v) *Halibut.* The PSC limit of halibut caught while conducting any trawl fishery for groundfish in the BSAI during any fishing year is an amount of halibut equivalent to 3,675 mt of halibut mortality.

* * * * *

6. In § 679.24, paragraph (b)(4) is added to read as follows:

§ 679.24 Gear limitations.

* * * * *

(b) * * *

(4) *BSAI pollock nonpelagic trawl prohibition.* No person may use nonpelagic trawl gear to engage in directed fishing for non-CDQ pollock in the BSAI.

* * * * *

[FR Doc. 00–12291 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990720198–9307–02; I.D. 070799B]

RIN 0648–AM36

Fisheries of the Exclusive Economic Zone Off Alaska; Maximum Retainable Bycatch Percentages, Gulf of Alaska; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction to the final rule for maximum retainable bycatch (MRB) percentages for the Gulf of Alaska (GOA), which was published in the **Federal Register** on December 6, 1999.

DATES: Effective January 5, 2000.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, 907–586–7008.

SUPPLEMENTARY INFORMATION:

Background

A final rule was published in the **Federal Register** on December 6, 1999 (64 FR 68054), to revise MRB percentages for the GOA. A new column added to Table 10 to 50 CFR part 679 and two of its footnotes were revised to clarify the intent of the North Pacific Fishery Management Council. But some of the data contained in the cells of the new column have been misinterpreted by management and enforcement officials, the State of Alaska Department of Fish and Game, and the fishing industry.

In Table 10 as published December 6, 1999, if a value appears in the ''SR/RE ERA'' column, it was intended to indicate that when calculating the retainable incidental catch for the basis species of interest, the SR/RE=7 percentage value would be added to the aggregated rockfish category percentage value and under that circumstance the SR/RE would not be included also in the aggregated rockfish value. If no value ''na'' appears in the SR/RE column, it was intended to indicate that SR/RE may not be calculated separately for the basis species but rather is included in the aggregated rockfish value. The ''na'' was also used in Table 10 to indicate that the combination of basis species and incidental catch species was not applicable since the same species appeared in both places.

Confusion from the two meanings of the term ''na'' in Table 10 eventually resulted in the interpretation that ''na'' in the ''SR/RE ERA'' column meant ''zero.'' Zero retention means that no quantities of SR/RE could be retained when calculating incidental catch for a basis species. The result of this interpretation was that NMFS Enforcement and U.S. Coast Guard required that any incidental SR/RE brought in by fishermen with any basis species be discarded (and therefore wasted) and also issued a citation to the fisherman for retaining a species illegally. The fisherman in question suffered a possible fine plus loss of income from the SR/RE. In addition, the fisherman held the correct interpretation of SR/RE retention and suffered also the frustration and aggravation of doing the correct action supported by regulations and being penalized for it by NMFS.

Footnote ''(2)'' stated that ''SR/RE rockfish is a separate category for the deep water complex only.'' Because deep water complex was not defined in Table 10, it was not clear that deep water complex meant those basis species that had values=7 in the column ''SR/RE ERA.''

Need for Correction

Because the abbreviated form of ''not applicable'' appearing in certain cells of the added column SE/RE, Table 10, has been misinterpreted and caused unnecessary industry costs and incorrect enforcement of SR/RE retention, it must be corrected.

Correction

1. In the final rule Revisions to Gulf of Alaska Retainable Bycatch Percentages published in 64 FR 68054, December 6, 1999, FR Doc. 99–31555, on page 68055, under TABLE 10 TO Part 679.–GULF OF ALASKA RETAINABLE PERCENTAGES, in the eleventh column under the heading Incidental Catch Species, under the column subheading ''SR/RE ERA[3]'' on the following lines: first, second, sixth, sixteenth, seventeenth, and eighteenth line, remove the abbreviation ''na[6]'' and in its place add (7)''.

2. From Footnote ''(2)'', remove the text ''Aggregated rockfish means rockfish defined at § 679.2 except: in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category and in the Eastern Regulatory Area where shortraker/rougheye is a separate category for the deep water complex only'' and in its place add ''Aggregated rockfish means rockfish defined at § 679.2 except: in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category and in the Eastern Regulatory Area where shortraker/rougheye (SR/RE) rockfish is a separate category for those species marked with a numerical percentage.''

Add footnote ''(7)'' to read ''(7)'' where numerical percentage is not indicated, the retainable percentage of SR/RE is included under Aggregated Rockfish.''

Dated: May 10, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 00–12290 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 95
Tuesday, May 16, 2000

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–100–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration. This proposal would require a revision to the Airplane Flight Manual Supplement to ensure that the main deck cargo door is closed, latched, and locked; inspection of the door wire bundle to detect discrepancies and repair or replacement of discrepant parts. This proposal also would require, among other actions, modification of the hydraulic and indication systems of the main deck cargo door, and modification of the existing means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked. This proposal is prompted by the FAA's determination that certain main deck cargo door systems and the existing means to prevent pressurization to an unsafe level if the main deck cargo door is not closed, latched, and locked do not provide an adequate level of safety. The actions specified by the proposed AD are intended to prevent opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of flight control or severe structural damage.

DATES: Comments must be received by June 30, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–100–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–100–AD'' in the subject line and need not be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Michael E. O'Neil, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5320; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–100–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000-NM–100–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Supplemental Type Certificates (STC) SA1862SO and ST00309AT [originally issued to Agro Air Associates, Inc.] specify a design for installation of a main deck cargo door, associated door cutout in the fuselage, door hydraulic and indication systems, and Class ''E'' cargo interior with a cargo barrier on McDonnell Douglas Model DC–8 series airplanes. STC SA1862SO installs a main deck cargo door and associated hydraulic and indication systems. STC ST00309AT installs the Class ''E'' compartment, a cargo handling system, and a 9g crash barrier. The FAA has conducted a design review of Model DC–8 series airplanes modified in accordance with STC's SA1862SO and ST00309AT and has conducted discussions regarding the design with the STC holder. From the design review and these discussions, the FAA has identified several potential unsafe conditions. [Results of this design review are contained in ''DC–8 Cargo Modification Review Team, Review of Agro Air Supplemental Type Certificate SA1862SO—Installation of a Cargo Door and ST00309AT—Installation of a Cargo Interior, Final Report, dated August 2, 1999,'' hereinafter referred to as ''the Design Review Report,'' which is included in the Rules Docket for this NPRM.]

For airplanes modified in accordance with STC SA1862SO, this NPRM proposes corrective actions for those potential unsafe conditions that relate to the hydraulic and indication systems of the main deck cargo door and the means to prevent pressurization to an unsafe level if the main deck cargo door is not fully closed, latched, and locked. These conditions, if not corrected, could result in opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of flight control or severe structural damage.

Other Related Rulemaking

The FAA is considering further rulemaking to address the remaining potential unsafe conditions on Model DC–8 series airplanes modified in accordance with STC SA1862SO that relate to the main deck cargo door hinge, and fuselage structure in the area modified by installation of a main deck cargo door. In addition, the FAA is considering further rulemaking to address the potential unsafe conditions on Model DC–8 series airplanes modified in accordance with STC SA1377SO that relate to the unreinforced main deck floor, 9g crash barrier, and fire/smoke detection system.

Main Deck Cargo Door Systems

In early 1989, two transport airplane accidents were attributed to cargo doors coming open during flight. The first accident involved a Boeing Model 747 series airplane in which the cargo door separated from the airplane, and damaged the fuselage structure, engines, and passenger cabin. The second accident involved a McDonnell Douglas DC–9 series airplane in which the cargo door opened but did not separate from its hinge. The open door disturbed the airflow over the empennage, which resulted in loss of flight control and consequent loss of the airplane. Although cargo doors have opened occasionally without mishap shortly after the airplane was in flight, these two accidents served to highlight the extreme potential dangers associated with the opening of a cargo door while the airplane is in flight.

As a result of these cargo door opening accidents, the Air Transport Association (ATA) of America formed a task force, including representatives of the FAA, to review the design, manufacture, maintenance, and operation of airplanes fitted with outward opening cargo doors, and to make recommendations to prevent inadvertent cargo door openings while the airplane is in flight. A design working group was tasked with reviewing 14 CFR part 25.783 [and its accompanying Advisory Circular (AC) 25.783–1, dated December 10, 1986] with the intent of clarifying its contents and recommending revisions to enhance future cargo door designs. This design group also was tasked with providing specific recommendations regarding design criteria to be applied to existing outward opening cargo doors to ensure that inadvertent openings would not occur in the current transport category fleet of airplanes.

The ATA task force made its recommendations in the ''ATA Cargo Door Task Force Final Report,'' dated May 15, 1991 (hereinafter referred to as ''the ATA Final Report''). On March 20, 1992, the FAA issued a memorandum to the managers of the Transport Airplane Directorate (TAD) and Los Angeles, Seattle, and Atlanta Aircraft Certification Offices (hereinafter referred to as ''the FAA Memorandum''), acknowledging ATA's recommendations and providing additional guidance for purposes of assessing the continuing airworthiness of existing designs of outward opening doors. The FAA Memorandum was not intended to upgrade the certification basis of the various airplanes, but rather to identify criteria to evaluate potential unsafe conditions identified on in-service airplanes. Appendix 1 of this AD contains the specific paragraphs from the FAA Memorandum that set forth the criteria to which the outward opening doors should be shown to comply.

Utilizing the applicable requirements of Civil Air Regulations (CAR) part 4b and the design criteria provided by the FAA Memorandum, the FAA has reviewed the original type design of major transport airplanes, including McDonnell Douglas Model DC–8 airplanes equipped with outward opening doors, for any design deficiency or service difficulty. Based on that review, the FAA identified unsafe conditions and issued, among others, the following AD's and NPRM's:

- For certain McDonnell Douglas Model DC–9 series airplanes: AD 89–11–02, amendment 39–6216 (54 FR 21416, May 18, 1989);
- For all Boeing Model 747 series airplanes: AD 90–09–06, amendment 39–6581 (55 FR 15217, April 23, 1990);
- For certain McDonnell Douglas Model DC–8 series airplanes: AD 89–17–01 R1, amendment 39–6521 (55 FR 8446, March 8, 1990);
- For certain Boeing Model 747–100 and –200 series airplanes: AD 96–01–51, amendment 39–9492 (61 FR 1703, January 23, 1996);
- For certain Boeing Model 727–100 and –200 series airplanes: AD 96–16–08, amendment 39–9708 (61 FR 41733, August 12, 1996);
- For certain McDonnell Douglas Model DC–8 series airplanes: NPRM Rules Docket No. 99–NM–338–AD (64 FR 245, December 22, 1999);
- For certain McDonnell Douglas Model DC–8 series airplanes: NPRM Rules Docket No. 2000–NM–01–AD (65 FR 7796, February 16, 2000); and
- For certain McDonnell Douglas Model DC–8 series airplanes: NPRM Rules Docket No. 2000–NM–49–AD (65 FR 20390, April 17, 2000).

In late 1997, the FAA informed the STC holders and operators of Model DC–8 series airplanes that it was embarking on a review of Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration by STC. The FAA proposed at a subsequent industry sponsored meeting in early 1998, that DC–8 operators and STC holders work together to identify and address potential safety concerns. This suggestion to the affected industry resulted in the creation of the DC–8 Cargo Conversion Joint Task Force (JTF) (hereinafter referred to as ''the JTF'').

The current composition of the JTF includes holders of each of the six STC's that addresses the installation of a main deck cargo door in Model DC–8 series airplanes and operators and lessors of those modified airplanes. At the JTF's request, the FAA participates in its meetings to offer counsel and guidance with respect to the FAA's regulatory processes. The JTF is a clearinghouse for the gathering and sharing of information among the parties affected by the FAA review of STC cargo conversions of Model DC–8 series airplanes. The JTF also is a liaison between the FAA, operators, and STC holders.

The JTF has been working with the FAA to provide data relating to the number of STC modified Model DC–8 series airplanes and operators of those airplanes, and identified which airplanes are modified by each STC. It also was instrumental in polling the operators and providing maintenance schedules and locations to the FAA, which helped the FAA arrange visits to operators of airplanes modified by each of the STC's. These visits allowed the FAA to review both the available data supporting each STC and modified airplanes and to identify potential safety concerns with each of the STC modifications. Additionally, the JTF has coordinated funding of the industry review of the data supporting the STC's and ongoing efforts to resolve safety issues identified by the FAA.

Using the applicable requirements of CAR part 4b and the criteria specified in the FAA Memorandum as evaluation guides, the FAA, in collaboration with the JTF, conducted an engineering design review and inspection of an airplane modified in accordance with STC SA1862SO. The actions in this proposed rulemaking address only the modification associated with this STC. The FAA identified a number of design features of the main deck cargo door systems of STC SA1862SO that are unsafe and do not meet the applicable

requirements of CAR part 4b or the criteria specified in the FAA Memorandum. These systems include the door indication and hydraulic systems. The FAA design review team also determined that the design data of this STC did not include an adequate safety analysis of the main deck cargo door systems.

For airplanes modified in accordance with STC SA1862SO, the FAA considers the following five specific design deficiencies of the main deck cargo door systems to be unsafe:

1. Indication System

The main deck cargo door indication system for STC SA1862SO utilizes door warning lights at the door operator's control panel and the flight engineer's panel. The warning lights do not adequately indicate either the door open or closed status, or latch or lock status. All three conditions (i.e., door closed, latched, and locked) must be monitored directly so that the door indication system cannot display either ''latched'' before the door is closed or ''locked'' before the door is latched. If a sequencing error caused the door to latch and lock without being fully closed, the subject indication system, as currently designed, would not alert the door operator or the flight engineer of this condition. As a result, the airplane could be dispatched with the main deck cargo door unsecured, which could lead to the cargo door opening while the airplane is in flight.

The light on the flight engineer's panel is labeled ''Cargo Door'' and is displayed in red since it indicates an event that requires immediate pilot action. However, if the flight engineer is temporarily away from his station, a door unsafe warning indication could be missed by the pilots. In addition, the flight engineer could miss such an indication by not scanning the panel. As a result, the pilots and flight engineer could be unaware of or misinterpret an unsafe condition and could fail to respond in the correct manner. Therefore, an indicator light must be located in front of and in plain view of both pilots since one of the pilot's stations is always occupied during flight operations.

The warning lights have a ''Press-to-Test'' feature that is adequate to check the light bulb functionality, but is not adequate to check the cargo door closed, latched, and locked functions.

During an FAA review of STC modified airplanes, instances of distress of the wire bundle between the fuselage and main deck cargo door. Additionally, instances of damaged, loose, or missing hardware mounting components were also noted. Therefore, a one-time general visual inspection of this area to detect crimped, frayed, or chafed wires is necessary to ensure the electrical continuity of the existing door indication system during the interim period.

2. Means to Visually Inspect the Locking Mechanism

The locking system of STC SA1862SO consists of a lock pin installed at one of the seven latches of the main deck cargo door. The single view port of the main deck cargo door installed in accordance with STC SA1862SO monitors the position of the torque tube that actuates the door latches, but it does not provide a means to ensure the position of the lock pin. Therefore, this view port is inadequate to ensure that the door is fully closed, latched, and locked.

As discussed in the ATA Final Report and the FAA Memorandum, there should be a means of directly inspecting each lock or, at a minimum, the locks at each end of the lock shaft of certain designs, such that a failure condition in the lock shaft would be detectable.

3. Means to Prevent Pressurization to an Unsafe Level

McDonnell Douglas Model DC–8 series airplanes modified in accordance with STC SA1862SO are equipped with a means to inhibit pressurization of the airplane in the event that the main deck cargo door is not closed and locked. In the event the door is not closed and locked, the air conditioning turbo-compressors normally cannot be turned on to pressurize the airplane. However, there may be failure modes in the system that would allow pressurization of the airplane to an unsafe level in the event that the main deck cargo door is not closed and locked. Therefore, a means must be installed to prevent pressurization of the airplane to an unsafe level if the door is not fully closed, latched, and locked.

4. Powered Lock Systems

STC SA1862SO utilizes a landing gear squat switch to remove power from the door control master switch (i.e., electrical and hydraulic) while the airplane is in flight. Latent failure of the squat switch together with other latent and/or single point failures could precipitate inadvertent door openings. Therefore, a means to remove power from the door controls must be installed to prevent inadvertent opening of the main deck cargo door in flight.

A systems safety analysis would normally evaluate and resolve the potential for these types of unsafe conditions. The design data for STC SA1862SSO do not include a system safety analysis to specifically identify these failure modes and do not show that an inadvertent main deck cargo door opening is extremely improbable. The need for a system safety analysis is identified in the ATA Final Report and the FAA Memorandum.

5. Lock Strength

Analysis of the existing latching and locking mechanism of the main deck cargo door indicates that in the event of a system jam, continued operation of the hydraulic cylinders could result in structural deformation of elements of the latching and locking mechanisms. Structural deformation of the locking mechanism could result in the single door latch equipped with a lock not being locked and consequent erroneous indication to the pilots that the latch is locked properly. Further, the FAA has determined that a lock on a single latch is inadequate to provide the level of safety envisioned by the applicable certification requirements. Therefore, the latching and locking systems for the main deck cargo door must be modified to prevent structural deformation, which could result in incorrect indication to the pilots that the door is not fully closed, latched, and locked.

Explanation of Requirements of Proposed Rule

Since unsafe conditions have been identified that are likely to exist or develop on other products of this same type design, the proposed AD would require, within 60 days after the effective date of this AD, the following actions:

- A general visual inspection of the wire bundle of the main deck cargo door between the exit point of the cargo liner and the attachment point on the main deck cargo door to detect crimped, frayed, or chafed wires;
- A general visual inspection for damaged, loose, or missing hardware mounting components; and repair, if necessary.

These actions would be required to be accomplished in accordance with FAA-approved maintenance procedures.

The proposed AD also would require, within 60 days after the effective date of the AD, a revision of the Limitations Section of the appropriate FAA-approved Airplane Flight Manual Supplement (AFMS) for STC SA1862SO by inserting therein procedures to ensure that the main deck cargo door is closed, latched, and locked prior to dispatch of the airplane; and installation of any associated placards. These actions would be required to be accomplished in accordance with a

method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

The proposed AD also would require, within 18 months after the effective date of this AD, the following actions:

- Modification of the indication system of the main deck cargo door to indicate to the pilots whether the main deck cargo door is fully closed, latched, and locked;
- Modification of the mechanical and hydraulic systems of the main deck cargo door to eliminate detrimental deformation of the elements of the door latching and locking mechanisms;
- Installation of a means to visually inspect the locking mechanism of the main deck cargo door;
- Installation of a means to remove power to the door while the airplane is in flight; and
- Modification of the existing means or installation of a new means to prevent pressurization to an unsafe level if the main deck cargo door is not fully closed, latched, and locked.

The modifications and installations would be required to be accomplished in accordance with a method approved by the Manager, Los Angeles ACO. Accomplishment of the modifications and installations would constitute terminating action for the general visual inspections, AFMS revision, and associated placards described previously.

Cost Impact

There are approximately 5 Model DC–8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 4 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the general visual inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the general visual inspections proposed by this AD on U.S. operators is estimated to be $240, or $60 per airplane, per inspection cycle.

It would take approximately 1 work hour per airplane to accomplish the AFMS revision and installation of associated placards, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AFMS revision and installation of associated placards proposed by this AD on U.S. operators is estimated to be $240, or $60 per airplane.

The FAA estimates that it would take approximately 210 work hours per airplane to accomplish the modification required by paragraph (c) of the proposed AD, at an average labor rate of $60 per work hour. The FAA also estimates that required parts would cost approximately $45,000 per airplane. Based on these figures, the cost impact of this modification proposed by this AD on U.S. operators is estimated to be $230,400, or $57,600 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–100–AD.

Applicability: Model DC–8 series airplanes that have been converted from a passenger to a cargo-carrying (''freighter'') configuration in accordance with Supplemental Type Certificate (STC) SA1862SO; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent opening of the cargo door while the airplane is in flight, and consequent rapid decompression of the airplane including possible loss of flight control or severe structural damage, accomplish the following:

Actions Addressing the Main Deck Cargo Door

(a) Within 60 days after the effective date of this AD, accomplish a general visual inspection of the wire bundle of the main deck cargo door between the exit point of the cargo liner and the attachment point on the main deck cargo door to detect crimped, frayed, or chafed wires; and perform a general visual inspection for damaged, loose, or missing hardware mounting components. If any crimped, frayed, or chafed wire, or damaged, loose, or missing hardware mounting component is detected, prior to further flight, repair in accordance with FAA-approved maintenance procedures.

Note 2: For the purposes of this AD, a general visual inspection is defined as ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(b) Within 60 days after the effective date of this AD, revise the Limitations Section of the appropriate FAA-approved Airplane Flight Manual Supplement (AFMS) for STC SA1862SO by inserting therein procedures to ensure that the main deck cargo door is fully closed, latched, and locked prior to dispatch of the airplane, and install any associated placards. The AFMS revision procedures and installation of any associated placards shall be accomplished in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Actions Addressing the Main Deck Cargo Door Systems

(c) Within 18 months after the effective date of this AD, accomplish the actions specified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD in accordance with a method approved by the Manager, Los Angeles ACO.

(1) Modify the indication system of the main deck cargo door to indicate to the pilots whether the main deck cargo door is fully closed, latched, and locked;

(2) Modify the mechanical and hydraulic systems of the main deck cargo door to eliminate detrimental deformation of elements of the door latching and locking mechanism;

(3) Install a means to visually inspect the locking mechanism of the main deck cargo door;

(4) Install a means to remove power to the door while the airplane is in flight; and

(5) Install a means to prevent pressurization to an unsafe level if the main deck cargo door is not fully closed, latched, and locked.

(d) Compliance with paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD constitutes terminating action for the requirements of paragraphs (a) and (b) of this AD, and the AFMS revision and placards may be removed.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Appendix 1

Excerpt from an FAA Memorandum to Director—Airworthiness and Technical Standards of ATA, dated March 20, 1992

''(1) *Indication System:*

(a) The indication system must monitor the closed, latched, and locked positions, directly.

(b) The indicator should be *amber* unless it concerns an outward opening door whose opening during takeoff could present an immediate hazard to the airplane. In that case the indicator must be *red* and located in plain view in front of the pilots. An aural warning is also advisable. A display on the master caution/warning system is also acceptable as an indicator. For the purpose of complying with this paragraph, an immediate hazard is defined as significant reduction in controllability, structural damage, or impact with other structures, engines, or controls.

(c) Loss of indication or a false indication of a closed, latched, and locked condition must be improbable.

(d) A warning indication must be provided at the door operators station that monitors the door latched and locked conditions directly, unless the operator has a visual indication that the door is fully closed and locked. For example, a vent door that monitors the door locks and can be seen from the operators station would meet this requirement.

(2) *Means to Visually Inspect the Locking Mechanism:*

There must be a visual means of directly inspecting the locks. Where all locks are tied to a common lock shaft, a means of inspecting the locks at each end may be sufficient to meet this requirement provided no failure condition in the lock shaft would go undetected when viewing the end locks. Viewing latches may be used as an alternate to viewing locks on some installations where there are other compensating features.

(3) *Means to Prevent Pressurization:*

All doors must have provisions to prevent initiation of pressurization of the airplane to an unsafe level, if the door is not fully closed, latched and locked.

(4) *Lock Strength:*

Locks must be designed to withstand the maximum output power of the actuators and maximum expected manual operating forces treated as a limit load. Under these conditions, the door must remain closed, latched and locked.

(5) *Power Availability:*

All power to the door must be removed in flight and it must not be possible for the flight crew to restore power to the door while in flight.

(6) *Powered Lock Systems:*

For doors that have powered lock systems, it must be shown by safety analysis that inadvertent opening of the door after it is fully closed, latched and locked, is extremely improbable.''

Issued in Renton, Washington, on May 10, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–12249 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–105–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Airbus Model A300–600 series airplanes. This proposal would require repetitive high frequency eddy current (HFEC) or rototest inspections to detect cracking in the area surrounding the frame feet attachment holes between fuselage frames (FR) 41 and FR46; installation of new fasteners for certain airplanes; and follow-on corrective actions, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent cracking of the center section of the fuselage, which could result in rupture of the frame foot and reduced structural integrity of the airplane.

DATES: Comments must be received by June 15, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–105–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–105–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–105–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Airbus Model A300–600 series airplanes. The DGAC advises that, during an inspection performed in accordance with Structure Significant Item (SSI) Task 53–15–54, cracking was detected in the area surrounding the frame feet attachment holes at fuselage frames (FR) 43 through FR46 between stringers 24 and 30 on the right-hand side, and at FR45 on the left-hand side. The cracking occurred on an airplane that had accumulated 26,100 total flight cycles and 32,160 total flight hours. Such cracking of the center section of the fuselage, if not detected and corrected, could result in rupture of the frame foot and reduced structural integrity of the airplane.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletin A300–53–6122, dated February 9, 2000, which describes procedures for repetitive high frequency eddy current (HFEC) or rototest inspections to detect cracking of the frame feet attachment holes between FR41 and FR46; installation of new fasteners for certain airplanes; and follow-on corrective actions, if necessary. The follow-on corrective actions involve subsequent performing rotating probe inspections and repairing certain cracking conditions. The repair involves reaming out cracks, cold working fastener holes, and installing oversized fasteners. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–060–303(B), dated February 9, 2000, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive HFEC or rototest inspections to detect cracking in the area surrounding the frame feet attachment holes between FR41 and FR46; installation of new fasteners for certain airplanes; and follow-on corrective actions, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA or the DGAC (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for the proposed AD, a repair approved by either the FAA or the DGAC would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 75 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $27,000, or $360 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 2000–NM–105–AD.

Applicability: All Model A300–600 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the center section of the fuselage, which could result in rupture of the frame foot and reduced structural integrity of the airplane, accomplish the following:

High Frequency Eddy Current (HFEC) or Rototest Inspection

(a) Perform a HFEC or rototest inspection to detect cracking in the area surrounding the frame feet attachment holes between fuselage frames (FR) 41 and FR46 from stringers 24 to 28, left- and right-hand sides, in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000, at the time specified in paragraph (a)(1) or (a)(2), as applicable.

(1) For airplanes on which Task 53–15–54 in Maintenance Review Board Document (MRBD), Revision 3, dated April 1998, has NOT been accomplished as of the effective date of this AD: Perform the inspection at the later of the times specified in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Prior to the accumulation of the total flight-cycle or flight-hour threshold, whichever occurs first, specified in paragraph 1.E. (''Compliance'') of the service bulletin; or

(ii) Within the applicable grace period specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(2) For airplanes on which Task 53–15–54 in Maintenance Review Board Document (MRBD), Revision 3, dated April 1998, has been accomplished as of the effective date of this AD: Perform the next repetitive inspection at the later of the times specified in paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Within the flight-cycle or flight-hour interval, whichever occurs first, specified in paragraph 1.E. (''Compliance'') of the service bulletin, following the latest inspection accomplished in accordance with the MRBD; or

(ii) Within the grace period specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(b) For airplanes on which no cracking is detected during the inspection required by paragraph (a) of this AD, prior to further flight, install new fasteners as applicable, in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000; and repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed the applicable intervals specified in paragraph 1.E. (''Compliance'') of the service bulletin.

Corrective Actions

(c) For airplanes on which cracking is detected during any inspection required by this AD: Prior to further flight, except as required by paragraph (d) of this AD, accomplish corrective actions (e.g., performing rotating probe inspections, reaming out cracks, cold working fastener holes, and installing oversized fasteners) in accordance with Airbus Service Bulletin A300–53–6122, dated February 9, 2000. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed the applicable intervals specified in paragraph 1.E. (''Compliance'') of the service bulletin.

(d) If cracking is detected during any inspection required by this AD, and the service bulletin specifies to contact the manufacturer for an appropriate corrective action: Prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Direction Generale de l'Aviation Civile (DGAC) (or it's delegated agent).

Alternative Methods of Compliance

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

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

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–060–303(B), dated February 9, 2000.

Issued in Renton, Washington, on May 10, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–12248 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–106186–98]

RIN 1545–AW36

Certain Corporate Reorganizations Involving Disregarded Entities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that provide guidance to corporations and their shareholders about whether certain transactions qualify as corporate reorganizations. The proposed regulations apply to certain mergers under state or Federal law between two entities, one of which is a corporation and the other of which, for Federal tax purposes, is disregarded as an entity separate from its owner (for example, a qualified REIT subsidiary, a qualified subchapter S subsidiary, or a limited liability company with a single corporate owner that does not elect to be treated as a separate corporation). This document also provides a notice of public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by August 14, 2000. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for August 8, 2000, must be received by July 18, 2000.

ADDRESSES: Send submissions to CC:DOM:CORP:R (REG–106186–98), room 5226, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 am and 5 pm to: CC:DOM:CORP:R (REG–106186–98), Courier's desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20044. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.gov/tax__regs/reglist.html. The public hearing will be held in room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Reginald Mombrun, (202) 622–7750, concerning submissions of comments,

the hearing, and/or to be placed on the building access list to attend the hearing, Guy Traynor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) that provide guidance as to whether certain mergers under state or Federal law between two entities, one of which is a corporation and the other of which, for Federal tax purposes, is disregarded as an entity separate from its owner can be statutory mergers qualifying as reorganizations under section 368(a)(1)(A) of the Internal Revenue Code of 1986 (Code). The Code provides general nonrecognition treatment for reorganizations specifically described in section 368(a). Section 368(a)(1)(A) provides that the term *reorganization means* ''a statutory merger or consolidation.'' Section 1.368–2(b)(1) provides that a statutory merger must be accomplished under the ''corporation laws of the United States or a State or territory or the District of Columbia.'' In addition to meeting the requirements of section 368(a), a merger transaction must meet other reorganization requirements such as the requirement that the persons engaged in the transaction each qualify as ''a party to a reorganization'' under section 368(b), the continuity of interest requirement of § 1.368–1(e), and the continuity of business enterprise requirement of § 1.368–1(d).

Certain entities that are respected under state law are disregarded for Federal tax purposes. These entities include a qualified REIT subsidiary, a qualified subchapter S subsidiary (QSub), and an entity that is disregarded under § 301.7701–3 as an entity separate from its owner. Section 856(i)(2) provides that a corporation that is wholly owned by a real estate investment trust (REIT) is a qualified REIT subsidiary. Section 1361(b)(3)(B) provides that a QSub is an eligible domestic corporation, wholly owned by an S corporation, for which the S corporation makes a QSub election. Under § 301.7701–3, a business entity that is not classified as a corporation per se (see § 301.7701–2(b)((1), (3), (4), (5), (6), (7) or (8); for example, a limited liability company) can elect to be treated as a corporation or, if it has a single owner, can choose to be disregarded. (These entities hereinafter are collectively referred to as Disregarded Entities, and the corporation that owns the Disregarded Entity is referred to as the Owner.) For Federal tax purposes, all of the assets, liabilities, and items of income, deduction, and credit of a Disregarded Entity are treated as those of its Owner.

Because qualified REIT subsidiaries and QSubs are corporations under state law, state merger laws generally permit them to merge with other corporations. In addition, many state merger laws permit mergers between limited liability companies and corporations.

Commentators have raised questions as to whether the merger under state or Federal law of a Disregarded Entity into an acquiring corporation or of a target corporation into a Disregarded Entity can qualify as a reorganization under section 368(a)(1)(A). These regulations address this issue.

Explanation of Provisions

The proposed regulations provide guidance on the tax treatment of the following two transactions: (1) the merger of a Disregarded Entity into an acquiring corporation, and (2) the merger of a target corporation into a Disregarded Entity. Under the Federal tax laws, the merger under state or Federal law of a Disregarded Entity into an acquiring corporation in which the Owner exchanges its interest in the Disregarded Entity for stock in the acquiring corporation and the Disregarded Entity ceases to exist as a result of the transaction by operation of the state or Federal merger law (hereinafter, the merger of a Disregarded Entity into an acquiring corporation) is treated as if the Owner transferred the assets of the Disregarded Entity to the acquiring corporation. Conversely, the merger under state or Federal law of a target corporation into a Disregarded Entity in which the shareholders of the target corporation exchange their target corporation stock for stock in the Owner and the Disregarded Entity does not lose its status as a Disregarded Entity as a result of the transaction (hereinafter, the merger of a target corporation into a Disregarded Entity) is treated as if the Owner acquired all of the assets of the target corporation.

The proposed regulations reflect Treasury's and the IRS' view that neither merger is a statutory merger qualifying as a reorganization under section 368(a)(1)(A). Compliance with a corporate law merger statute does not by itself qualify a transaction as a ''statutory merger'' for purposes of section 368(a)(1)(A). See *Roebling* v. *Commissioner,* 143 F.2d 810, 812 (3d Cir. 1944), *cert. denied*, 323 U.S. 773 (1944). The proposed regulations contain the requirements that must be satisfied for a state or Federal law merger or consolidation to qualify as a reorganization under section 368(a)(1)(A). In addition, the proposed regulations remove the word ''corporation'' from the requirement that, in order to qualify as a reorganization under section 368(a)(1)(A), a merger or consolidation must be effected pursuant to the corporation law of the relevant jurisdiction. This change is necessary to conform the regulations to the IRS' long-standing position that a merger or consolidation may qualify as a reorganization under section 368(a)(1)(A) even if it is undertaken pursuant to laws other than the corporation law of the relevant jurisdiction. See Rev. Rul. 84–104 (1984–2 C.B. 94) (a ''consolidation'' pursuant to the National Banking Act, 12 U.S.C. 215, is treated as a merger for Federal tax purposes).

The Merger of a Disregarded Entity into an Acquiring Corporation

Consistent with the views of all the commentators, Treasury and the IRS believe that the merger of a Disregarded Entity into an acquiring corporation is not a statutory merger qualifying as a reorganization under section 368(a)(1)(A) because the Owner's assets (other than those held in the Disregarded Entity) are not transferred to the acquiring corporation and the Owner does not cease to exist as a result of the state or Federal law merger transaction. ''A merger ordinarily is an absorption by one corporation of the properties and franchises of another whose stock it has acquired. The merged corporation ceases to exist, and the merging corporation alone survives.'' *Cortland Specialty Co.* v. *Commissioner of Internal Revenue*, 60 F. 2d 937, 939 (2d Cir. 1932), *cert. denied*, 288 U.S. 599 (1933). The merger of a Disregarded Entity into an acquiring corporation, in which the Owner's assets and liabilities are divided between the Owner and the acquiring corporation after the transaction, is a divisive transaction, not a transaction in which the assets of the Owner and the acquiring corporation are combined. Congress intended that section 355 be the sole means under which divisive transactions will be afforded tax-free status and, thus, specifically required the liquidation of the acquired corporation in reorganizations under both sections 368(a)(1)(C) and 368(a)(1)(D) in order to prevent these reorganizations from being used in divisive transactions that did not satisfy section 355. See S. Rep. No. 1622, 83rd Cong., 2d Sess. 274 (1954); S. Rpt. No. 169, 98th Cong., 2d

Sess. 204 (1984) and Rev. Rul. 2000–5 (2000–5 I.R.B. 436).

Accordingly, consistent with existing law, the proposed regulations provide that for a merger to qualify as a reorganization under section 368(a)(1)(A), it must, by operation of the merger statute of the relevant jurisdiction, result in one corporation acquiring the assets of the merging corporation and the merging corporation ceasing to exist. Thus, the merger of a Disregarded Entity into an acquiring corporation cannot qualify as a reorganization under section 368(a)(1)(A). However, the transaction may be treated as a reorganization under section 368(a)(1)(C), (D), or (F) if all applicable requirements are met (including the liquidation of the Owner). The transaction also may be described in section 351.

The Merger of a Target Corporation into a Disregarded Entity

There has been a split in views as to whether the merger of a target corporation into a Disregarded Entity is a statutory merger qualifying as a reorganization under section 368(a)(1)(A). Some commentators argue that, because the Disregarded Entity is disregarded for Federal tax purposes, the transaction should be treated for Federal tax purposes as a merger into the Owner. Thus, they argue, as long as the Owner is a corporation, all other relevant reorganization requirements are satisfied, and the target corporation could have merged into the Owner in a transaction that qualifies as a reorganization under section 368(a)(1)(A), the merger should qualify as a reorganization under section 368(a)(1)(A). According to these commentators, treating such a merger as a statutory merger into the Owner qualifying as a reorganization under section 368(a)(1)(A) does not inappropriately facilitate avoidance of any reorganization requirement under section 368. Accordingly, the commentators argue there is no sound policy for not permitting the merger of a target corporation into a Disregarded Entity to be treated as a statutory merger into the Owner qualifying as a reorganization under section 368(a)(1)(A).

Other commentators argue that, as a technical matter, the better interpretation of the applicable provisions of the Code and regulations is that the merger of a target corporation into a Disregarded Entity is not a statutory merger of the target corporation into the Owner qualifying as a reorganization under section 368(a)(1)(A). Congress added the word ''statutory'' in 1934 so that the definition ''will conform more closely to the general requirements of [state or Federal] corporation law.'' See H.R. Rep. No. 704, 73rd Cong., 2nd Sess. 14 (1934). Treasury and the IRS believe that it is inappropriate to treat the state or Federal law merger of a target corporation into a Disregarded Entity instead as a statutory merger of the target corporation into the Owner, because the Owner, the only potential party to a reorganization under section 368(b), is not a party to the state or Federal law merger transaction. A reorganization under section 368(a)(1)(A) is a combination of the assets and liabilities of two corporations through a merger under state or Federal law. A merger of a target corporation into a Disregarded Entity differs from a merger of a target corporation into the Owner because the target corporation and the Owner have combined their assets and liabilities only under the Federal tax rules concerning Disregarded Entities, and not under state or Federal merger law, the law on which Congress relied in enacting section 368(a)(1)(A).

Accordingly, the proposed regulations provide that the merger of a target corporation into a Disregarded Entity is not a statutory merger of the target corporation into the Owner qualifying as a reorganization under section 368(a)(1)(A). Such a transaction may qualify as a reorganization under section 368(a)(1)(C), section 368(a)(1)(D), or section 368(a)(1)(F) if all relevant requirements are met. Such a transaction also may qualify for nonrecognition of gain under section 351.

Proposed Effective Date

These regulations as proposed apply to any transaction occurring on or after the date these regulations are published as final regulations in the **Federal Register**.

Comments Requested

Several states permit the merger of a domestic corporation into a foreign corporation under state law. Treasury and the IRS are studying whether this transaction qualifies as a reorganization under section 368(a)(1)(A) and request comments on this issue.

Special Analysis

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

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments (a signed original and eight copies) that are submitted timely to the IRS. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Regs'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.gov/tax__regs/reglist.html. The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for August 8, 2000, beginning at 10:00 AM in Room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments must submit written comments and an outline of the topics to be discussed and the time to be devoted to each topic (a signed original and eight (8) copies) by July 18, 2000. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for reviewing outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information: The principal author of these regulations is Reginald

Mombrun of the office of the Assistant Chief Counsel (Corporate), IRS. However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

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

PART 1—INCOME TAXES

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

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

Par. 2. Section 1.368–2 is amended by revising paragraph (b)(1) to read as follows:

§ 1.368–2 Definition of terms.

* * * * *

(b)(1) In order to qualify as a reorganization under section 368(a)(1)(A), the transaction must be a merger or consolidation involving two corporations effected pursuant to the laws of the United States or a State or territory, or the District of Columbia. In addition, by operation of such a merger law, the transaction must result in one corporation acquiring the assets of the merging corporation and the merging corporation ceasing to exist. Similarly, by operation of such a consolidation law, the transaction must result in one newly formed corporation acquiring the assets of both consolidating corporations, and both consolidating corporations ceasing to exist. Thus, the merger under state or Federal law of an entity that is disregarded as an entity separate from its owner for Federal tax purposes into an acquiring corporation in which the owner exchanges its interest in the disregarded entity for stock in the acquiring corporation and the disregarded entity ceases to exist as a result of the transaction by operation of the state or Federal merger law is not a statutory merger qualifying as a reorganization under section 368(a)(1)(A). Moreover, the merger of a target corporation into an entity that is disregarded as an entity separate from its owner for Federal tax purposes that does not lose its status as a disregarded entity as a result of the transaction is not a statutory merger qualifying as a reorganization under section 368(a)(1)(A). Examples of entities that are disregarded as entities separate from their owners include a qualified REIT subsidiary (within the meaning of section 856(i)(2)), a qualified subchapter S subsidiary (within the meaning of section 1361(b)(3)(B)), and a business entity that is not classified as a corporation and that has a single owner (as provided in § 301.7701–2(c)(2) of this chapter). The preceding five sentences apply to any transaction occurring on or after [Date These Regulations Are Published As Final Regulations In The **Federal Register**].

* * * * *

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 00–11902 Filed 5–11–00; 2:30 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–100163–00]

RIN 1545–AX73

Applying Section 197 to Partnerships; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the application of section 197 to partnerships.

DATES: The public hearing originally scheduled for Wednesday, May 24, 2000, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor of the Regulations Unit, Assistant Chief Counsel (Corporate), at (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 25, 2000, (65 FR 3903), announced that a public hearing was scheduled for May 24, 2000, at 10 a.m., in room 2615, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The subject of the public hearing is proposed regulations under section 197 of the Internal Revenue Code. The deadline for requests to speak and outlines of oral comments expired on May 3, 2000.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of May 9, 2000, no one has requested to speak. Therefore, the public hearing scheduled for May 24, 2000, is canceled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 00–12201 Filed 5–15–00; 8:45 am]

BILLING CODE 4830–01–P

POSTAL SERVICE

39 CFR Part 111

Sack Preparation Changes for Periodicals Nonletter-Size Pieces and Periodicals Prepared on Pallets

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the standards for the preparation of nonautomation nonletter-size carrier route Periodicals prepared in sacks and the preparation of Periodicals packages and bundles on pallets. For Periodicals carrier route mail in sacks, the proposed standards would require carrier route sacks to contain a minimum of 24 pieces and would make 5-digit scheme carrier route sacks a required sack sortation level. All other sack sortation criteria would remain unchanged. For Periodicals prepared in packages and bundles on pallets, the proposal would require preparation of 5-digit scheme pallets.

DATES: Comments on the proposed standards must be received on or before June 15, 2000.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Mail Preparation and Standards, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 6800, Washington, DC 20260–2405. Copies of all written comments will be available for inspection and photocopying at USPS Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday. Copies of comments also may be requested via fax or email.

FOR FURTHER INFORMATION CONTACT: Joel Walker, 202–268–3340; jwalke13@email.usps.gov.

SUPPLEMENTARY INFORMATION: The Postal Service and the Periodicals industry are concerned over recent upward trends in the costs associated with processing Periodicals mail and have been studying ways to reverse these trends. Several ideas have come out of mutual discussions that were based on joint representation from the Postal Service and the Periodicals industry. Cost models suggest that we can reduce

handling costs by preparing Periodicals mail in a manner to facilitate handling, such as optimizing presort levels and requiring the use of scheme sorts.

In order to reduce processing costs for the handling of Periodicals mail, the Postal Service is proposing mail preparation and sortation changes for nonautomation nonletter-size Periodicals prepared in sacks. Currently, postal standards provide an option for Periodicals mailers to prepare carrier route sacks with a minimum of one package. To reduce the number of sacks and the processing costs associated with the handling of these sacks, the Postal Service is proposing that all direct carrier route sacks must contain a minimum of 24 pieces and will require the use of 5-digit/scheme carrier routes sorts for nonautomation nonletter-size Periodicals prepared in sacks. Carrier route packages totaling less than 24 pieces to the same carrier route would be placed in 5-digit carrier routes or 5-digit scheme carrier routes sacks as appropriate. This proposed change should not have any negative impact on service because a direct carrier route sack is opened and its contents distributed in the same manner and location as 5-digit carrier routes and 5-digit scheme carrier routes sacks at the delivery unit.

To increase the number of pallets that can be cross-docked and reduce processing costs associated with the handling of pallets of Periodicals, the Postal Service proposes to require preparation of both 5-digit scheme and 5-digit pallets when there are 500 pounds of Periodicals packages and bundles for a scheme in DMM L001, or for a single 5-digit Zip Code not listed in DMM L001.

The proposed effective date of this change is October 15, 2000.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 410 (a)), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual as follows:

E200 Periodicals

* * * * *

E230 Nonautomation Rates

* * * * *

2.0 CARRIER ROUTE RATES

* * * * *

2.2 Eligibility

Preparation to qualify eligible pieces for carrier route rates is optional and is subject to M200. * * *

[Amend 2.2a by replacing the last sentence to read as follows:]

* * * (Preparation of 5-digit/scheme carrier routes sacks is required must be done for all 5-digit/scheme destinations.)

* * * * *

M Mail Preparation and Sortation

M000 General Preparation Standards

M010 Mailpieces

M011 Basic Standards

1.0 TERMS AND CONDITIONS

* * * * *

1.3 Preparation Instructions

For purposes of preparing mail:

[Amend 1.3h and 1.3i by replacing the fourth sentence in each to read as follows:]

* * * * *

h. * * * The 5-digit/scheme sort is required for carrier route rate flat-size and irregular parcel Periodicals and optional for flat-size Enhanced Carrier Route rate Standard Mail (A) in sacks. * * *

i. * * * The 5-digit/scheme sort is required for carrier route rate flat-size and irregular parcel Periodicals and optional for flat-size Standard Mail (A) prepared as packages on pallets and may not be used for other mail prepared on pallets, except for packages of Standard Mail (A) irregular parcels that are part of a mailing job that is prepared in part as palletized flats at automation rates. * * *

* * * * *

M030 Containers

* * * * *

M033 Sacks and Trays

* * * * *

1.0 BASIC STANDARDS

* * * * *

1.8 Periodicals Flats and Irregular Parcels Origin/Entry SCF Sacks

[Amend 1.8 by replacing the first sentence to read as follows:]

For flat-size and irregular parcel-size Periodicals, after all carrier route, 5-digit/scheme carrier routes, 5-digit, 3-digit, and required SCF sacks are prepared, an SCF sack must be prepared to contain any remaining 5-digit and 3-digit packages for the 3-digit ZIP Code area(s) served by the SCF serving the post office where the mail is verified, and may be prepared for the area served by the SCF/plant where mail is entered (if that is different from the SCF/plant serving the post office where the mail is verified; *e.g.,* a PVDS deposit site). * * *

* * * * *

M040 Pallets

M041 General Standards

* * * * *

5.0 Preparation

* * * * *

5.2 Required Preparation

These standards apply to:

[Amend 5.2a by replacing the third sentence and adding a new fourth sentence to read as follows:]

a. Periodicals, Standard Mail (A), and Parcel Post (other than BMC Presort, OBMC Presort, DSCF, and DDU rate mail). A pallet must be prepared to a required sortation level when there are 500 pounds of Periodicals or Standard Mail packages, sacks, or parcels or six layers of Periodicals or Standard Mail (A) letter trays. For packages of Periodicals flats and irregular parcels on pallets prepared under the standards for package reallocation (M045.5), not all mail for a required 5-digit/scheme destination is required to be on a 5-digit/scheme pallet. For packages of Standard Mail (A) flats on pallets, not all mail for a required 5-digit destination is required to be on a 5-digit pallet or optional 5-digit/scheme pallet. * * *

M045 Palletized Mailings

* * * * *

4.0 PALLET PRESORT AND LABELING

4.1 Packages, Bundles, Sacks, or Trays on Pallets

[Amend 4.1a and b to read as follows:]

a. 5-digit (For Periodicals sacks or trays and all Standard Mail): required for sacks; required for packages and bundles of Standard Mail, except for packages and bundles prepared under b;

optional for trays; for Line 1, use 5-digit ZIP Code destination of contents.

b. 5-digit/scheme: required for Periodicals packages and bundles and optional for Standard Mail (A) packages and bundles; for Line 1 for 5-digit pallets, use 5-digit ZIP Code destination of contents; for Line 1 for 5-digit/scheme pallets, use L001, Column B.

* * * * *

M200 Periodicals (Nonautomation)

1.0 BASIC STANDARDS

* * * * *

1.5 Low-Volume Packages and Sacks

[Amend 1.5 to read as follows:]

As a general exception to 2.4b through 2.4d, and 3.1a through 3.1e, nonletter-size Periodicals may be prepared in carrier route, 5-digit, and 3-digit packages containing fewer than six pieces when the publisher determines that such preparation improves service, provided those packages are placed in carrier route (24 piece minimum), 5-digit carrier routes, 5-digit scheme carrier routes, 5-digit, 3-digit, and SCF sacks. These low-volume packages may be placed on 5-digit/scheme, 3-digit, and SCF pallets under M045.

* * * * *

3.0 SACK PREPARATION (FLAT-SIZE PIECES AND IRREGULAR PARCELS)

3.1 Sack Preparation

Sack size, preparation sequence, and Line 1 labeling:

[Amend 3.1 by deleting b, re-designating c through h as b through g, and rewording a and new b to read as follows:]

a. Carrier route: required for rate eligibility at 24 pieces, fewer pieces not permitted; for Line 1, use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

b. 5-digit/scheme carrier routes (carrier route packages only): required for rate eligibility (no minimum); for Line 1 for 5-digit carrier routes sacks, use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031; for Line 1 for 5-digit scheme carrier routes sacks, use L001, Column B.

* * * * *

An appropriate amendment to 39 CFR part 111 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–12320 Filed 5–15–00; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 240–0237b; FRL–6601–9]

Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern amended volatile organic compound definitions and a rule rescission. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by June 15, 2000.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Monterey Bay Unified Air Pollution Control District, 24850 Silver Cloud Court, Monterey, CA 93940

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, Rulemaking Office (Air-4), U.S. Environmental Protection Agency, Region IX, (415) 744–1189.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: MBUAPCD Rules 101 and 102. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 18, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 00–11999 Filed 5–15–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 430

[FRL–6700–7]

Project XL Proposed Site-Specific Rule for the International Paper Androscoggin Mill Facility in Jay, ME; Project XL Draft Final Project Agreement for Effluent Improvement Project at International Paper Androscoggin Mill Facility in Jay, ME

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; request for comment on proposed rule and draft final project agreement.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing this rule to provide site-specific regulatory flexibility under the Clean Water Act (CWA) as part of an XL Project with International Paper's Androscoggin Mill pulp and paper manufacturing facility in Jay, Maine. The site-specific rule would exempt International Paper Androscoggin Mill from certain Best Management Practices (BMPs) required under CWA regulations. In exchange for this regulatory flexibility, International Paper Androscoggin Mill will implement a series of projects designed to improve the mill's effluent quality and will accept numeric permit limits corresponding to the expected improvements in effluent quality. The terms of the International Paper XL project are contained in the draft Final Project Agreement (FPA), on which EPA is also requesting comment.

DATES: *Public Comments:* Comments on the proposed rule and/or FPA must be received on or before June 15, 2000. All comments should be submitted in writing to the address listed.

ADDRESSES: *Comments:* Written comments should be mailed to Mr. Chris Rascher, U.S. Environmental Protection Agency, One Congress St., Suite 1100, Boston, MA 02114. Please send an original and two copies of all comments.

Viewing Project Materials: A docket containing the proposed rule, draft Final Project Agreement, and supporting

materials is available for public inspection and copying at the Water Docket, Room EB 57, U.S. Environmental Protection Agency, 401 M. St., SW, Washington, DC. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. Members of the public are encouraged to telephone the docket in advance at 202–260–3027 to schedule an appointment. Refer to docket number W–00–13. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page.

A duplicate copy of project materials is available for inspection and copying at EPA Regional Library, U.S. EPA, Region I, Suite 1100 (LIB), One Congress Street, Boston, MA 02114–2023, as well as the Town Hall, 99 Main Street, Jay, ME 04239 during normal business hours. Persons wishing to view the materials at the Boston location are encouraged to contact Mr. Chris Rascher in advance. Persons wishing to view the materials at the Jay, Maine, location are encouraged to contact Ms. Shiloh Ring at (207) 897–6785 in advance.

Project materials on today's action are also available on the worldwide web at http://www.epa.gov/projectxl/.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Rascher, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Mr. Rascher can also be reached at (617) 918–1834 or at *rascher.chris@epa.gov.* Further information on today's action is available on the worldwide web at http://www.epa.gov/projectxl.

SUPPLEMENTARY INFORMATION:

Category	Examples of potentially affected parties
Industry	International Paper, Androscoggin Mill, Jay, Maine.

Outline of Today's Proposal

This preamble presents the following information:

I. Authority
II. Overview of Project XL
III. Overview of the International Paper Effluent Improvements XL Project
A. To Which Facilities Would the Proposed Rule Apply?
B. From What Required Activities Would Today's Proposed Rule Provide an Exemption?
C. What Would the IP–Androscoggin Mill Do Differently Under The XL Project?
D. What Regulatory Changes Would Be Necessary to Implement this Project?
E. Why is EPA Supporting This Approach of Granting a Waiver From BMPs?
F. How Have Stakeholders Been Involved in This Project?
G. How Would This Project Result in Cost Savings and Paperwork Reduction?
H. What Are the Enforceable Provisions of the Project?
I. How Long Would This Project Last and When Would It Be Completed?
IV. Additional Information
A. How Does This Proposed Rule Comply With Executive Order 12866?
B. Is a Regulatory Flexibility Analysis Required?
C. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?
D. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?
E. How Does This Proposed Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?
F. How Does This Proposed Rule Comply With Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?
G. Does This Proposed Rule Comply With Executive Order 13132?
H. Does This Proposed Rule Comply With the National Technology Transfer and Advancement Act?

I. Authority

EPA is publishing this proposed regulation under the authority of sections 402 and 501 of the Clean Water Act, as amended (33 U.S.C. 1342 and 1361).

II. Overview of Project XL

Project XL—''eXcellence and Leadership''— was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL gives individual private and public regulated entities the opportunity to develop their own pilot projects wherein the Agency provides targeted regulatory flexibility in exchange for improved environmental performance. EPA intends to use Project XL and other related efforts to test innovative strategies for reducing the regulatory burden and promoting economic growth while achieving better environmental and public health protection.

To participate in XL, interested parties must develop a proposal that satisfies a number of criteria, including criteria for superior environmental performance, transferability, and stakeholder involvement. The definition of ''environmental performance'' under XL is broad, and EPA seeks superior performance under XL both in areas under existing EPA jurisdiction such as waste handling, air emissions, or effluent treatment, as well as through environmental innovations in fields as diverse as data monitoring and reporting or product stewardship.

The Final Project Agreement (FPA) that evolves out of the review and development of the proposal is a written agreement between the project sponsor and regulatory agencies regarding the details of the proposed project. The FPA outlines how the project will meet the XL review criteria and identifies performance goals and indicators to ensure that the project's anticipated benefits are realized. The FPA also discusses the administration of the agreement, including dispute resolution and termination. Today, EPA asks for comment specifically on the draft FPA for the International Paper Effluent Improvements XL Project. This document is available for review as indicated above under **ADDRESSES**.y

For more information about the XL program, XL criteria, or about specific XL projects underway, please refer to *http://www.epa.gov/projectxl* or contact EPA as indicated above under **FOR FURTHER INFORMATION CONTACT**.

III. Overview of the International Paper Effluent Improvements XL Project

EPA today is requesting comments on the proposed rule and draft FPA that will implement key provisions of the International Paper Effluent Improvements XL Project. Today's proposed site-specific rule is necessary for the project to proceed. The draft FPA outlines the intentions of EPA and other project participants on the XL project. The draft FPA was developed by representatives from EPA, the International Paper Androscoggin Mill in Jay, Maine (IP–Androscoggin), the Maine Department of Environmental Protection (MEDEP), the Town of Jay, and other stakeholders. After comments on the draft FPA have been considered, EPA, IP, MEDEP, and the Town of Jay expect to sign a final FPA.

A. To Which Facilities Would the Proposed Rule Apply?

This proposed rule would apply only to the International Paper Androscoggin Mill in Jay, Maine.

B. From What Required Activities Would Today's Proposed Rule Provide an Exemption?

The proposed rule would exempt the IP–Androscoggin Mill from existing federal regulations codified under the Clean Water Act at 40 CFR 430.03. Those regulations require pulp and paper facilities to implement specified BMPs, *e.g.,* installing and maintaining various operating procedures and infrastructure within the facility;

monitoring, data gathering, and reporting; and carrying out several other activities designed to prevent leaks and spills of spent pulping liquor, soap and turpentine that would otherwise lead to increased discharges of pollutants from the final effluent.

C. What Would the IP–Androscoggin Mill do Differently Under the XL Project?

International Paper's claim in its XL proposal was that existing practices at the Androscoggin Mill, including existing spill prevention procedures and process control technologies, are advanced enough to preclude any further improvements to the final effluent from implementation of the BMPs specified in 40 CFR 430.03. To support this claim, the IP–Androscoggin Mill detailed as part of project review discussions how, item-by-item, the mill's infrastructure, operations and procedures are equivalent to or achieve the same objectives as the BMP requirements under the CWA for pulp and paper facilities.

Under the XL project, the IP–Androscoggin Mill will maintain these practices in order to ensure that current environmental performance is sustained. In exchange for the exemption from the requirements of 40 CFR 430.03, the IP–Androscoggin Mill will in addition implement a number of projects designed to improve the mill's effluent quality for chemical oxygen demand (COD) and color beyond levels likely to be attained through implementation of the BMP requirements specified in 40 CFR 430.03. These steps all derive from the project's two most important components: Implementation of a series of effluent improvement projects under the guidance of a Collaborative Process Team with members from IP, EPA, MEDEP, the Town of Jay, and other stakeholders; Amendment or reissuance of the IP–Androscoggin Mill effluent discharge permit to include numeric limitations for color and chemical oxygen demand (COD) at levels that in Phase 1 of the project guarantee sustained environmental performance and in Phase 2 of the project capture in the permit any future performance improvements deriving from the XL project.

The draft Final Project Agreement upon which the Agency seeks comment today describes in greater detail the steps associated with the XL project.

D. What Regulatory Changes Would Be Necessary To Implement This Project?

To allow this XL project to be implemented, the Agency is proposing in today's notice to exempt the IP–Androscoggin Mill from the BMP requirements specified in 40 CFR 430.03. The proposed site-specific rule further provides that, in lieu of imposing the requirements specified in section 430.03, the permitting authority shall establish conditions for the discharge of COD and color for this mill on the basis of best professional judgment. Because both EPA and the Maine Department of Environmental Protection would be signatories to the FPA, EPA expects that the requirements for COD and color will be based on the values and procedures specified in the draft FPA. That is, once the site-specific rule is final, the appropriate permitting authority(ies) will amend or reissue the IP–Androscoggin effluent discharge permit to remove the requirements corresponding to 40 CFR 430.03 and to put in place instead numeric effluent limitations on COD and color that reflect, in the first phase, current effluent quality and, in the second phase, improved effluent quality resulting from the implementation by the IP–Androscoggin Mill of alternative effluent improvement projects called for by this project.

E. Why Is EPA Supporting This Approach of Granting a Waiver From BMPs?

The Agency expects that the exemption for the IP–Androscoggin Mill will result in environmental performance superior to that which would be attained by continued adherence to the BMPs specified in 40 CFR 430.03. As the draft Final Project Agreement explains in detail, the effluent improvement projects that the IP–Androscoggin Mill will put in place under the XL agreement are expected to reduce COD and color in the mill's effluent to approximately half of current levels.

Another important aspect of this project is that it offers EPA a chance to explore how to use a collaborative process to identify facility-specific process improvements that prompt companies to achieve continuous improvements to effluent quality and to memorialize those improvements in the form of evolving permit limits.

F. How Have Stakeholders Been Involved in This Project?

Representatives from several state and local offices have been involved with the development of this project including: The Commissioner of MEDEP, the MEDEP Bureau of Land and Water Quality, members of the Town of Jay Planning Board, Town of Jay Selectmen and the Town of Jay Code Enforcement Officer. The University of Maine has also participated actively in this project. The U.S. Fish and Wildlife Service has also been involved on several occasions.

Non-governmental stakeholders who were invited to participate include but are not limited to: Natural Resource Council of Maine, Environment Northeast, Appalachian Mountain Club, and Western Mountain Alliance. Industry associations who were invited to participate include the Maine Pulp and Paper Association and the National Council of Air and Stream Improvement.

Comments from all other organizations and individuals are welcomed throughout the stakeholder process. All stakeholders including the general public have been and will continue to be notified through local newspaper announcements of meetings and the availability of project documents for review, and there is a specific provision in this project to continue to involve stakeholders as the effluent improvement projects are designed and implemented.

G. How Would This Project Result in Cost Savings and Paperwork Reduction?

IP–Androscoggin proposed this XL project to EPA believing that they could achieve better environmental protection by implementing effluent improvement projects specially tailored to the mill rather than focusing on adhering to existing BMP requirements under the CWA. Since the mill has agreed to re-commit any savings from the exemption to the new projects, the mill will experience little or no net savings as a result of the XL project. Specifically, although IP estimates savings from the BMP exemption of approximately $780,000 in capital and operating costs, these savings will be offset by a corresponding increase in expenditures on the effluent improvement projects.

H. What Are the Enforceable Provisions of the Project?

The enforceable provisions of this project are numeric effluent limitations incorporated into the mill's effluent discharge permit. As noted above, the project contemplates two sets of limits. The first set of limits (known as Phase 1 limits in the draft FPA), reflects current effluent quality for COD and color and corresponds to effluent quality deriving from the BMPs presently in place at the mill (which EPA judged to be equivalent in terms of performance to the BMPs specified in 40 CFR 430.03). The second set of limits for COD and color (known as the Phase 2 limits in the FPA) will be established in

accordance with procedures specified in the FPA once the effluent improvement projects are fully implemented to include limits for COD and color that reflect actual performance improvements.

I. How Long Would This Project Last and When Would It Be Completed?

The Project Signatories intend that this project would be concluded at the end of four (4) years: One year to identify and select the list of effluent improvement projects; two years to design and construct the projects; and one year to collect monitoring data for the purposes of calculating the Phase 2 permit limits and to perform overall project evaluation. At the end of four years, if the project is judged to be a success under the terms described in the draft FPA, EPA would intend to allow the IP-Androscoggin Mill to continue operating under the site-specific rule promulgated at the time the FPA is finalized. However, the Administrator may promulgate a rule to withdraw the exemption at any time in the future if the terms and objectives of the FPA are not met or if the exemption becomes inconsistent with future statutory or regulatory requirements.

EPA notes that adoption of an exemption from the BMP regulations in the context of this XL project does not signal EPA's willingness to adopt that exemption as a general matter or as part of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, EPA expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results obtained from this project, EPA may or may not be willing to consider adopting BMP exemptions either generally or for other specific facilities.

IV. Additional Information

A. How Does This Rule Comply With Executive Order 12866?

Because this proposed rule would apply only to one facility, it is not a rule of general applicability and therefore is not subject to OMB review under Executive Order 12866. In addition, OMB has agreed that review of site-specific rules under Project XL is unnecessary.

B. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities because it only affects the International Paper facility in Jay, Maine, and it is not a small entity. Therefore, EPA certifies that this action would not have a significant economic impact on a substantial number of small entities.

C. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?

This action applies only to one facility. Therefore any information collection activities it contains are not subject to the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.* For this reason, EPA is not submitting an information collection request (ICR) to OMB for review under the Paperwork Reduction Act.

D. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

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 to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA 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 of 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.

As noted above, this proposed rule is applicable only to one facility in Maine. EPA has determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this proposed 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 the private sector in any one year. Thus, today's proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. How Does This Proposed Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?

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

This 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 it does not involve decisions based on environmental health or safety risks.

F. How Does This Proposed Rule Comply With Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?

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. 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 proposed rule will not significantly or uniquely affect the communities of Indian tribal governments, and it will not impose substantial direct compliance costs on such communities. Although Indian tribal communities live in areas near the Androscoggin River, their governments will not be subject to any compliance costs relating to the proposed site-specific rule since the rule is directed at the International Paper mill. Nearby Indian tribal communities are, in fact, expected to benefit directly from the anticipated improvement in water quality. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

G. Does This Proposed Rule Comply With Executive Order 13132?

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 would apply only to a single facility, and it will therefore 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.

H. Does This Proposed Rule Comply With 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 standard. This proposed rulemaking does not involve technical standards developed by any voluntary consensus standards bodies. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

List of Subjects in 40 CFR Part 430

Environmental protection, Reporting and recordkeeping requirements, Water pollution control.

Dated: May 10, 2000.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, title 40 chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 430—THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

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

Authority: Sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361), and section 112 of the Clean Air Act, as amended (42 U.S.C. 7412).

2. Section 430.03 is amended by adding paragraph (k) to read as follows:

§ 430.03 Best management practices (BMPs) for spent pulping liquor, soap, and turpentine management, spill prevention, and control.

* * * * *

(k) The provisions of paragraphs (c) through (j) of this section do not apply to the bleached papergrade kraft mill, commonly known as the Androscoggin Mill, that is owned by International Paper and located in Jay, Maine. In lieu of imposing the requirements specified in those paragraphs, the permitting authority shall establish conditions for the discharge of COD and color for this mill on the basis of best professional judgment.

[FR Doc. 00–12305 Filed 5–15–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[HCFA–3432–NOI]

RIN 0938–AJ31

Medicare Program; Criteria for Making Coverage Decisions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of intent to publish a proposed rule.

SUMMARY: On April 27, 1999, we published a notice in the **Federal Register** that announced the process we

use to make national coverage decisions under the Medicare program. We also announced that we would not be adopting, as final, a 1989 proposed rule that set forth the criteria we would have used to make coverage decisions under Medicare. This notice announces our intention to publish a proposed rule and solicits advance public comments on the criteria we would use to make certain national coverage decisions and our contractors would use to make local coverage decisions.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, no later than 5 p.m. on June 15, 2000.

ADDRESSES: Mail written comments (one original and three copies) to the following address ONLY: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–3432–NOI, P.O. Box 8016, Baltimore, MD 21244–8016.

If you prefer, you may deliver, by courier, your written comments (one original and three copies) to one of the following addresses:

Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or

C5–14–03, Central Building, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Comments mailed to those addresses may be delayed and received too late for us to consider them.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3432–NOI.

Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Phone (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Susan Gleeson, (410) 786–0542.

SUPPLEMENTARY INFORMATION:

Comments, Procedures, Availability of Copies, and Electronic Access

Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–3432–NOI. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's office at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 to 5 p.m. (phone: (202) 690–7890).

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is $8. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through *GPO Access,* a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/nara__docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call 202–512–1661; type swais, then login as guest (no password required).

Overview

We are issuing this notice to announce our intention to publish a proposed rule and solicit public comments on the criteria we would use to make a national coverage decision (NCD) and our contractors would use to make a local coverage decision (LCD) under section 1862(a)(1) of the Social Security Act (the Act). These coverage decisions are prospective, population-based policies that apply to a clinical subset or class of Medicare beneficiaries and describe the clinical circumstances and setting under which an item or service is available (or not available). We are setting out in this notice the information and approaches we are considering at this time for making coverage decisions. We are interested in receiving public comments on this information and we will consider them when we develop the subsequent proposed rule.

This notice is narrower in scope than the January 30, 1989 proposed rule announcing the coverage criteria we would have used (54 FR 4302). We have already announced our process for making an NCD in an April 27, 1999 general notice (64 FR 22619). Also, rulemaking is not necessary for us to establish or modify the procedures our contractors will use to make LCDs. This notice only deals with the criteria for making national and local coverage decisions under the reasonable and necessary provisions of section 1862(a)(1) of the Act. This notice does not, and we do not anticipate that the proposed rule will, address individual medical necessity determinations and claims adjudication by our contractors and other adjudicators. Finally, this notice does not address Medicare payment policies and we do not anticipate that the proposed rule would include changes to our current rules on Medicare payment.

I. Background

A. Need for Timely and Expanded Medicare Coverage of Items and Services

Given the dynamic nature of the health care system, it is important that the Medicare program be responsive to the rapid advances in health care. Regulations describing our criteria for coverage under the Medicare program would facilitate timely and expanded access for Medicare beneficiaries to appropriate new technologies. Within the scope of the statutory benefit categories, these criteria would expand access for Medicare beneficiaries by covering the following:

1. A breakthrough technology without consideration of cost.
2. A medically beneficial item or service if no other medically beneficial alternative is available.
3. A medically beneficial item or service if it is a different clinical modality compared to an existing covered beneficial alternative, without consideration of cost or magnitude of benefit.
4. A medically beneficial item or service, even if a less expensive alternative, which is not a Medicare benefit, exists.

We anticipate that these criteria would also make the Medicare coverage process, both national and local, more transparent, timely, and predictable to manufacturers or other requestors seeking Medicare coverage of an item or service.

B. Framework of the Medicare Program

From the beginning of the Medicare program, one of the goals has been to

provide a health insurance system that would make ''the best of modern medicine'' available to Medicare beneficiaries. Over the last 35 years, there have been significant advances in medical science that have changed the Medicare program and improved the health of beneficiaries and others. Some of these changes have been mandated by the Congress in title XVIII of the Act, which authorizes coverage of, and payment for, items and services under the Medicare program. Other changes have occurred as a result of administrative actions. We have adapted the Medicare program to meet these changes.

While the Congress has demonstrated a strong interest in providing access to necessary medical care for Medicare beneficiaries, the Congress has been equally concerned with ensuring that the Medicare program operates on a sound financial basis. The Congress has established the specific scope of benefits that are included in the program and has defined many of the key terms in section 1861 of the Act. In addition, section 1862(a)(1)(A) of the Act requires that ''no payment'' may be made under Part A (hospital insurance) or Part B (supplementary medical insurance) for any expenses incurred for items or services that ''are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.'' If we do not cover the expenses incurred for a particular item or service under this provision, either the Medicare beneficiary or the health care provider or supplier may be financially liable for all of the incurred costs.

The main purpose of our proposed rule will be to explain how the term ''reasonable and necessary'' applies in making coverage decisions. A Medicare coverage decision, whether made nationally or locally, is a prospective, population-based, policy that applies to a clinical subset or class of Medicare beneficiaries and describes the clinical circumstances and setting under which an item or service is available (or is not available).

We have the authority to determine whether an item or service is reasonable and necessary by several distinct approaches. One approach is to make a national coverage decision (NCD). Under 42 CFR 405.732 and 405.860, an NCD either grants, limits, or excludes Medicare coverage for a specific medical service, procedure, or device. An NCD is binding on all carriers, fiscal intermediaries, Peer Review Organizations, and other contractors. Under § 422.256(b), an NCD that expands coverage is also binding on a Medicare + Choice Organization. Moreover, under §§ 405.732(b) and 405.860(b), an NCD made under section 1862(a)(1) of the Act is binding on an administrative law judge (ALJ) (''An ALJ may not disregard, set aside, or otherwise review an NCD.''). While an NCD is subject to judicial review, there are limitations on judicial review. This framework ensures that an NCD is consistently applied throughout the nation and enables a beneficiary to make an informed decision about whether to receive an item or service based on the knowledge that an item or service will be covered (or not covered) by the program.

Due to regional, local, or institutional differences in the practice of medicine, it is not always prudent to issue a prescriptive NCD. Sometimes there is not sufficient information for us to determine whether an item or service is an effective treatment on a national basis. In other circumstances, there are legitimate regional differences in the practice of medicine that would make a preemptive national rule inappropriate.

In the absence of an NCD, a decision concerning Medicare coverage for an individual could be resolved on a case-by-case basis after a claim is submitted. Our regulations separately provide broad appeal rights for certain individuals to administratively challenge our decision to deny payment for a claim before a neutral ALJ and, in some cases, Federal court (42 CFR part 405, subparts G and H). This case-by-case approach ensures that a beneficiary can present all relevant information concerning a particular need for payment for an item or service. This review only applies to claims that have been denied and is not a mechanism for attaining prior authorization for a specific item or service for an individual.

In order to provide some guidance to beneficiaries and health care providers and suppliers regarding which items and services will (or will not) be covered in a particular area in the absence of an NCD, our contractors may make an LCD. An LCD would provide guidance, in the absence of, or as an adjunct to, an NCD by describing the clinical circumstances and settings under which an item or service is available (or is not available) to a beneficiary under section 1862(a)(1)(A) of the Act. This notice seeks only to define the criteria for how we would make an NCD and our contractors would make an LCD.

An LCD is not binding on a contractor in another area of the country or on an ALJ who decides cases at higher stages of the appeal process. Still, an LCD provides a service to the public by giving some advance notice about an item or service a contractor is likely to cover or not cover. If a local contractor makes an affirmative finding through a published LCD that an item or service is reasonable and necessary under the statute, beneficiaries and providers could reasonably expect that the service is available to the beneficiaries in that jurisdiction for the circumstances described in the LCD.

C. Federal Register Publications

1. 1989 Proposed Rule

On January 30, 1989, we published a proposed rule (54 FR 4302), that identified four generally applicable criteria that we would use to make coverage decisions as to whether, and under what circumstances, specific health care technologies could be considered reasonable and necessary (and thus, covered under Medicare). The four proposed criteria were: (1) Safety and effectiveness, (2) experimental or investigational, (3) appropriateness, and (4) cost-effectiveness. At the time, we explained that each of the four criteria would not necessarily apply in all instances because of the complexity and variety of issues involved in making coverage decisions under Medicare. As explained earlier, we withdrew this proposed rule.

2. 1999 General Notice

On April 27, 1999, we published a general notice that announced the process we use to make an NCD (64 FR 22619). This notice formally withdrew the 1989 proposed rule. This procedural notice has been well-received by Medicare beneficiaries, the health care industry, and others who wanted our process to be open, responsive, and understandable to the public.

II. Intentions of This Notice

We are issuing this notice to announce our intention to publish a proposed rule and solicit public comments on the criteria we would use to make an NCD and our contractors would use to make an LCD under section 1862(a)(1) of the Act. We are setting out in this notice the information and approaches we are considering at this time. We are interested in receiving public comments on this information and we will consider them when we develop the subsequent proposed rule.

Before we can make an NCD or LCD, the item or service must fall within a statutory Medicare benefit category and not be otherwise statutorily excluded. Moreover, if regulated by the Food and

Drug Administration, the item or service must be lawfully marketed.

We would apply an NCD or LCD prospectively to all items and services furnished under identical circumstances within the respective jurisdiction after the effective date of the NCD or LCD. We anticipate the number of criteria we would apply could be reduced and simplified based on our experience. We intend that the criteria would make the Medicare coverage process more open, responsive, and understandable to the public. Finally, as mentioned above, we anticipate that the criteria would result in covering more items and services under Medicare. The criteria could also result in us beginning a new NCD to withdraw coverage of a currently covered item or service. In particular, if a new item or service is equivalent in benefit, is in the same clinical modality, is thus substitutable for the existing service, and is lower in costs, we would consider withdrawing coverage for the more expensive currently covered alternative service.

A. Criteria for Medicare Coverage Decisions

We anticipate applying two criteria when we make an NCD or one of our contractors makes an LCD. First, the item or service must demonstrate medical benefit, and, second, the item or service must demonstrate added value to the Medicare population. In order to ensure that we and our contractors consistently interpret and apply these criteria, we would use the following sequential steps:

Step 1—Medical Benefit: Is there sufficient evidence that demonstrates that the item or service is medically beneficial for a defined population?

If no, the item or service is not covered under Medicare.

If yes, proceed to Step 2.

Step 2—Added Value: For the defined patient population, is there a medically beneficial alternative item or service(s) that is the same clinical modality and is currently covered by Medicare?

- If no, the item or service is covered under Medicare for the defined population.
- If yes, proceed to Step 3.

Step 3—Added Value: Is the item or service substantially more or substantially less beneficial than the Medicare-covered alternative?

- If the item or service is substantially more beneficial (that is, a breakthrough), it is covered under Medicare for the defined population.
- If the item or service is substantially less beneficial, it is not covered under Medicare for the defined population.
- If the item or service is neither substantially more nor substantially less beneficial (that is, it is equivalent in benefit), proceed to Step 4.

Step 4—Added Value: Will the item or service result in equivalent or lower total costs for the Medicare population than the Medicare-covered alternative?

- If yes, the item or service is covered under Medicare for the defined population.
- If no, the item or service is not covered under Medicare.

When we (or our contractors) compare the medical benefit of two or more items or services, we would ensure that the comparisons involve both the same patient population, the same clinical circumstances, and the same clinical modality. We believe that the sequential steps would be administratively feasible and would produce results that are consistent with the statute. We invite public comments on this approach and suggestions as to feasible alternatives.

A requestor may use the coverage reconsideration process to modify a request that resulted in a denial of coverage for an item or service. For example, a requestor could seek a more limited coverage decision targeting a narrower population for which there is no Medicare-covered alternative. Alternatively, a requestor could submit new evidence that demonstrates that the item or service is substantially more beneficial than the Medicare-covered alternative.

B. Definitions, Discussion, and Questions

1. Medical Benefit

We believe an item or service is medically beneficial if it produces a health outcome better than the natural course of illness or disease with customary medical management of symptoms. We would require the requestor to demonstrate that an item or service is medically beneficial by objective clinical scientific evidence.

Given the importance of Medicare coverage decisions for our 39 million current beneficiaries (as well as future beneficiaries), we do not believe we should cover an item or service without adequate information that shows the item or service improves the diagnosis or treatment of an injury or illness, or improves the functioning of a malformed body member. It would be unreasonable and unnecessary to pay for expenses incurred for an item or service that are not proven to be effective for a defined population.

Although mortality and life-expectancy are quantifiable and, thus, ''hard'' health outcomes, we believe we should move towards ''quality of life'' as an acceptable health outcome. To help us (and our contractors) make coverage decisions, however, especially assessing comparative benefits, an acceptable health outcome should be quantifiable along a standard scale or metric. We seek suggestions on a standard metric system for measuring quality of life outcomes. Examples of nationally recognized scales are: QALY—Quality Adjusted Life Years, DALY—Disability Adjusted Life Years, or self-described health status as measured by the SF–36 (Short Form 36).

We believe a beneficiary's preference, compliance, and well-being are also meaningful outcomes. Similarly, we invite comments on the standardized metric systems or methodologies we should employ so that we can quantify and compare medical benefits that recognize these outcomes.

Another important consideration is how we would measure the magnitude of the improved health outcome. Also, if the treatment includes risks of adverse side-effects, how should we determine that the benefits outweigh the risks?

2. Added Value

We believe that an item or service adds value to the existing mix of covered items or services if it substantially improves health outcomes; provides access to a medically beneficial, different clinical modality; or if it can ''substitute'' for an existing item or service and lower costs for the Medicare population. There are several situations when a new item or service would add value compared to the current mix of services.

One situation is when a new item or service that falls within a Medicare benefit category would be medically beneficial for a beneficiary with a given clinical circumstance and there is no Medicare-covered medically beneficial alternative. We believe this item or service would add value to the program and we should cover it without consideration of costs during the coverage process.

Another situation is when a new item or service would be medically beneficial and it is a different clinical modality than a Medicare-covered medically beneficial alternative(s) (for example, a covered medication versus surgery). Giving Medicare beneficiaries and providers access to competing items or services of different clinical modalities adds value to the program and we believe we should also cover the items or services without consideration of costs during the coverage process. In particular, this adds value to the program because we recognize that there

are legitimate differences between beneficiaries, medical practices by region, and delivery systems' capabilities. We believe access to different modalities for a similar medical benefit is warranted.

In making Medicare coverage decisions under these new criteria, we would not compare an item or service that falls within a statutory benefit category to an item or service that is outside the scope of the Medicare program. We do not believe we should compare the effectiveness of an item or service that falls within a statutory benefit category to the effectiveness of a medically, beneficial alternative that is not included in a Medicare benefit category. Due to financial circumstances, a beneficiary may not have meaningful access to that alternative. We believe that by only comparing two items or services that are included in a Medicare benefit category, we increase beneficiary access and add value to the program.

Value also would be added when the magnitude of the benefit of an item or service is substantially more than a Medicare-covered alternative of similar clinical modality. We refer to this item or service as a ''breakthrough''. Even if two services are of the same clinical modality, we believe we should cover the substantially superior service without any consideration of cost during the coverage process.

We believe value would also be added when a new item or service is equivalent in benefit, and is in the same clinical modality (that is, substitutable) for a Medicare-covered alternative, and has equal or lower total costs for the Medicare population. It is possible that a beneficiary would not notice any difference in health outcomes, when an item or service is substituted for a Medicare-covered alternative. We would cover a substitutable item or service only if the total costs are equal or lower than the total costs of the Medicare-covered alternative. For clinically substitutable services, it is not reasonable or necessary to pay for incurred costs that exceed the cost of a Medicare-covered alternative that produces the same health outcome. Thus, only by assuring equal or lower costs for the substitutable service could we assure adding value to the program. When a service (that is, it has equivalent health outcomes and the same clinical modality) is substantially more expensive than a Medicare-covered alternative would cost considerations lead us to deny coverage for the service. Since we anticipate limiting the application of costs to a narrow situation when two services have equivalent health outcomes and are of the same clinical modality, we need to do only a simple cost-analysis.

We would like to receive input on the proposed added value criteria before developing a proposed rule. In particular, we would like suggestions on how broadly or narrowly we should define ''same clinical modality.'' Clearly surgery and prescription medications are not the same. But is an open surgical procedure the same clinical modality as a closed invasive procedure? What if they both require general anesthesia? What if they do not? Perhaps another way of defining ''same clinical modality'' would be to simply use the existing Medicare statutory benefit categories.

We would like the public's views on the scope of a ''Medicare-covered alternative.'' Recognizing that most Medicare coverage decisions have been made locally, and not nationally, we would have to create a standard for determining which services are currently covered. One alternative for the purposes of an NCD or an LCD is to define ''Medicare-covered alternative'' when a threshold percentage of the Medicare population nationally, or in the contractor's jurisdiction, has access to an item or service. What threshold percentage should we use for either alternative? Are there other alternative definitions?

Similarly, we encourage suggestions on how to best define ''substantially more beneficial.'' One way to define this term is that the benefit is so large that *most clinicians* would believe that the item or service should be the new standard of care and, thus, completely replace the Medicare-covered alternative. Another is that the benefit is so large that the clinical experts in the relevant clinical discipline believe that the item or service should be the new standard of care and, thus, we should cover the new item or service and withdraw coverage of the Medicare-covered alternative. A third way would be to try to establish a quantifiable statistical ''effect-size'' of the new item or service compared with the Medicare-covered alternative.

We are soliciting input on the definition of ''equivalent benefit.'' We anticipate defining ''equivalent benefit'' as neither substantially more, nor substantially less, beneficial than the Medicare-covered alternative. This leaves a range of medical benefit between marginally less beneficial, to equally beneficial, to marginally more beneficial. Is there an alternative definition of ''equivalent benefit?'' Is there a common metric system that could be used to measure the medical benefit and capture other meaningful health outcomes including beneficiary preference, compliance, and well-being?

We are also specifically requesting comments on the alternative of covering a new item or service that is ''substitutable'' for a Medicare-covered alternative. At a minimum, a substitutable item or service would seem to be one that is the same clinical modality and produces an equivalent health outcome. If the substitutable item or service has greater total costs to the Medicare program, should we deny coverage for the item or service and allow the requestor through the reconsideration process to alter the request to seek a positive coverage decision? Should we simply cover the new item or service but reduce the Medicare payment rate for the incurred expenses to the same rate as the Medicare-covered alternative? This principle has been called the ''least costly alternative'' adjustment and has been used for many years primarily for coverage of durable medical equipment.

Coverage of new items and services under new regulatory requirements may lead to the reexamination of current coverage policies. For example, if the new item or service is ''substitutable'' for a Medicare-covered alternative and has lower costs for the Medicare program, should we deny coverage for the Medicare-covered alternative or lower the payment for the Medicare-covered alternative so that the total costs for the Medicare program are, at a minimum, equal?

We are interested in suggestions on the type and extent of information that parties seeking coverage decisions should be required to provide in relation to the associated costs or savings to the program in addition to the direct costs of the item or service.

We are soliciting comments on the implications for private sector insurers of the proposed approach.

3. Demonstration Through Scientific Evidence

As previously mentioned, we would measure both the medical benefit and the added value criteria by clinical scientific evidence. We are interested in comments on the proper evidentiary standard. Should there be one standard for all services or should there be different standards for different health care sectors (for example, surgical procedures, diagnostic tests, and biologics)? Finally, recognizing that clinical evidence and trials are frequently imperfect, what is the best way to deal with bias and external validity when we consider applying the findings of clinical trials to coverage

decisions in the real world. More specifically, under what circumstances can clinical trial findings be generalized from the study population to the Medicare population? In addition, under what circumstances can the controlled delivery setting of the clinical trial be generalized and reproduced in the current health care delivery setting or to a different health care delivery setting?

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any year by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million. The notice would not have any unfunded mandates.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a notice that imposes substantial direct compliance costs on State and local governments, preempts State law, or otherwise has Federalism implications. The notice would not impose compliance costs on the governments mentioned.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 5, 2000.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Approved: April 20, 2000.

Donna E. Shalala,

Secretary.

[FR Doc. 00–12237 Filed 5–11–00; 12:00 pm]

BILLING CODE 4120–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067–AD08

Disaster Assistance; Debris Removal

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: We (FEMA) propose to change the scope of activities that are determined to be in the public interest following a declared disaster. We propose to provide funding for the removal of debris and wreckage when communities convert property acquired through a FEMA program for hazard mitigation purposes to uses compatible with open space, recreational, or wetlands management practices.

DATES: We invite your comments and will accept them until June 30, 2000.

ADDRESSES: Please send any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, room 840, 500 C Street, SW., Washington, DC 20472, (facsimile) 202–646–4536, or (email) *rules@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa M. Howard, Federal Emergency Management Agency, room 713, 500 C Street SW., Washington, DC 20472, (202) 646–4240, or (email) *melissa.howard@fema.gov.*

SUPPLEMENTARY INFORMATION: We consider that it is in the public interest to remove substantially damaged structures and related slabs, driveways, fencing, garages, sheds, and similar appurtenances from properties that are part of a FEMA-funded hazard mitigation buyout and relocation project. When the principal structure has been substantially damaged by a major disaster, the removal of such items will help mitigate the risk to life and property by converting the property to uses that are compatible with open space, recreational and wetland management practices. Federal assistance used in this way supports the effort to break the cycle of repetitive damage and repair and is in the public interest because it is less costly to taxpayers than the cycle of repetitive damage and repair. Mitigation through buyout and relocation also substantially reduces the risk of future infrastructure damage and personal hardship, loss and suffering.

National Environmental Policy Act

This rule is excluded from the preparation of an environmental assessment or environmental impact statement under 44 CFR 10.8(d)(2)(ii), where the rule is related to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(vii).

Executive Order 12866, Regulatory Planning and Review

This proposed rule would not adversely affect the availability of disaster assistance funding to small entities, would not have significant secondary or incidental effects on a substantial number of small entities, and would not create any additional burden on small entities. It adds a category of property eligible to receive public assistance following a declared disaster, and will thus benefit those small entities that qualify for this assistance.

As Director I certify that this proposed rule is not a significant regulatory action within the meaning of section 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735, and that it attempts to adhere to the regulatory principles set forth in E.O. 12866. The Office of Management and Budget has reviewed this rule under E.O. 12866.

Paperwork Reduction Act

This proposed rule does not contain a collection of information and therefore is not subject to the provisions of the Paperwork Reduction Act of 1995.

Executive Order 13132, Federalism

In publishing this proposed rule, we considered the President's Executive Order 13132 on Federalism. This proposed rule makes no changes in the division of governmental responsibilities between the Federal government and the States, but adds a category of property eligible to receive public assistance following a declared disaster. We have determined that Executive Order 13132 does not apply to this regulatory action, and we have not prepared a Federalism assessment.

List of Subjects in 44 CFR Part 206

Disaster assistance.

Accordingly, we propose to amend 44 CFR part 206 as follows:

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

2. Amend § 206.224 by revising paragraph (a)(3) and adding paragraph (a)(4) to read as follows:

§ 206.224 Debris removal.

(a) * * *

(3) Ensure economic recovery of the affected community to the benefit of the community-at-large; or

(4) Mitigate the risk to life and property by removing substantially damaged structures and associated

appurtenances as needed to convert property acquired through a FEMA hazard mitigation program to uses compatible with open space, recreational, or wetland management practices.

* * * * *

Dated: May 8, 2000.

James L. Witt,

Director.

[FR Doc. 00–12284 Filed 5–15–00; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

46 CFR Part 520

[Docket No. 00–07]

Advance Notice of Proposed Rulemaking Concerning Public Access Charges to Carrier Automated Tariffs and Tariff Systems Under the Ocean Shipping Reform Act of 1998

AGENCY: Federal Maritime Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission is concerned that certain tariff access charges and minimum monthly subscription requirements may limit the public's ability to access tariffs and tariff systems, contrary to the requirements of the Ocean Shipping Reform Act of 1998. The Commission, therefore, is seeking public comments to address the reasonableness of tariff access charges.

DATES: Comments on or before June 15, 2000.

ADDRESSES: Comments (original and 15 copies) are to be submitted to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Austin L. Schmitt, Director, Bureau of Trade Analysis, Federal Maritime Commission, Washington, DC 20573, (202) 523–5796.

SUPPLEMENTARY INFORMATION: Effective May 1, 1999, the Ocean Shipping Reform Act of 1998 (''OSRA''), Pub. L. 105–258, 112 Stat. 1902, modified the Shipping Act of 1984 (''1984 Act''), 46 U.S.C. app. 1701 *et seq.* to require common carriers and conferences to publish their rates in private, automated tariff systems. OSRA requires these tariffs to be made available electronically to any person, without limits on time, quantity, or other such limitation, through appropriate access from remote locations, and authorizes that ''a reasonable charge'' may be assessed for access (except for access by Federal agencies). 46 U.S.C. app. 1707(a)(2)). In addition, the legislative history concerning public access to tariffs provides the following guidance:

> *The Act's requirement that common carrier tariffs be kept open to public inspection is retained.* . . . . . There should be no government constraints on the design of a private tariff publication system as long as that system assures the integrity of the common carrier's tariff and the tariff system as a whole, *and the system provides the appropriate level of public access to the common carrier's tariff information.* S. Rep. No. 61, 105th Cong., 1st Sess. at 23 (1997) (emphasis added).

The Commission believes that in passing OSRA, Congress intended to provide the general public access to tariff information at a nominal cost. Moreover, most businesses have now embraced the Internet as an important and user-friendly means of conveying information to potential customers at little or no cost to the customer. The Commission is concerned that certain access charges and minimum subscription requirements may limit the public's ability to access the carriers' tariff information that is now available on the Internet, contrary to the intentions of OSRA. Several informal complaints have been received by the Commission regarding carrier tariff systems [1] and the level of access charges, while others have questioned the propriety of time and quantity restrictions. A Commission staff review of tariff access charges indicates the existence of a wide range of charges and/or monthly minimums. For example, it has been brought to the Commission's attention that in some tariff systems, a public user desiring to check one term of a bill of lading or one rate, would have to subscribe to the system for a minimum of three months at a cost as high as $1,500.[2]

Because the charges of some carriers may limit public availability and access to tariffs contrary to the intentions of OSRA, the Commission is initiating this Advance Notice of Proposed Rulemaking to address the issue of a ''reasonable charge'' for tariff access. The Commission is seeking comments from interested parties on any aspect of this issue, and particularly on the following questions:

(1) Should the Commission promulgate any regulations or guidelines on the subject of ''reasonable charges'' for access to tariffs or tariff systems?

(2) Should a determination of the reasonableness of an access charge be based only on whatever additional costs may be incurred by carriers in making their tariffs accessible to the public and not include any costs for developing or maintaining tariffs that are the result of the carriers' responsibilities under OSRA?

(3) Should the public's cost to access carrier tariffs be similar to that encountered in accessing information made available on the Internet by other businesses?

(4) Should the public's cost to access carrier tariffs be comparable to that afforded to the public for the entire universe of carriers' tariffs under the Commission's former ATFI system?

(5) Should the number of tariffs accessible within any one system be considered in determining a ''reasonable charge''?

In addition to soliciting the comments of regulated entities and tariff publishers, the Commission encourages any interested party to comment on these questions and on any experiences associated with the costs of accessing carrier tariffs.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–12191 Filed 5–15–00; 8:45 am]

BILLING CODE 6730–01–P

[1] Most common carriers and conferences have delegated the responsibility for public accessibility, and the authority to assess charges for such access, to their agents, the tariff publishers. Nevertheless, the Commission will continue to look to common carriers and conferences, as the regulated entities, to ensure compliance with applicable laws and regulations.

[2] On the other hand, our review indicates that of the top ten publishers, two tariff publishers have no access charges.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–918; MM Docket No. 99–206; RM–9625]

Radio Broadcasting Services; Kimberly, ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denial.

SUMMARY: This document denies a petition for rule making filed by Mountain West Broadcasting proposing the allotment of FM Channel 291C3 to Kimberly, Idaho, as that locality's first local aural transmission service. See 64 FR 31176, June 10, 1999. Evidence presented established that the proposed transmitter site at coordinates 42–30–22 NL and 114–21–45 WL to accommodate

Channel 291C3 at Kimberly, is located on private property and not available for commercial use. The petitioner did not present any engineering showings to establish the availability of an alternate site. With this action, the proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–206, adopted April 12, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–12258 Filed 5–15–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00–921; MM Docket No. 99–338; RM–9746]

Radio Broadcasting Services; Shiner, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule making; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Elgin FM Limited Partnership requesting the allotment of Channel 232C3 at Shiner, Texas. *See* 64 FR 68662, December 8, 1999. Elgin FM Limited Partnership withdrew its interest in the allotment of Channel 232C3 at Shiner, Texas. With this action, this proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99–338, adopted April 19, 2000, and released April 25, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–12257 Filed 5–15–00; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF DEFENSE

Defense Logistics Agency

48 CFR Parts 5433 and 5452

DLA Acquisition Directive: Alternative Dispute Resolution

AGENCY: Defense Logistics Agency (DLA), Defense.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add a new provision to DLA solicitations concerning the use of alternative dispute resolution (ADR). The purpose is to establish ADR as the initial dispute resolution method, except for certain circumstances, to increase cooperative problem solving and reduce litigation. The provision would be optional for offerors; however, if they agreed to the provision, both the contractor and DLA would be committed to use ADR except in limited circumstances. Increased use of ADR is consistent with the Administrative Dispute Resolution Act, the Federal Acquisition Regulation (FAR), and Departmental policy.

DATES: Comments due on or before June 15, 2000.

ADDRESSES: Send written comments to Ms. Mary Massaro, Defense Logistics Agency, DLSC–PPP, Headquarters Center, 8725 John J. Kingman Road, Suite 3147, Fort Belvoir, VA 22060–6221, or via email to mary_massaro@hq.dla.mil.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Massaro, Procurement Analyst, Defense Logistics Agency, DLSC–PPP, at (703) 767–1366.

SUPPLEMENTARY INFORMATION:

A. Background. DLA is pursuing several initiatives to increase the use of ADR in resolving contract disputes. One way to increase use of ADR is for the parties to agree, as part of the contract, that they will use ADR before initiating litigation. This type of approach is used by DoD in partnering agreements and Agency-contractor ADR pacts.

The proposed provision provides a vehicle for both parties to agree to use ADR. Offeror can opt out of the provision by checking the box if they do not want it in their contract in the event of award. Offerors can also propose alternate wording to tailor the language while retaining the concept. Despite the fact that wording can be individually negotiated, DLA is seeking public comments to arrive at optimal language and to partner with industry in developing this provision.

B. Regulatory Flexibility Act. This proposed rule does not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 USC 601 *et seq.* An initial regulatory flexibility analysis was not performed.

C. Paperwork Reduction Act. This notice does not impose any new reporting or record keeping requirements that require the approval of OMB under 44 USC 3501 *et seq.*

List of Subjects in 48 CFR Parts 5433 and 5452

Government procurement.

For the reasons set forth above, the Defense Logistics Agency proposes to amend 48 CFR Chapter 54 as follows:

1. Part 5433 is added to read as follows:

PART 5433—PROTESTS, DISPUTES AND APPEALS

Authority: 10 U.S.C. Chapter 137

§ 5433.214. Contract Clause: Agreement to Use Alternative Dispute Resolution.

The contracting officer shall insert the provision in 5452.233 in all solicitations unless the conditions at FAR 33.203(b) apply.

PART 5452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. The authority citation for Part 5452 continues to read as follows:

Authority: 10 U.S.C. Chapter 137

3. Part 5452 is amended by adding contract clause 5452.233–9001 to read as follows:

5452.233–9001 Disputes: Agreement to Use Alternative Dispute Resolution (ADR).

As prescribed in 5433.214, insert the following clause:

DISPUTES: AGREEMENT TO USE ALTERNATIVE DISPUTE RESOLUTION (ADR) xxx 2000)—DLAD

(a) The parties agree to use their best efforts to resolve any disputes that may arise without litigation. If unassisted negotiations are unsuccessful, the parties will use ADR techniques in an attempt to resolve the dispute. Litigation will only be considered as a last resort when ADR is unsuccessful or has been documented by the party rejecting ADR to be inappropriate for resolving the dispute. If the ADR is not successful, the parties retain their existing rights.

(b) If you wish to opt out of this clause, check here [ ]. Alternate wording may be negotiated with the contracting officer.

William J. Kenny,

Executive Director, Logistics Policy and Acquisition Management.

[FR Doc. 00–12106 Filed 5–15–00; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 000503121–0121–01; I.D. 030600A]

RIN 0648–AN07

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications

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

ACTION: Proposed rule, request for comments.

SUMMARY: In accordance with the framework procedure for adjusting management measures (framework procedure) of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP), NMFS proposes the following: Increase the annual total allowable catch (TAC) and increase the commercial trip limit off the southeast coast of Florida for Atlantic group king mackerel; increase the TAC, modify the commercial trip limits applicable off Florida, and increase the recreational bag limit for Atlantic group Spanish mackerel; and incorporate into the FMP biomass-based values for maximum sustainable yield (MSY) and stock status determination criteria in compliance with the requirements of the Sustainable Fisheries Act of 1996, which amended the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). The intended effects of this rule are to maintain healthy stocks of king and Spanish mackerel while still allowing catches by important commercial and recreational fisheries.

DATES: Comments must be received no later than 5 p.m., eastern standard time, on May 31, 2000.

ADDRESSES: Written comments on the proposed rule must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702. Comments may also be sent via fax to 727–570–5583. Comments will not be accepted if submitted via e-mail or the Internet.

Requests for copies of the South Atlantic Fishery Management Council's frame work recommendations for adjustment of harvest levels and related matters, which includes an environmental assessment, social impact assessment/fishery impact statement, and regulatory impact review, should be sent to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: 843-571-4366; fax: 843-769-4520; e-mail: safmc@noaa.gov.

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 and implemented by NMFS through regulations at 50 CFR part 622. In accordance with the framework procedure, the South Atlantic Fishery Management Council (Council) recommended to the Regional Administrator, Southeast Region, NMFS (RA), management measure changes relating to Atlantic migratory groups of king and Spanish mackerel. The recommended changes are within the scope of the management measures that may be adjusted under the framework procedure, as specified in 50 CFR 622.48.

Proposed TACs, Allocations, and Quotas

The Council proposed an increase in annual TAC from 8.40 million lb (3.81 million kg) to 10.00 million lb (4.54 million kg) for Atlantic group king mackerel. The commercial quota would be 3.71 million lb (1.68 million kg) and the recreational allocation would be 6.29 million lb (2.85 million kg). The Council proposed an increase in annual TAC from 6.60 million lb (2.99 million kg) to 7.04 million lb (3.19 million kg) for Atlantic migratory group Spanish mackerel. The commercial quota would be 3.87 million lb (1.76 million kg) and the recreational allocation would be 3.17 million lb (1.44 million kg).

Consistent with the framework procedure, these proposed TACs are within the range of the acceptable biological catch established by the Council. The Council believes these TACs represent a conservative management approach, as supported by its Scientific and Statistical Committee and Mackerel Advisory Panel, and are consistent with the attainment of optimum yield (OY) for Atlantic group king and Spanish mackerel, as provided by the FMP. The resulting commercial quotas and recreational allocations would be higher than recent harvest levels; consequently, no early or unexpected fishery closures or quota/allocation overruns would be likely.

Commercial Vessel Trip Limits

The commercial sectors of the king and Spanish mackerel fisheries are managed under both quotas and trip limits. The Council proposed an increase in the trip limit applicable off the southeast coast of Florida (Brevard through Miami-Dade Counties) from 50 to 75 fish per day from April 1 though October 31 for Atlantic group king mackerel. Landings records for the southeast coast of Florida indicate that as many as 10 to 12 percent of all trips land 40 fish or more per trip, and a relatively small proportion of trips (3 to 10 percent) land fish in excess of the trip limit. An increase in landings per trip would be expected to increase the net benefits per trip. It is unlikely that this proposed increase in the trip limit would cause an earlier closure of the fishery given the increased TAC for Atlantic group king mackerel.

The Council proposed to change the commercial trip limits applicable to the fishery off Florida for Atlantic group Spanish mackerel. Currently, the trip limits south of the Georgia/Florida boundary are as follows: From April 1 through October 31 - 1,500 lb (680 kg); from November 1 until 75 percent of the adjusted quota is taken, no trip limit on Monday, Wednesday, and Friday, and 1,500 lb (680 kg) on other days; after 75 percent of the adjusted quota is taken until 100 percent is taken - 1,500 lb (680

kg); and after 100 percent of the adjusted quota is taken until the end of the fishing year - 500 lb (227 kg). The adjusted quota is 3.38 million lb (1.53 million kg), which is derived from the 3.87–million lb (1.76–million kg) quota for Atlantic group Spanish mackerel as reduced to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted quota is reached.

As proposed by the Council for the Atlantic group Spanish mackerel commercial fishery off Florida, from April 1 through November 30 the trip limit would be 3,500 lb (1,588 kg); from December 1 until 75 percent of the adjusted quota is taken there would be no trip limit on Monday through Friday and on Saturday and Sunday the trip limit would be 1,500 lb (680 kg).

The proposed increase in the commercial trip limit off Florida for the April 1 - November 30 period would benefit those vessels that are currently constrained by the trip limit, since it would increase their net benefits per trip. While the commencement of unlimited trip limits, currently November 1, would be delayed for one month, vessels would be compensated by an increase of two days per week on which unlimited fishing would be allowed.

Recreational Bag Limit

The Council proposed to increase the recreational bag limit for Atlantic group Spanish mackerel from 10 to 15 fish per person per day. It is unlikely that this proposed increase in the recreational bag limit would cause the recreational allocation to be exceeded given the increased TAC for Atlantic group Spanish mackerel. The proposed increase in the bag limit would be expected to increase the economic and social benefits.

Biomass-Based Parameters

Section 303 of the Magnuson-Stevens Act requires that the regional fishery management councils (councils) (1) assess the condition of managed stocks, (2) specify within their fishery management plans objective and measurable criteria for identifying when the stocks are overfished and when overfishing is occurring (referred to by NMFS as stock status determination criteria), and (3) amend their fishery management plans to include measures to rebuild overfished stocks and maintain them at healthy levels capable of producing maximum sustainable yield (MSY). NMFS' national standard guidelines direct the councils to meet these statutory requirements by incorporating into each fishery management plan estimates of certain biomass-based parameters for each stock, including Bmsy (Bmsy is the weight (biomass) of the stock that will produce MSY) and the minimum stock size threshold (MSST) (MSST is a stock status determination criterion that indicates the minimum stock size that is required to produce MSY, below which the stock would be considered overfished). A maximum fishing mortality threshold (MFMT) for determining whether overfishing is occurring is also required for each stock (MFMT is the level or rate of fishing mortality, that if exceeded, will result in overfishing and jeopardize the capacity of a stock to produce MSY on a continuing basis). Heretofore, the Council used spawning potential ratios to indicate whether Atlantic group king and Spanish mackerel stocks were at the MSY level or overfished because it did not have the necessary information for generating the status determination criteria (Bmsy and MSST). However, based on stock assessment information provided recently by NMFS to the Council, the Council is proposing to incorporate into the FMP, through the framework procedure, the required biomass-based parameters. Accordingly, the Council's proposes the range estimates of MSY, BMSY, MSST, and MFMT shown below. NMFS invites public comment on these estimated parameters.

Atlantic Group	MSY - million lb (million kg)	BMSY*	MSST*	MFMT - fishing mortality rate
King Mackerel	9.4 - 14.5 (4.3 - 6.6)	4.7 - 7.1	4.0 - 6.1	0.32 - 0.48
Spanish Mackerel	5.7 - 7.5 (2.6 - 3.4)	12.2 - 15.8	8.5 - 11.1	0.38 - 0.48

* Biomass values are a unitless relative fecundity estimate in millions.

The FMP's determinations regarding ''overfishing'' and ''overfished'' would change with the adoption of these new stock status determination criteria. The Council proposes to define overfishing of a stock as occurring if $F_{current} / F_{msy} > 1.0$ (where Fcurrent is the current fishing mortality rate and Fmsy is the level of fishing mortality that results in MSY). A stock would then be overfished if $B_{current}$ / MSST is < 1.0, where MSST $=(1.0- M)B_{msy}$ (where Bcurrent is the current stock biomass and M is the natural mortality—a measurement of the rate of removal of fish from a population from natural causes).

The RA initially concurs that the Council's recommendations meet the goals and objectives of the FMP and that they are consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. Accordingly, the Council's recommended changes are published for comment.

Classification

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as follows:

For Atlantic group king mackerel, the proposed rule would increase the TAC from 8.4 million lb (3.8 million kg) to 10.0 million lb (4.5 million kg) and would increase the trip limit in the southern zone from 50 to 75 fish. For Atlantic group Spanish mackerel, the proposed rule would increase the TAC from 6.6 million lb (3.0 million kg) to 7.04 million lb (3.19 million kg), would increase the recreational bag limit from 10 to 15 fish per day, and would modify the commercial trip limit system for the area south of the Florida-Georgia border. The action would also modify MSY, stock status determination criteria, and definitions of ''overfishing'' and ''overfished'' for Atlantic group king and Spanish mackerel.

All commercial fishing and for-hire businesses that have permits to harvest Atlantic group king and Spanish mackerel are considered to be small entities, and the Council concluded that a substantial number of these small entities (greater than 20 percent) operating in commercial and for-hire fisheries could be affected by the proposed changes. Although the exact

number of small businesses that actually exercise their permit rights is unknown, the approximate numbers of small businesses holding harvest permits are as follows: Commercial king and Spanish mackerel - 1,200 and for-hire - 600.

Atlantic Group King Mackerel The Council's proposal to increase TAC from 8.4 million lb (3.8 million kg) to 10.0 million lb (4.5 million kg) would provide for a commercial quota of 3.12 million lb (1.42 million kg) or a 590,000–lb (267,620–kg) increase. However, given the fact that commercial landings since 1990 have never exceeded 2.7 million lb (1.2 million kg), the increased TAC would not likely constrain catches. Also, present harvesting capacity may not be sufficient to take advantage of the increased TAC. The TAC increase will result in a recreational allocation of 6.29 million lb (2.85 million kg) or an increase of 1.0 million lb (0.45 million kg). Recreational catches for the 1997/98 and 1998/99 seasons were 5.39 and 3.62 million lb (2.45 and 1.64 million kg) respectively, so there is a small possibility that the increased recreational allocation could be exceeded. However, the recreational fishery is not subject to closure actions regardless of the size of the catch, i.e., recreational catches are not constrained by the recreational allocation. Noting that an increased allocation is based on the fact of increased stock size, catches may increase slightly because catch per unit effort may rise slightly. Nonetheless, any increase in catch will be related to stock size and not to the level of the official allocation.

The other proposed king mackerel measure would increase the daily trip limit from 50 to 75 fish from April 1 through October 31 in the EEZ off Brevard through Miami-Dade counties (Florida). Since this area accounts for about 50 percent of the commercial catches, there is a possibility that raising the trip limit could result in increased catches for the year. Recent data indicate that over 90 percent of commercial trips in this area catch 50 fish or less, and the other trips represent either violations of existing laws or the reporting of multiple trips as one trip. Also, over 80 percent of trips for the last two seasons resulted in catches averaging less than 30 fish. Nonetheless, to the extent that a small percentage of current trips are constrained by the status quo, there may be a small increase in the total catches and a concurrent small increase in associated commercial revenues. This increase is expected to be small enough that no measurable decrease in price would be expected.

Atlantic Group Spanish Mackerel The Council proposes an increase in TAC for Atlantic group Spanish mackerel from 6.6 million lb (3.0 million kg) to 7.04 million lb (3.19 million kg), or an increase of 440,000 lb (199,581 kg). This will result in a commercial quota of 3.87 million lb (1.76 million kg) or 240,000 lb (108,862 kg) above the current quota. Starting with the 1995/96 season, a ban on the use of nets in Florida waters has constrained commercial landings; the catches have ranged from 2.0 to 3.3 million lb (0.9 to 1.5 million kg) since the ban was instituted. Given these factors, the TAC increase is not expected to result in increased annual commercial landings, and no economic effects on the commercial harvesting sector are expected from the increase in TAC. The recreational allocation under the increased TAC would be 3.17 million lb (1.44 million kg). Since recreational landings have averaged less than 1.2 million lb (0.54 million kg) for the last 5 years, the increase in the recreational allocation is unlikely to have any economic impact on the recreational for-hire fishery.

Since the recreational allocations have not been reached in recent years, the Council also proposes an increase in the recreational daily bag limit from 10 to 15 Spanish mackerel per person. Since some of the for-hire small entities target Spanish mackerel seasonally, there is a possibility that the increase in the bag limit would lead to an increased number of for-hire trips. However, only about 2 percent of for-hire trips target Spanish mackerel and over 97 percent of recent recreational trips result in landing at the current bag limit or less. Consequently, the proposed increase in the bag limit is expected to have a positive, but very small, economic impact on the for-hire sector.

The other proposed Spanish mackerel measure would modify the commercial trip limit system governing commercial catches south of the Georgia/Florida border. Since the landings south of Georgia constitute about 80 percent of the total annual commercial landings of Spanish mackerel, these trip limit changes could possibly affect overall landings. These changes include an increase in the trip limit to 3,500 lb (1,588 kg) from April 1 through November 30, as opposed to the current 1,500 lb (680.4 kg) trip limit for the period April 1 through October 31. In addition, there is a proposal to allow unlimited fishing on all weekdays and to impose a 1,500 lb (680.4 kg) trip limit for Saturday and Sunday starting on December 1 until 75 percent of the quota is reached, at which point the trip limit would be 1,500 lb (680.4 kg) for all days of the week. The current system provides for unlimited fishing on Monday, Wednesday, and Friday and a 1,500–lb (680.4–kg) trip limit on Tuesday, Thursday, Friday, and Saturday starting on November 1 until 75 percent of the quota is reached at which point the trip limit is set at 1,500 lb (680.4 kg) for all days of the week. The most important parts of this rather complex set of changes concern the increase in the trip limit from 1,500 lb to 3,500 lb (680.4 to 1,588 kg), a shortening of the unlimited season, and an increase in the number of days of unlimited fishing for other parts of the year. Some of these trip limit changes would tend to result in larger annual commercial landings and revenues, while other changes would tend to reduce landings and revenues. The analysis of the expected overall impacts of the trip limit changes for Spanish mackerel is hampered because of limited seasonal, areal, and catch-per-trip data; also, logbooks have only recently been implemented and these data are not yet available. Despite these difficulties, and based on the way the fishery tends to operate seasonally, the tentative conclusion is that the change in the trip limit from 1,500 to 3,500 lb (680.4 to 1,588 kg) is not likely to have the large positive impact expected because this particular change will pertain at a time of the year when Spanish mackerel are not seasonally abundant, and catch-per-trip tends to be less than the current trip limit of 1,500 lb (680.4 kg). Any significant changes in landings would result from the combined effects of shortening the unlimited season and allowing more unlimited days during the unlimited season. Reducing the unlimited season by one month will, in effect, reduce the number of days of unlimited fishing by about 12 days; adding unlimited days during a given week within the shorter unlimited season will add about 16 days of unlimited fishing. Hence, the expectation is for a small increase in the annual commercial catch of Spanish mackerel for all the trip limit changes in aggregate.

The modification of MSY and the incorporation into the FMP of biomass-based stock status determination criteria includes: Setting the king mackerel MSY at 9.4–14.5 million lb (4.3–6.6 million kg); setting the Spanish mackerel MSY at 5.7– 7.5 million lb (2.6–3.4 million kg); setting the fishing mortality rate (MFMT) at 0.40 (=F30% Static SPR) consistent with MSY; establishing a Bmsy of 4.7–7.1 for king

mackerel and a Bmsy of 12.2–15.8 for Spanish mackerel (the values represent relative fecundity and are unitless); and, setting the minimum stock size threshold (MSST) at 4.0–6.1 for king mackerel and at 8.5–11.1 for Spanish mackerel (the values represent relative fecundity and are unitless). The Council also proposed revised definitions of ''overfished'' and ''overfishing'' for Atlantic king and Spanish mackerel. The stocks of Atlantic king and Spanish mackerel are currently neither overfished nor are undergoing overfishing. This means that the proposed MSY modifications and the biomass-based status determination criteria that would be added should have no impact on the TACs proposed by the Council and, hence, no economic impact on small entities.

Other Findings None of the proposals described above would result in increased compliance costs of reporting or record keeping. Also, there would be no differential large business versus small business impacts because the entire population is composed of small businesses. Additionally, the proposals will not create new capital costs, and no businesses are expected to have to cease operations if the proposals are implemented.

The overall determination resulting from an examination of the proposed changes individually and in aggregate is that there is not expected to be a significant economic impact on a substantial number of the small entities engaged in the commercial harvest or for-hire sectors of the Atlantic group king and Spanish mackerel fisheries.

As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 622

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

Dated: May 10, 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 proposed to be 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 § 622.39, paragraph (c)(1)(iii) is revised to read as follows:

§ 622.39 Bag and possession limits.

* * * * *

(c) * * *

(1) * * *

(iii) Atlantic migratory group Spanish mackerel—15.

* * * * *

3. In § 622.42, paragraphs (c)(1)(ii) and (c)(2)(ii) are revised to read as follows:

§ 622.42 Quotas.

* * * * *

(c) * * *

(1) * * *

(ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of king mackerel is 3.71 million lb (1.68 million kg). No more than 0.40 million lb (0.18 million kg) may be harvested by purse seines.

* * * * *

(2) * * *

(ii) *Atlantic migratory group*. The quota for the Atlantic migratory group of Spanish mackerel is 3.87 million lb (1.76 million kg).

* * * * *

4. In § 622.44, paragraph (a)(1)(iii) and paragraphs (b)(1)(ii)(A) and (B) are revised to read as follows:

§ 622.44 Commercial trip limits.

* * * * *

(a) * * *

(1) * * *

(iii) In the area between 28°47.8' N. lat. and 25°20.4' N. lat., which is a line directly east from the Miami-Dade/Monroe County, FL, boundary, king mackerel in or from the EEZ may not be possessed on board or landed from a vessel in a day in amounts exceeding 75 fish from April 1 through October 31.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) From April 1 through November 30, in amounts exceeding 3,500 lb (1,588 kg).

(B) From December 1 until 75 percent of the adjusted quota is taken, in amounts as follows:

(*1*) Mondays through Fridays—unlimited.

(*2*) Saturdays and Sundays—not exceeding 1,500 lb (680 kg).

* * * * *

[FR Doc. 00–12295 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 65, No. 95

Tuesday, May 16, 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

[No. LS–00–07]

Market Promotion Funding—Lamb Meat Adjustment Assistance Measures Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice: Invitation to submit proposals.

SUMMARY: Interested parties are invited to submit proposals for the availability of approximately $4 million in competitive cooperative agreements to carry out ''The Summary of Assistance Measures'' of the Domestic Lamb Industry Adjustment Assistance proposal. The Agricultural Marketing Service (AMS) hereby request proposals for projects from eligible entities interested in applying for competitively awarded cooperative agreements for lamb meat marketing and promotion. Funds have been made available through a Memorandum of Understanding (MOU) between AMS and the National Sheep Industry Improvement Center (NSIIC) to be awarded in fiscal year (FY) 2000—with projects completed by FY 2002. The intent is to fund a variety of marketing proposals that will increase the sale of U.S. lamb.

DATES: Proposals must be received by June 30, 2000.

ADDRESSES: Proposals (original and six copies) should be mailed to: Barry L. Carpenter, Deputy Administrator, Livestock and Seed Program, Agricultural Marketing Service, USDA, Room 2092–S, Stop 0249, 1400 Independence Avenue, SW., Washington, DC 20250–0249; telephone (202) 720–5705.

FOR FURTHER INFORMATION CONTACT: Martin O'Connor, International Marketing Specialist, Standardization Branch on (202) 720–7046, E-mail: *Martin.OConnor@usda.gov.*

SUPPLEMENTARY INFORMATION:

General Information

This program resulted from the United States International Trade Commission (USITC) findings in Investigation Number TA–201–68 and the Presidential Proclamation of July 7, 1999, made subsequent to those findings, which initiates a 3-year assistance package for the domestic lamb industry. The Secretary of Agriculture outlined the assistance measures that were then incorporated by the Department of Agriculture (USDA) and the Office of Management and Budget into the Domestic Lamb Industry Adjustment Assistance proposal for the U.S. lamb industry. AMS is the lead agency implementing the assistance measures and will administer funds that have been made available through a MOU with the NSIIC for the Marketing and Promotion section of the Domestic Lamb Industry Adjustment Assistance proposal for the U.S. lamb industry. AMS is authorized under 7 U.S.C. 1622 of the Agricultural Marketing Act to administer programs of this nature.

The NSIIC is authorized to conduct marketing and promotion programs under section 375 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2008j). A fund is established in the Treasury of the United States, without fiscal year limitation, to provide funds for the enhancement and marketing of sheep or goat products in the United States. Cooperative agreements for these purposes are authorized by section 375 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 2008j.

Under the terms of the MOU, a total of up to $4 million will be provided in competitive cooperative agreements beginning in FY 2000. Projects that are submitted in the proposals should be completed in a timely fashion as provided in the proposal, but under no circumstances later than July 21, 2002. The primary objective of the Domestic Lamb Industry Adjustment Assistance proposal is to fund a number of diverse projects that will increase the sale of U.S. lamb regionally, nationally or internationally. The program is administered through USDA, AMS, in accordance with the MOU with NSIIC.

Eligible Applicants

An eligible entity is an organization that promotes the betterment of the United States sheep industry and that is: (a) A public, private, or cooperative organization; (b) an association, including a corporation not operated for profit; (c) a federally recognized Indian Tribe; or (d) a public or quasi-public agency. Under the Lobbying Disclosure Act of 1995, an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 501 (c)(4)) which engages in lobbying activities, is not eligible to apply.

Use of Funds

Use of funds should directly increase the sale of U.S. lamb through either proposed or existing lamb marketing programs by focusing on, but not limited to, marketing, promotion, merchandizing, value-added proposals, market feasibility analysis, or market identification. Funds may not be used to: (a) Pay costs of preparing the application package; (b) fund political activities; or (c) pay costs incurred prior to the effective date of the cooperative agreement.

Available Funds and Award Limitations

The total amount of funds available for cooperative agreements in FYs 2000, 2001, and 2002 is approximately $4.0 million. It is anticipated that all funds will be awarded in FY2000 for projects that will be completed by July 21, 2002. It is expected that there will be proposals submitted that propose to address a variety of needs in promoting U.S. lamb. Proposals may be fully or partially funded. Awards will be segregated so that a variety of marketing strategies and marketing situations will be addressed by the funded proposals. The actual number of cooperative agreements funded will depend on the quality of proposals received and the amount of funding requested. The maximum amount of Federal funds awarded for any one proposal will be $1.0 million. Eligible entities will have the option of withdrawing proposals that are partially funded, if in their opinion, the portion funded does not meet their needs.

Selection Criteria

Initially, the proposal will be reviewed to determine whether the

entity submitting the proposal meets the eligibility requirements and whether the proposal application contains the information required. After this initial evaluation, the following criteria will be used to rate and rank proposals received in response to this notice of funding availability. Failure to address any of the criteria will disqualify the proposal. Equal weight shall be given to each of the criteria listed below and points will be awarded to each criteria on a scale of 5, 4, 3, 2, 1. A score of 5 indicates that the proposal was judged to be highly relevant to the criteria and a score of 1 indicates that the proposal was judged not to sufficiently address the criteria. A proposal with an average score from the evaluation panel of AMS and NSIIC technical experts of less than 2 for any one criteria will disqualify the proposal.

Each proposal criteria area will be evaluated and judged on its own merits using the following criteria: (Helpful suggestions are given in the bullets following each question. They are not part of the criteria, but are provided to help the applicant better understand what the criteria means.)

(1) Demonstrates the potential to positively influence the U.S. lamb market.

Does the promotion place U.S. lamb on the center of the plate or position it well in the market? Does the proposal stress U.S. lamb?

(2) Demonstrates a merchandising strategy to create new sales or expand existing accounts.

Does the proposal address an improvement in product quality or a more consumer friendly product? Is this a new or better merchandising strategy?

(3) Demonstrates a strategy to create value-added linkages among various industry sectors.

Is there a value-added component to the plan? This could be coordination between any two or more sectors of the industry from producers through retailers. Is there a production-to-final consumer or ''gate-to-plate'' component to the proposal?

(4) Demonstrates how the marketing proposal will coincide with the product marketing cycles.

Does the marketing strategy identify and address the cyclical nature of some markets in the lamb industry? That is, in some markets there is a surplus autumn supply with increased demand in the spring.

(5) Identifies coordination throughout the marketing chain to insure supply of the product being marketed in the proposal.

What segment(s) of the marketing chain does the proposal hope to influence? Is there a supplier commitment to provide the product to be marketed?

(6) Provides a detailed analysis of the product, geographic area and target market that will be affected.

Does the proposal identify lamb in general, a specific cut of lamb meat, pelts or other lamb products or processes that will be marketed? Is the target market area well defined? This could be local, regional, national, or international. Are the demographics of the proposed market area well defined and understood? Does the demographic information make the target audience a good candidate for cost efficient marketing?

(7) Provides a timetable and objectives along with quantifiable benchmark and expected results.

Does the proposal include: (a) a clear objective; (b) well-defined tasks that will accomplish the objectives; (c) realistic benchmarks; and (d) a realistic timetable for the completion of the proposed tasks?

(8) Identifies how the proposal coordinates with existing or previous marketing programs.

Is there an existing marketing campaign through a cooperative, industry group, packer, breaker, or retailer that this proposal compliments? Are there any previous programs that this proposal will help continue? If there is a sheep industry checkoff, what is the likelihood that they would continue this proposed project?

(9) Identifies the resources needed and a management team with the ability to administer the proposed project.

Does the proposal identify the qualified personnel to complete the proposed project? What experience does the management team have in marketing this type of product? Does the management team have the experience needed to secure the supply of product to be promoted? Is there a good understanding of the marketing tools being proposed? For example, if the proposal calls for use of radio, show how this fits into the overall marketing strategy, cost, prior experience and expected result.

(10) Identifies other resources that will be used to leverage the funds requested in the proposal.

Does this proposal augment an existing program? Are there other sources of funding or personnel being used to complete the proposed project?

Selection Process

A panel of AMS and NSIIC technical experts will evaluate proposal applications. Applications will be evaluated competitively and points awarded as specified in the Selection Criteria section of this notice. Cooperative agreements will be awarded on a competitive basis to eligible entities. After assigning points upon those criteria, applications will be listed in rank order and presented, along with funding level recommendations, to the Administrator of AMS, who will make the final decision on awarding agreements. Applications will then be funded in rank order until all available funds have been expended. AMS reserves the right to make selections out of rank order to provide a diversity of projects targeting various marketing situations, geographic areas or subject matter distribution of funded projects. With respect to any approved proposal, the amount of funding and the project period during which the project may be funded and will be completed, are subject to negotiation prior to finalization of the cooperative agreement.

Proposal Submission

All proposals are to be submitted on standard 8½′×11″ paper with typing on one side of the page only. In addition, margins must be at least 1″, type must be 12 characters per inch (12 pitch or 10 point) or larger, no more than 6 lines per inch.

Content of a Proposal

A proposal must contain the following:

1. Form SF–424 ''Application for Federal Assistance.''

2. Form SF–424A ''Budget Information-Non Construction Programs.''

3. Form SF–424B ''Assurances-Non Construction Programs.''

4. Table of Contents-For ease of locating information, each proposal must contain a detailed Table of Contents immediately following the required forms. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Table of Contents.

5. Project Summary: The proposal must contain a project summary of one page or less on a separate page. This page must include the title of the project and the names of the primary project contacts and the applicant organization, followed by the summary. The summary should be self-contained and should describe the overall goals and relevance of the project. The summary should also contain a listing of all organizations involved in the project. The Project Summary should immediately follow the Table of Contents.

6. Project Narrative: The narrative portion of the Project Proposal is limited to ten pages of text and should contain the following:

a. Introduction. A clear statement of the goals and objectives of the project. The problem should be set in context of the present-day situation. Summarize the body of knowledge which substantiates the need for the proposed project.

b. Rationale and Significance. Substantiate the need for the proposed project. Describe the impact of the project on the United States lamb market. Describe the project's specific relationship to the segment of lamb market being addressed.

c. Objectives and Approach. Discuss the specific objectives to be accomplished under the project. A detailed description of the approach must include:

(1) Techniques or procedures used to carry out the proposed activities and for accomplishing the objectives; and (2) the results expected.

d. Timetable. Tentative schedule for conducting the major steps of the project.

e. Evaluation. Provide a plan for assessing and evaluating the accomplishments of the stated objectives during the project and describe ways to determine the effectiveness (impact) of the end results upon conclusion of the project. Awardees will be required to submit written project performance reports on a quarterly basis.

f. Coordination and Management Plan. Describe how the project will be coordinated among various participants and the nature of the collaborations. Describe plans for management of the project to ensure its proper and efficient administration.

What To Submit

An original and 6 copies must be submitted. Each copy must be stapled in the upper left-hand corner. (DO NOT BIND). All copies of the proposal must be submitted in one package.

Other Federal Statutes and Regulations That Apply

Several other Federal, statutes and regulations apply to proposals considered for review and to cooperative agreements awarded under this program. These include but are not limited to:

7 CFR part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR part 15, subpart A—USDA implementation of title VI of the Civil Rights Act of 1964, as amended.

7 CFR part 3015—USDA Uniform Federal Assistance Regulations.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreement to State and Local Governments.

7 CFR part 3019—Uniform Administrative Requirements for Grant Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3051—Audits of Institutions of Higher Education and Other Nonprofit Institutions.

Public Burden in This Notice

Form SF–424, ''Application for Federal Assistance''

This form is used by applicants as a required face sheet for applications for Federal assistance.

Form SF–424A, ''Budget Information-Non Construction Programs''

This form must be completed by applicants to show the project's budget breakdown, both as to expense categories and the division between Federal and non-Federal sources.

Form SF–424B, ''Assurances-Non Construction Programs''

This form must be completed by the applicant to give the Federal government certain assurances that the applicant has the legal authority to apply for Federal assistance and the financial capability to pay the non-Federal share of project costs. The applicant also gives assurance it will comply with various legal and regulatory requirements as described in the form.

Reporting Requirements

Awardees will be required to submit written project performance reports on a quarterly basis and a final report at the completion of the project. The project performance report and final report shall include, but need not be limited to: (1) A comparison of timeline, tasks and objectives outlined in the proposal as compared to the actual accomplishments; (2) If report varies from the stated objectives or they were not met, the reasons why established objectives were not met; (3) Problems, delays, or adverse conditions which will materially affect attainment of planned project objectives; (4) Objectives established for the next reporting period; and (5) Status of compliance with any special conditions on the use of awarded funds.

Dated: May 11, 2000.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 00–12277 Filed 5–11–00; 2:34 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) implementing regulations, this notice announces the Cooperative State Research, Education, and Extension Service's (CSREES) intention to revise and extend a currently approved information collection, Form CSREES–1232, ''Project Summary,'' Form CSREES–1233, ''Conflict of Interest List,'' and Form CSREES–1234, ''National Environmental Policy Act Exclusions Form''.

DATES: Comments on this notice must be received on or before July 20, 2000, to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Sally J. Rockey, Deputy Administrator, Competitive Research Grants and Awards Management, CSREES, USDA, STOP 2240, Washington, D.C. 20250–2240. E-mail: OEP@reeusda.gov.

FOR FURTHER INFORMATION CONTACT: Sally J. Rockey, (202) 401–1761.

SUPPLEMENTARY INFORMATION:

Titles: Project Summary; Conflict of Interest List; and National Environmental Policy Act Exclusions Form.

OMB Number: 0524–0033.

Expiration Date of Approval: May 31, 2000.

Type of Request: Revise and extend currently approved information collection.

Abstract: CSREES has primary responsibility for providing linkages between the Federal and State components of a broad-based, national agricultural research, extension, and education system. Focused on national issues, its purpose is to represent the Secretary of Agriculture and carry out the intent of Congress by administering

formula and grant funds appropriated for agricultural research, extension, and education. Before awards can be made, certain information is required from applicants as part of an overall proposal package. This information includes project summaries, descriptions of the research, literature reviews, curricula vitae of principal investigators, other relevant technical aspects of the proposed project, and supporting documentation of an administrative and budgetary nature.

Since several programs use these forms and some programs are peer reviewed and others are not, the number of copies requested by CSREES varies. The number required may be as few as three and as many as fifteen. If the proposals are not peer reviewed fewer copies are needed since copies are not needed for members of a peer review panel. If a program uses a peer review panel the number of copies may still vary since the size of the panels vary with each program. Multiple copies are requested as a result of a desire to minimize delays in beginning the review process that would be caused if CSREES were required to make the copies inhouse, and minimization of the risk of proposals becoming separated, incorrectly organized, or misplaced during a high volume, minimally-staffed, time-driven photocopying process.

CSREES developed a general ''Application Kit'' (OMB Approval 0525–0022) for most of its programs. This kit includes the necessary forms and instructions for applicants requesting support under various competitive and noncompetitive funding programs sponsored by CSREES. In 1994, CSREES sought and received approval of three additional forms. These forms include: Form CSREES–1232, ''Project Summary,'' Form CSREES–1233, ''Conflict of Interest List,'' and Form CSREES–1234, ''National Environmental Policy Act Exclusions Form''. These forms are primarily used for proposal evaluation and administration. While some of the information will be used to respond to inquiries from Congress and other government agencies, the forms are not designed to be statistical surveys or data collection instruments. Their completion by potential recipients is a normal part of an application to Federal agencies for support for basic and applied scientific research, education and extension activities.

The following information has been collected and will continue to be collected through these forms:

CSREES–1232—Project Summary: Lists the Principal Investigator(s) and their institution(s), the proposal type (distinguishes among funding mechanisms), project title, and key words, along with a project summary which allows for quick screening and assignment of proposals to peer reviewers.

CSREES–1233—Conflict of Interest List: Lists the person(s) in the field who by virtue of a current or prior relationship with the applicant may have a conflict of interest for purposes of selecting peer review panel members. This information aims to assure objective reviews, and the form has been revised to specifically cite potential conflicts of interest by category to assist applicants and CSREES in identifying such conflicts to better meet the standards in the various program administrative regulations.

CSREES–1234—National Environmental Policy Act Exclusions Form: Assists identification of whether a proposal fits within one of the exclusions listed for compliance with NEPA (as implemented by USDA in 7 CFR part 1b and supplemented by CSREES in 7 CFR part 3407). This information has been and will continue to be used in determinations as to whether further action is needed to meet the NEPA requirements.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 4.25 hours for Form CSREES–1232, 1.75 hours for Form CSREES–1233, and .25 hours for Form CSREES–1234. This average was based on a survey of grantees who had recently been approved for awards. They were asked to give an estimate of time it took them to complete each form. This estimate was to include such things as: (1) Reviewing the instructions; (2) Searching existing data sources; (3) Gathering and maintaining the data needed; and (4) Actual completion of the forms. The average time it took each respondent was calculated from their responses.

Respondents: Individuals or households, business or other for profit, non-profit institutions and small businesses or organizations.

Estimated Number of Respondents: 3,200 for the CSREES–1232 and CSREES–1233; 5,000 for the CSREES–1234.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 20,450 hours, broken down by: 13,600 hours for the CSREES–1232 (4.25 hours per 3,200 respondents); 5,600 hours for the CSREES–1233 (1.75 hours per 3,200 respondents); and 1,250 hours for the CSREES–1234 (one-quarter hour per 5,000 respondents).

Copies of this information collection can be obtained from Sally J. Rockey, Deputy Administrator, CSREES, (202) 401–1761. E-mail: OEP@reeusda.gov.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address in the preamble.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

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

Charles W. Laughlin,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–12232 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 20–2000]

Foreign-Trade Zone 160—Anchorage, Alaska; Application for Subzone, Tesoro Petroleum Corporation (Oil Refinery Complex), Kenai, Alaska.

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Municipality of Anchorage, grantee of FTZ 160, requesting special-purpose subzone status for the oil refinery complex of Tesoro Petroleum Corporation, located in Kenai, Alaska. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 5, 2000.

The refinery complex (488 acres, 174 employees) is located at mile 22.5 Kenai Spur Hwy. in Kenai, Alaska, on the coast of the Cook Inlet. The refinery

(72,000 BPD) is used to produce fuels and liquid petroleum gases, including gasoline, jet fuel, distillates, residual fuels, naphthas, motor fuel blendstocks, liquefied natural gas, butane, isobutane, and propane. Refinery by-products include asphalt and sulfur. Some 36 percent of the crude oil, and some gas oil, distillates, and residual oils are sourced from abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign crude oil in non-privileged foreign status. The duty rates on inputs range from 5.25 cents/barrel to 10.5 cents/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 17, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 31, 2000.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 550 West 7th Ave. Suite 1770, Anchorage, AK 99501

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

Dated: May 7, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–12209 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1090]

Grant of Authority for Subzone Status; Firmenich, Inc. (Flavor and Fragrance Products), Plainsboro and Port Newark, New Jersey

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, has made application to the Board for authority to establish special-purpose subzone status at the flavor and fragrance manufacturing facilities of Firmenich, Inc., located in Plainsboro and Port Newark, New Jersey (FTZ Docket 43–99, filed 9/1/99);

Whereas, notice inviting public comment has been given in the **Federal Register** (64 FR 49441, 9/13/99); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the flavor and fragrance manufacturing facilities of Firmenich, Inc., located in Plainsboro and Port Newark, New Jersey (Subzone 49H), at the locations described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 3rd day of May 2000.

Troy H. Cribb,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 00–12206 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 17–2000]

Foreign-Trade Zone 8—Toledo, Ohio; Application for Subzone, Sunoco Inc. (Oil Refinery Complex), Toledo, Ohio

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Toledo-Lucas County Port Authority, grantee of FTZ 8, requesting special-purpose subzone status for the oil refinery complex of Sunoco Inc., located in Toledo, Ohio. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 3, 2000.

The refinery complex (150,000 BPD capacity) is located on four sites near Toledo, Ohio: *Site 1* (174.96 acres)—main refinery complex, located at 1819 Woodville Rd., Oregon, Ohio; *Site 2* (138.31 acres, 30 storage tanks)—Number Two Tank Farm, located at Pickle Road and Wheeling Street, Oregon, Ohio; *Site 3* (64.588 acres)—marine terminal located at the Maumee River Marine Terminal, Front and Consul Streets, Toledo, Ohio; *Site 4* (32.8 acres)—35 underground right-of-way parcels, providing 5 miles of pipelines between the marine terminal in Toledo and the main refinery complex in Oregon, Ohio. The refinery (300 employees) is used to produce fuels and liquid petroleum gases, including gasoline, jet fuel, distillates, residual fuels, naphthas, and aromatics. Refinery by-products include petroleum coke, asphalt and sulfur. Some 10 percent of the crude oil (96 percent of inputs), and some naphthas, virgin gas oil and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign crude oil in non-privileged foreign status. The duty rates

on inputs range from 5.25 cents/barrel to 10.5 cents/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 17, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 31, 2000.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 300 Madison Avenue, Toledo, Ohio 43604

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

Dated: May 7, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–12207 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 18–2000]

Foreign-Trade Zone 106—Oklahoma City, Oklahoma; Application for Subzone, Conoco Inc. (Oil Refinery Complex), Ponca City, Oklahoma

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port Authority of the Greater Oklahoma City Area, grantee of FTZ 106, requesting special-purpose subzone status for the oil refinery complex of Conoco Inc., located in Ponca City, Oklahoma. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 3, 2000.

The refinery complex (185,000 BPD capacity, 119 storage tanks with over 14 million barrels of capacity) is located at 1000 South Pine Street, Ponca City, Oklahoma. The refinery (1,600 acres, 1,855 employees) is used to produce fuels and liquid petroleum gases, including gasoline, jet fuel, distillates, residual fuels, naphthas, motor fuel blendstocks, liquefied petroleum gas, butane, isobutane, and petroleum gases. Refinery by-products include petroleum coke, asphalt and sulfur. Some 10 percent of the crude oil (96 percent of inputs), and some naphthas, virgin gas oil and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign crude oil in non-privileged foreign status. The duty rates on inputs range from 5.25 cents/barrel to 10.5 cents/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 17, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 31, 2000.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, 301 Northwest 63rd Street, Suite 330, Oklahoma City, OK 73116

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

Dated: May 7, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–12208 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request administrative review of antidumping or countervailing duty order, finding, or suspended investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with section 351.213 (1999) of the Department of Commerce (the Department) Regulations, that the Department conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than the last day of May 2000, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

	Period
Antidumping Duty Proceeding	
Argentina: Light-walled Rectangular Carbon Steel Pipe and Tubing A–357–802	5/1/99–4/30/00
Belgium: Stainless Steel Plate in Coils A–423–808	11/4/98–4/30/00
Brazil:	
Certain Malleable Cast Iron Pipe Fittings [1]A–351–505	5/1/99–12/31/99
Iron Construction Castings, A–351–503	5/1/99–4/30/00
Frozen Concentrated Orange Juice, A–351–605	5/1/99–4/30/00
Canada: Stainless Steel Plate in Coils, A–122–830	11/4/98–4/30/00
France: Antifriction Bearings, A–427–801	5/1/99–4/30/00

	Period
Germany: Antifriction Bearings, A–428–801	5/1/99–4/30/00
India: Welded Carbon Steel Pipes and Tubes, A–533–502	5/1/99–4/30/00
Indonesia: Extruded Rubber Thread, A–560–803	5/12/99–4/30/00
Italy:	
Antifriction Bearings,.	
A–475–801	5/1/99–4/30/00
Stainless Steel Plate in Coils, A–475–822	11/4/98–4/30/00
Japan:	
Antifriction Bearings, A–588–804	5/1/99–4/30/00
Gray Portland Cement and Clinker, A–588–815	5/1/99–4/30/00
Impression Fabric,[1]A–588–066	5/1/99–12/31/99
Polyvinyl Alcohol, A–588–836	5/1/99–4/30/00
Republic of Korea:	
Malleable Cast Iron Pipe Fittings, Other than Grooved, A–580–507	5/1/99–4/30/00
DRAMs, A–580–812	5/1/99–4/30/00
Stainless Steel Plate in Coils, A–580–831	11/4/98–4/30/00
Romania: Antifriction Bearings, A–485–801	5/1/99–4/30/00
Russia: Pure Magnesium, A–821–805	5/1/99–4/30/00
Singapore: Antifriction Bearings, A–559–801	5/1/99–4/30/00
South Africa: Stainless Steel Plate in Coils, A–791–805	11/4/98–4/30/00
Sweden: Antifriction Bearings, A–401–801	5/1/99–4/30/00
Taiwan:	
Certain Circular Welded Carbon Steel Pipe & Tubes, A–583–008	5/1/99–4/30/00
Malleable Cast Iron Pipe Fittings, Other Than Grooved,[1]A–583–507	5/1/99–12/31/99
Polyvinyl Alcohol, A–583–824	5/1/99–4/30/00
Stainless Steel Plate in Coils, A–583–830	11/4/98–4/30/00
The People's Republic of China:	
Construction Castings, A–570–502	5/1/99–4/30/00
Polyvinyl Alcohol, A–570–842	5/1/99–4/30/00
Pure Magnesium, A–570–832	5/1/99–4/30/00
The Ukraine: Pure Magnesium, A–823–806	5/1/99–4/30/00
The United Kingdom: Antifriction Bearings, A–412–801	5/1/99–4/30/00
Turkey: Welded Carbon Steel Pipe and Tube, A–489–501	5/1/99–4/30/00
Countervailing Duty Proceedings	
Belgium: Stainless Steel Plate in Coils, C–423–809	1/1/99–12/31/99
Brazil: Certain Iron Construction Castings, C–351–504	1/1/99–12/31/99
Italy: Stainless Steel Plate in Coils, C–475–823	1/1/99–12/31/99
South Africa: Stainless Steel Plate in Coils, C–791–806	1/1/99–12/31/99
Sweden: Viscose Rayon Staple Fiber,[1]C–401–056	1/1/99–12/31/99
Suspension Agreements	
None.	

[1]Order revoked effective 01/01/2000 as a result of sunset review.

In accordance with section 351.213(b) the regulations, an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify for which individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Enforcement, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(l)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of May 2000. If the Department does not receive, by the last day of May 2000, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and the Commission's web site.

Dated: May 8, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Group II for Import Administration.

[FR Doc. 00–12210 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822]

Certain Helical Spring Lock Washers From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: The Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain helical spring lock washers from the People's Republic of China in the **Federal Register** on July 13, 1999. This review covers sales of this merchandise to the United States during the period October 1, 1997 through September 30, 1998. We gave interested parties an opportunity to comment on our preliminary results. Based upon our analysis of the comments received, we have made changes to the margin calculations presented in the preliminary results of the review. The final weighted-average dumping margins are listed below in the section entitled *Final Results of the Review.*

EFFECTIVE DATE: May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Sally Hastings, Annika O'Hara or Craig Matney, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3464, (202) 482–3798 or (202) 482–1778, respectively.

Applicable Statute and Regulations

Unless otherwise stated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise stated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR part 351 (April 1998).

Background

The Department published the preliminary results of this review of the antidumping duty order on certain helical spring lock washers (HSLWs) from the People's Republic of China (PRC) in the **Federal Register** on July 13, 1999 (*Notice of Preliminary Results of Antidumping Duty Administrative Review; Certain Helical Spring Lock Washers from the People's Republic of China,* 64 FR 37743 (*Preliminary Results*)). Supplemental information regarding surrogate values was submitted on August 4, 1999, by respondent Zhejiang Wanxin Group, Co., Ltd. (ZWG). The petitioner and the respondent submitted case briefs on August 17, 2000. The petitioner, respondent, and the American Fastener Importers Association filed rebuttal briefs on August 23, 2000. We published a notice of extension of time limit for the final results in the **Federal Register** on November 8, 1999 (64 FR 60771). The Department has now completed this review in accordance with section 751 of the Act.

Scope of Review

The products covered by this review are HSLWs of carbon steel, of carbon alloy steel, or of stainless steel, heat-treated or non-heat-treated, plated or non-plated, with ends that are off-line. HSLWs are designed to: (1) Function as a spring to compensate for developed looseness between the component parts of a fastened assembly; (2) distribute the load over the larger area for screws or bolts; and, (3) provide a hardened bearing surface. The scope does not include internal or external tooth washers, nor does it include spring lock washers made of other metals, such as copper.

HSLWs subject to this review are currently classifiable under subheading 7318.21.0030 of the Harmonized Tariff Schedule of the United States (HSTUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Period of Review

The period of review (POR) is from October 1, 1997 through September 30, 1998.

Comparisons

We calculated export price and normal value based on the same methodology used in the *Preliminary Results,* with the following exceptions:

1. We used a more contemporaneous surrogate value for truck freight based on information recently used in *Certain Non-frozen Apple Juice Concentrate from the People's Republic of China.* (*See* Memorandum to the File, dated April 18, 2000.)

2. Based on new information provided by the respondent, we used a value for hydrochloric acid that was more contemporaneous with the POR.

3. We corrected errors in our calculations including: steel yield losses; freight distances; the steel scrap offset; the caustic soda and water values; the price inflators for some factors; indirect labor; the calculation and application of the factory overhead, selling, general and administrative expenses, and profit rates; and the calculation of an assessment rate. (For further discussion of these changes, see the Valuation of Factors of Production Memorandum and the ZWG Calculation Memorandum, both dated May 8, 2000.)

4. For labor, we used the revised regression-based wage rate for the PRC, revised May 2000, in ''Expected Wages of Selected NME Countries'' located on the Internet at http://www.ita.doc.gov/import_admin/records/wages/.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding are addressed in the May 8, 2000, Issues and Decision Memorandum (Decision Memorandum) which is hereby adopted by this notice. Attached to this notice as an appendix is a list of the issues which parties have raised and to which we have responded in the Decision Memorandum. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the Department. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ita.doc.gov/import_admin/records/frn. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of the Review

As a result of our analysis of the comments received and the correction of clerical errors we discovered, we find that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Zhejiang Wanxin Group Co., Ltd	10/01/97–09/30/98	0.00

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit rates will be effective upon publication of these final results for all shipments of HSLWs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) For ZWG, which has a separate rate, the cash deposit rate will be the company-specific rate established in these final results of review; (2) for all other PRC exporters, the cash deposit rate will be the PRC rate, 128.63 percent, which is the All Other PRC Manufacturers, Producers and Exporters rate from the *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the PRC,* 58 FR 48833 (September 20, 1993); and (3) for non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit rates shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under section 351.402(f) of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 8, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix

List of Comments in the Issues and Decision Memorandum

Comment 1: Use of Import Prices to Value All Steel Wire Rod Inputs
Comment 2: Use of Import Prices to Value Domestically-sourced Steel Wire Rod
Comment 3: Factory Overhead, SG&A Expenses and Profit in Plating Operations
Comment 4: Inland Freight Charges for Steel Wire Rod
Comment 5: Valuation of Truck Freight
Comment 6: Calculation of Factory Overhead and Profit Rates
Comment 7: Valuation of Hydrochloric Acid
Comment 8: Assessment Rate Calculation for Importer

[FR Doc. 00–12204 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–506)

Porcelain-on-Steel Cooking Ware From China; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On January 7, 2000, the Department of Commerce published the preliminary results of administrative review of the antidumping duty order on porcelain-on-steel (''POS'') cooking ware from the People's Republic of China (''PRC''). The merchandise covered by this order is shipments of POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. This review covers one manufacturer/exporter of the subject merchandise, Clover Enamelware Enterprise, Ltd. of China (''Clover''), and its Hong Kong reseller, Lucky Enamelware Factory Ltd. (''Lucky''), collectively referred to as Lucky/Clover. The period of review (''POR'') is December 1, 1997 through November 30, 1998.

Based on our analysis of the comments received, we have made corrections to our calculations. However, these corrections did not change the margin which was calculated in the preliminary determination, which was zero. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Russell Morris, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–1775.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to 19 CFR Part 351 (1998).

Background

On January 7, 2000, the Department published the preliminary results of its administrative review of the antidumping duty order on POS cooking ware from the PRC. *See Porcelain-on-Steel Cooking Ware From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review,* 65 FR 1136 (January 7, 2000). The review covers one manufacturer/exporter of the subject merchandise, Lucky/Clover. The POR is December 1, 1997 through November 30, 1998. We invited parties to comment on our preliminary results of review. Only Lucky/Clover submitted comments. No requests were made for a public hearing. The Department has conducted this administrative review in accordance with section 751 of the Act.

Scope of Review

Imports covered by this review are shipments of POS cooking ware, including tea kettles, which do not have self-contained electric heating elements.

All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. The merchandise is currently classifiable under the Harmonized Tariff Schedule (''HTS'') item 7323.94.00.

Although the HTS subheading is provided for convenience and U.S. Customs (''Customs'') purposes, our written description of the scope of this proceeding is dispositive.

Analysis of Comments Received

All issues raised in the case brief by the Respondent to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Holly A. Kuga, Acting Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated concurrent with this notice, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit (''CRU'') of the Main Commerce Building in Room B–099. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at www.ita.doc.gov/import__admin/records/frn/. The paper copy and electronic version of the Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made certain changes in the margin calculations. We have also corrected certain programming and clerical errors in our preliminary results, where applicable. Any alleged programming or clerical errors with which we do not agree are discussed in the relevant sections of the ''Decision Memorandum,'' accessible in the CRU and also available at the Web address shown above.

Final Results of Review

We determine that the following percentage weighted-average margins exist for the period December 1, 1997 through November 30, 1998:

Manufacturer/producer/exporter	Margin (percent)
Clover Enamelware Enterprise/ Lucky Enamelware Factory.	Zero.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of the subject merchandise during the POR manufactured by Clover and subsequently exported by Lucky.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of POS cooking ware from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) For Clover/Lucky, which has a separate rate, the cash deposit rate will be zero; (2) for any previously reviewed PRC firm and non-PRC exporter with a separate rate, the cash deposit rate will be the company- and product-specific rate established for the most recent period; (3) the cash deposit rate for all other PRC exporters will continue to be 66.65 percent, the PRC-wide rate established in the LTFV investigation; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

APPENDIX—Issues in the Decision Memorandum

Comments

1. Factor Valuation
   a. Steel
   b. Labor
2. Circumstances-of-Sale Adjustments
   a. Indirect Selling Expenses
3. Export Credit Insurance

[FR Doc. 00–12205 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–DS–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–718 (Review)]

Glycine From China

AGENCY: United States International Trade Commission.

ACTION: Scheduling of an expedited five-year review concerning the antidumping duty order on glycine from China.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on glycine from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's rules of practice and procedure, part 201, subpart A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: May 5, 2000.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202–205–3180), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (http://www.usite.gov).

SUPPLEMENTARY INFORMATION:

Background

On May 5, 2000, the Commission determined that the domestic interested party group response to its notice of institution (65 FR 5371, February 3, 2000) was adequate and the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on June 2, 2000, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before June 7, 2000, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which should not contain any new factual information) pertinent to the review by June 7, 2000. Should Commerce, however, extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 10, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–12310 Filed 5–15–00; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and the Commission's web site.

[2] The Commission has found the response submitted by Chattem Chemicals, Inc. and Hampshire Chemical Corp. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050500C]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Stock Assessment Review (STAR) Panel will hold a work session which is open to the public.

DATES: The STAR Panel for lingcod and widow rockfish will meet beginning at 8 a.m., June 5, 2000 and continue through June 9, 2000. The STAR Panel will meet each day from 8 a.m. to 5 p.m.

ADDRESSES: The STAR Panel for lingcod and widow rockfish will be held in the GSA Conference Room, Federal Building, 777 Sonoma Avenue, Room 215, Santa Rosa, CA.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dan Waldeck, Fishery Management Analyst; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review draft stock assessment documents for lingcod and widow rockfish and any other pertinent information, work with stock assessment teams to make necessary revisions, and produce STAR Panel reports for use by the Council family and other interested persons.

Although nonemergency issues not contained in the STAR Panel agenda may come before the STAR Panel for discussion, those issues may not be the subject of formal panel action during this meeting. STAR Panel action will be restricted to those issues specifically listed in this notice, and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the panel's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: May 8, 2000.

Richard W. Surdi,

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

[FR Doc. 00–12292 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050500D]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Plan Development Team (HMSPDT) will hold a work session which is open to the public.

DATES: The work session will be held on Monday, June 5, 2000, from 1:00 p.m. to 5:00 p.m.; on Tuesday, June 6, 2000, from 8:00 a.m. to 5:00 p.m.; and on Wednesday, June 7, 2000, from 8:00 a.m. until business is completed.

ADDRESSES: The work session will be held at the Port of Astoria, 1 Port Way Street, Astoria, OR; telephone: 541–325–4521.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Dan Waldeck, Pacific Fishery Management Council, 503–326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the work session is to review the outline and draft sections of the fishery management plan (FMP)

for highly migratory species (HMS) and related documents for HMS fisheries off the West Coast.

Management measures that may be adopted in the FMP for HMS fisheries off the West Coast include permit and reporting requirements for commercial and recreational harvest of HMS resources, time and/or area closures to minimize gear conflicts or bycatch, adoption or confirmation of state regulations for HMS fisheries, and allocations of some species to non-commercial use. The FMP is likely to include a framework management process to add future new measures, including the potential for collaborative management efforts with other Regional Fishery Management Councils with interest in HMS resources. It would also include essential fish habitat and habitat areas of particular concern, including fishing and non-fishing threats, as well as other components of FMPs required under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

The proposed FMP and its associated regulatory analyses would be the Council's fourth FMP for the exclusive economic zone off the West Coast. Development of the FMP is timely, considering the new mandates under the Magnuson-Stevens Act, efforts by the United Nations to promote conservation and management of HMS resources through domestic and international programs, and the increased scope of activity of the Inter-American Tropical Tuna Commission in HMS fisheries in the eastern Pacific Ocean.

Although non-emergency issues not contained in the HSMPDT meeting agenda may come before the HMSPDT for discussion, those issues may not be the subject of formal HMSPDT action during these meetings. HMSPDT action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the HMSPDT's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at 503–326–6352 at least 5 days prior to the meeting date.

Dated: May 8, 2000.

Richard W. Surdi,

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

[FR Doc. 00–12293 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050400A]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Ad-Hoc Marine Committee (MRC) to hold a work session that is open to the public.

DATES: The work session will be held Tuesday, May 30, 2000 and Wednesday, May 31, 2000. The meeting on Tuesday will start at 1 p.m. and end when business for the day has been finished. The Wednesday meeting will begin at 8 a.m. and will continue until 3 p.m.

ADDRESSES: The work session will be held at the Pacific Fishery Management Council office, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Seger, Pacific Fishery Management Council, (503) 326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of this work session is to review a draft analysis developed to assist in determining whether or not marine reserves should be used by the Council as a management tool.

Although non-emergency issues not contained in the Ad-Hoc Marine Reserve Committee meeting agenda may come before the Ad-Hoc Marine Reserve Committee for discussion, those issues may not be the subject of formal Ad-Hoc Marine Reserve Committee action during this meetings. Ad-Hoc Marine Reserve Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the CPSMT's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: May 5, 2000.

Richard W. Surdi,

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

[FR Doc. 00–12294 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.050500B]

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 permit (1252) and an amended application for modification 5 to scientific research permit 994.

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 an application for an ESA section 10(a)(1)(A) scientific research permit (1252) from the Washington State Department of Transportation at Olympia, WA (WSDOT) and NMFS has received an amended modification request from the Idaho Cooperative Fish and Wildlife Research Unit at Moscow, ID (ICFWRU).

DATES: Comments or requests for a public hearing on either application must be received at the appropriate address or fax number no later than 5:00 pm eastern standard time on June 15, 2000.

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the application or modification 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:

Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (ph: 503–230–5400, fax: 503–230–5435).

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: Robert Koch, Portland, OR (ph: 503–230–5424, Fax: 503–230–5435, e-mail: robert.koch@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 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 and evolutionary significant units (ESU's) are covered in this notice:

Sockeye salmon (*Oncorhynchus nerka*): endangered Snake River (SnR), threatened Ozette Lake.

Chinook salmon (*O. tshawytscha*): endangered, naturally produced and artificially propagated, upper Columbia River (UCR) spring; threatened, naturally produced and artificially propagated, SnR spring/summer; threatened SnR fall; threatened lower Columbia River (LCR); threatened, naturally produced and artificially propagated, Puget Sound.

Chum salmon (*O. keta*): threatened Hood Canal summer, threatened Columbia River.

Steelhead (*O. mykiss*): endangered, naturally produced and artificially propagated, UCR; threatened SnR; threatened middle Columbia River (MCR); threatened LCR.

To date, protective regulations for threatened Ozette Lake sockeye salmon, threatened LCR chinook salmon, threatened Puget Sound chinook salmon, threatened Hood Canal summer chum salmon, threatened Columbia River chum salmon, threatened SnR steelhead, threatened MCR steelhead, and threatened LCR steelhead under section 4(d) of the ESA have not been promulgated by NMFS.

Protective regulations are currently proposed for threatened Ozette Lake sockeye salmon, threatened LCR chinook salmon, threatened Puget Sound chinook salmon, threatened Hood Canal summer chum salmon, threatened Columbia River chum salmon (65 FR 169, January 3, 2000) and threatened SnR, MCR, and LCR steelhead (64 FR 73479, December 30, 1999). This notice of receipt of an application requesting takes of these species is issued as a precaution in the event that NMFS issues protective regulations. The initiation of a 30-day public comment period on the application, including its proposed takes of Ozette Lake sockeye salmon, threatened LCR chinook salmon, threatened Puget Sound chinook salmon, threatened Hood Canal summer chum salmon, threatened Columbia River chum salmon, threatened SnR steelhead, threatened MCR steelhead, and threatened LCR steelhead, does not presuppose the contents of the eventual protective regulations.

New Application Received

WSDOT requests a five-year ESA section 10(a)(1)(A) scientific research permit (1252) that would authorize annual takes of juveniles of all of the ESA-listed salmonid species included in this notice, during presence/absence surveys in waterbodies crossed by or adjacent to state transportation systems (highways, railroads, or airports) in the State of WA. The surveys will be used to assess potential impacts of WSDOT projects on ESA-listed fish species. The survey work will benefit the species by providing information that will enable WSDOT to implement specific timing restrictions for in-water work windows, and to implement best management practices designed to protect ESA-listed species. The surveys will also add to the knowledge base of where ESA-listed species are located. ESA-listed juvenile fish are proposed to be observed/harassed during snorkel surveys or captured (using dip nets, stick seines, baited gee minnow traps, rod and reel, or electrofishing), handled, and released. ESA-listed juvenile fish indirect mortalities are also requested.

Amended Modification Request Received

On September 25, 1998, NMFS published a notice in the **Federal Register** (63 FR 51340) that an application was received from ICFWRU for modification 5 to ESA section 10(a)(1)(A) scientific research permit 994. On March 21, 2000, NMFS published a notice in the **Federal Register** (65 FR 15131) that an amendment of the application for modification 5 to ESA section 10(a)(1)(A) scientific research permit 994 was received from ICFWRU. Permit 994 authorizes ICFWRU annual takes of adult SnR sockeye salmon, adult SnR spring/summer and fall chinook salmon, and adult UCR steelhead associated with scientific research designed to assess the passage success and homing behavior of adult salmonids that migrate upriver past the eight dams and reservoirs in the lower Columbia and lower Snake Rivers, evaluate specific flow and spill conditions, and evaluate measures to improve adult anadromous fish passage. NMFS has received a second amendment of ICFWRU's application for modification 5 to permit 994. In the application amendment, ICFWRU requests an increase in the take of adult UCR steelhead associated with the scientific research. Based on recent information regarding expected ESA-listed adult steelhead escapement in 2000, and the probability of encountering adult UCR steelhead at the sampling location (Bonneville Dam on the lower Columbia River), ICFWRU has determined that an increase in take of adult UCR steelhead is necessary to maintain the sample size required to conduct a statistically valid study. ESA-listed adult steelhead are proposed to be captured at Bonneville Dam, tagged with radiotransmitters and identifier tags, released, and tracked electronically as they make their way upriver. Modification 5 as amended is requested to be valid for the duration of the permit which expires on December 31, 2000.

Dated: May 11, 2000.

Wanda L. Cain,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–12296 Filed 5–15–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042500A]

Atlantic Highly Migratory Species; Exempted Fishing Permits

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

ACTION: Issuance of EFPs; request for comments.

SUMMARY: NMFS requests comment on its intent to issue Exempted Fishing Permits (EFPs) to qualifying holders of Atlantic Swordfish and Shark limited access permits who held an Atlantic Tunas permit in a commercial category other than the Longline category at the time the Highly Migratory Species Fishery Management Plan (HMS FMP) was implemented on July 1, 1999. If issued, these EFPs would exempt eligible applicants from the requirement to have a valid Atlantic Tunas Longline category permit for authorization to retain swordfish and to fish for Atlantic tunas (other than Atlantic bluefin tuna) with pelagic longline gear.

DATES: Written comments on issuance of the subject EFPs must be received on or before May 26, 2000.

ADDRESSES: Send comments to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the regulations pertaining to issuance of EFPs for Atlantic HMS as well as the application information may also be requested from the Highly Migratory Species Management Division. Comments will not be accepted if submitted via email or internet.

FOR FURTHER INFORMATION CONTACT: Margo Schulze-Haugen or Karyl Brewster-Geisz; phone: 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: EFPs for the Atlantic HMS fisheries are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Implementing regulations concerning scientific research activity, exempted fishing, and exempted educational activity, pertaining to the Atlantic HMS fisheries appear at 50 CFR 600.745 and 50 CFR 635.32. NMFS may issue EFPs to authorize activities otherwise prohibited by the Atlantic HMS regulations at 50 CFR 635. Such EFPs are at times necessary to facilitate the conduct of scientific research or the acquisition of information and data, for the enhancement of safety at sea, for the purpose of collecting animals for public education or display, or for investigating means of reducing bycatch, economic discards or regulatory discards.

Among other things, the HMS FMP implemented a limited access program for the swordfish and shark fisheries. To reduce the potential for regulatory discards of sharks, swordfish and tunas in the pelagic longline fisheries, the HMS FMP also established limited access for the Atlantic Tunas Longline category. The regulations implementing the HMS FMP specify that only vessels issued an Atlantic Tunas Longline category permit as well as limited access permits for both Atlantic Sharks and Atlantic Swordfish are authorized to use pelagic longline gear to fish for Atlantic tunas other than Atlantic bluefin tuna [§ 635.21(d)(1)]. Further, the regulations stipulate that a limited access permit for swordfish is not valid unless the vessel has also been issued a limited access shark permit and an Atlantic Tunas Longline category permit [§ 635.4(f)(4)].

This new requirement to hold all three limited access permits presumed that vessels were specialized for the pelagic longline fisheries and was necessary to cap fishing effort and avoid regulatory discards. However, the joint permit requirement precludes certain vessel operators, who did not previously have an Atlantic Tunas Longline category permit, from using pelagic longline gear and from retaining Atlantic swordfish or BAYS tunas (bigeye, albacore, yellowfin, or skipjack tunas) taken by longline gear [§ 635.4(l)(2)(viii) and (ix)]. These vessel operators had maintained permits in other Atlantic Tunas commercial categories as needed to conduct their preferred directed fishing operations for bluefin tuna (e.g., Atlantic Tunas General category). When the bluefin tuna season was closed, these vessel operators conducted longline fisheries for sharks, swordfish and BAYS and, consequently, their catch histories qualified the vessels for limited access swordfish and/or shark permits. For these vessel operators, retaining the Atlantic Tunas permit in the preferred category for directed bluefin tuna fishing now causes a conflict with regulations on using pelagic longline gear.

At the time the HMS FMP was implemented, NMFS issued EFPs for the 1999 fishing year to those Atlantic Swordfish and Shark limited access permit holders who also held valid Atlantic Tunas permits in categories other than Longline. NMFS deemed this action appropriate because the new regulations inadvertently prohibited activities that had previously been authorized and because it was not clear what economic impacts would result if these vessel operators could no longer participate in multiple seasonal fisheries. The EFPs authorized the use of pelagic longline gear in the swordfish/BAYS fisheries and authorized the retention of Atlantic swordfish while allowing the vessel owner to retain the Atlantic Tunas permits in the preferred directed bluefin fishing commercial category. In this way, unintended adverse economic impacts were mitigated while NMFS collected information to assess the need for changes to the regulations.

NMFS intends to re-issue such EFPs for the 2000 fishing year, pending submission of an application, which includes economic information on the use of multiple gears during the 1999 and expected 2000 fishing years. NMFS is seeking public comment on its intention to re-issue these EFPs for the purpose of additional economic data collection prior to evaluating the need for regulatory changes.

NMFS is also seeking public comment on possible issuance of EFPs to vessel owners who currently have the required limited access permits for Atlantic Swordfish, Atlantic Sharks and the Atlantic Tunas Longline category, but who would elect to obtain an Atlantic Tunas commercial permit in another category in order to conduct other seasonal fisheries (e.g., handgear instead of longline). **Note that Atlantic bluefin tuna caught with longline gear could not be retained with such an EFP.** NMFS has received a request from a fisherman interested in obtaining an EFP so that he can fish in the Atlantic Tunas Charter/Headboat category on a seasonal basis and still retain Atlantic swordfish and BAYS taken with longline gear at other times. Issuing EFPs in such cases would broaden the eligibility to vessel owners who are not in conflict with the current regulations but who would now elect to participate in multiple seasonal fisheries. Issuing EFPs in such cases would broaden the means of collecting additional economic information from prospective multiple gear fishermen.

A final decision on issuance of EFPs will depend on the submission of all required information, NMFS' review of public comments received on the applications, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and on any consultations with any appropriate Regional Fishery

Management Councils, states, or Federal agencies. For copies of the HMS fishing regulations, EFP application materials and information on special reporting requirements for those persons issued EFPs, contact Rebecca Lent (see **ADDRESSES**).

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

Dated: May 11, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–12275 Filed 5–11–00; 3:16 pm]

BILLING CODE 3510–22–F

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for May 18, 2000, at 10 am in the Commission's offices at the National Building Museum (Pension Building), Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001–2728. Items of discussion will include designs for projects affecting the appearance of Washington, DC, including buildings and parks.

Inquires regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, April 30, 2000.

Charles H. Atherton,

Secretary.

[FR Doc. 00–12194 Filed 5–15–00; 8:45 am]

BILLING CODE 6330–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, June 2, 2000.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–12358 Filed 5–12–00; 11:31 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, June 9, 2000.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–12359 Filed 5–12–00; 11:31 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, June 16, 2000.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–12360 Filed 5–12–00; 11:31 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, June 33, 2000.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–12361 Filed 5–12–00; 11:31 am]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., Friday, June 30, 2000.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 00–12362 Filed 5–12–00; 11:31 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed collection; comment request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of 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 17, 2000.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Program Integration) (Legal Policy), ATTN: Lt Col Karen, J. Kinlin, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 697–3387; facsimile (703) 693–6708.

Title, Associated Form, and OMB Control Number: Application for Review of Discharge or Separation from the Armed Forces of the United States; DD Form 293; OMB Control Number 0704–0004.

Needs and Uses: Former members of the Armed Forces who received an administrative discharge have the right to appeal the characterization or reason for separation. Title 10 of the U.S.C.; Section 1553, and DoD Directive 1332.28 established a Board of Review consisting of five members to review appeals of former members of the Armed Forces. The DD Form 293, *Application for Review of Discharge or Separation from the Armed Forces of the United States,* provides the respondent a vehicle to present to the Board their reasons/justifications for a discharge upgrade as well as providing the Services the basic data needed to process the appeal.

Afffected Public: Individuals or households.

Annual Burden Hours: 6,000.

Number of Respondents: 8,000.

Responses Per Respondent: 1.

Average Burden Per Response: 45 minutes.

Frequency: One-time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Under Title 10 U.S.C., Section 1553, the Secretary of a Military Department established a Board of Review, consisting of five members, to review appeals of former members of the Armed Forces. This information collection allows an applicant to request a change in the type of military discharge issued. Applicants are former members of the Armed Forces who have been discharged or dismissed (other than a discharge or dismissal by sentence of a general court-martial), or if the former member is deceased or incompetent, the surviving spouse, next-of-kin, or legal representative who is acting on behalf of the former member. The DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States, provides the former member an avenue to present to their respective Service Discharge Review Board their reasons/justifications for a discharge upgrade as well as providing the Services the basic data needed to process the appeal.

Dated: May 9, 2000.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–12186 Filed 5–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

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

Title, Form Number, and OMB Number: Pharmacy Redesign Pilot Program; DD Form 2814; OMB Number 0720–0023.

Type of Request: Extension.

Number of Respondents: 2,000.

Responses Per Respondent: 1.

Annual Responses: 2,000.

Average Burden Per Response: 10 minutes.

Annual Burden Hours: 333.

Needs and Uses: The collection instrument serves as an application form for enrollment in the TRICARE Pharmacy Redesign Pilot Program. The information collected will be used to provide the Managed Care Support Contractors, contracted to supply administrative support, with data to determine beneficiary eligibility, other health insurance liability, and premium payment. An eligible beneficiary for the pharmacy redesign demonstration is a member or former member of the uniformed services as described in section 1074(b) of title 10; a dependent of the member described in section 1076(a)(2)(B) or 1076(b) of title 10; or a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days, who meets the following requirements: (a) 65 years of age or older; (b) entitled to Medicare Part A, (c) enrolled in Medicare Part B, and (d) resides in an implementation area. The Department of Defense component responsible for the conduct of the project is the TRICARE Management Activity.

Affected Public: Individuals or households.

Frequency: On occasion; annually.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Patricia L. Toppings;

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–12187 Filed 5–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Defense Partnership Council Meeting; Cancellation

Office of the Secretary

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: On May 5, 2000 (65 FR 26190), the Department of Defense published a notice to announce a meeting of the Defense Partnership Council meeting to be held on May 23, 2000. This notice is to announce the cancellation of the meeting due to conflicts in members' schedules.

FOR FURTHER INFORMATION CONTACT: Mr. Ben James, Chief, Labor Relations Branch, Field Advisory Services Division, Defense Civilian Personnel Management Service, 1400 Key Boulevard, Suite B–200, Arlington, VA 22209–5144, telephone 703–696–1450.

Dated: May 10, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–12189 Filed 5–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

The Joint Staff; National Defense University (NDU), Board of Visitors (BOV); Meeting

AGENCY: National Defense University, DoD.

ACTION: Notice of meeting.

SUMMARY: The President, National Defense University has scheduled a meeting of the Board of Visitors.

DATES: The meeting will be held between 1230–1530 on June 23, 2000.

ADDRESSES: The meeting will be held in Room 155B, Marshall Hall, Building 62, Fort Lesley J. McNair, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Director, University Operations, National Defense University Fort Lesley J. NcNair, Washington, D.C. 20319–6000. To reserve space, interested persons should phone (202) 685–3937.

SUPPLEMENTARY INFORMATION: The agenda will include present and future educational and research plans for the National Defense University and its components. The meeting is open to the public, but the limited space available for observers will be allocated on a first come, first served basis.

Dated: May 10, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–12188 Filed 5–15–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent to Grant an Exclusive Patent License

Pursuant to the provisions of Part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, the Department of the Air Force announces its intention to grant Killdeer Mountain Manufacturing, Inc., a company doing business in Killdeer, North Dakota an exclusive license in any right, title and interest the Air Force has in AF Invention No. RL10023. The inventors, Frank H. Born, Roy W. Stratton and Lamar R. Harris were all government employees at the time of the invention. The invention is entitled ''Apparatus and Method for Detecting Conduit Chafing.''

The license described above will be granted unless an objection thereto, together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within 60 days from the date of publication of this Notice. Information concerning the application may be obtained, on request, from the same addressee.

All communications concerning this Notice should be sent to Mr. Randy Heald, Associate General Counsel (Acquisition), SAF/GCQ, 1500 Wilson Blvd., Suite 304, Arlington, VA 22209–2310. Mr. Heald can be reached at 703–588–5091 or by fax at 703–588–8037.

Janet A. Long,

Air Force Federal Register Liaison Office.

[FR Doc. 00–12195 Filed 5–15–00; 8:45 am]

BILLING CODE 5000–05–U

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sunshine Act Meeting

Pursuant to the provision of the ''Government in the Sunshine Act'' (5 U.S.C. § 552b), notice is hereby given of the Defense Nuclear Facilities Safety Board's (''Board'') meeting described below.

TIME AND DATE OF MEETING: 9:00 a.m., May 31, 2000.

PLACE: The Defense Nuclear Facilities Safety Board, Public Hearing Room, 625 Indiana Avenue, NW, Suite 352, Washington, DC 20004.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Defense Nuclear Facilities Safety Board will convene the thirteenth quarterly briefing regarding the status of progress of the activities associated with the Department of Energy's Implementation Plan for the Board's Recommendation 95–2, Safety Management. Specific matters will include recent and planned site verification reviews, actions needed to achieve full implementation by September 2000, and progress on developing and refining performance indicators. Presentations on site implementation status will be made by DOE Field Office representatives, and implementation status DOE headquarters offices will be discussed by DOE line managers. DOE will also present the status of implementing Recommendation 98–1, Integrated Safety Management and the Department of Energy (DOE) Facilities.

CONTACT PERSON FOR MORE INFORMATION: Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004, (800) 788–4016. This is a toll-free number.

SUPPLEMENTARY INFORMATION: The Defense Nuclear Facilities Safety Board reserves its right to further schedule and otherwise regulate the course of this meeting, to recess, reconvene, postpone or adjourn the meeting, and otherwise exercise its authority under the Atomic Energy Act of 1954, as amended.

Dated: May 11, 2000.

John T. Conway,

Chairman.

[FR Doc. 00–12338 Filed 5–11–00; 5:08 pm]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Quarterly Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming quarterly meeting of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATES: June 16, 2000.

TIME: 9 a.m. to 3 p.m.

LOCATION: Room 100, 80 F St., NW, Washington, D.C. 20208–7564.

FOR FURTHER INFORMATION CONTACT: Thelma Leenhouts, Designated Federal Official, National Educational Research Policy and Priorities Board, Washington, D.C. 20208–7564. Tel.: (202) 219–2065; fax: (202) 219–1528; e-mail: Thelma__Leenhouts@ed.gov, or nerpph@ed.gov. The main telephone number for the Board is (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement (OERI) to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The meeting is open to the public. Individuals who will need accommodations for a disability in order to attend the meeting (i.e., interpreting services, assistive listening devices, materials in alternative format) should notify Thelma Leenhouts at (202) 219–2065 by no later than June 9. We will

attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

The Board will hear reports from the Assistant Secretary for OERI and from the chair and executive director. The Board will review revised policy recommendations for a proposed report to Congress and review the progress of a commissioned study of the implementation of the standards for the designation of exemplary and promising programs.

A final agenda will be available from the Board office of June 9, and will be posted on the Board's web site, *http://www.ed.gov/offices/OERI/NERPPB/*.

Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, Suite 100, 80 F St., NW, Washington, D.C. 20208–7564.

Dated: May 10, 2000.

Eve M. Bither,

Executive Director.

[FR Doc. 00–12200 Filed 5–15–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[Docket No. EA–222]

Application To Export Electric Energy; Idaho Power Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Idaho Power Company (IPC) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before June 15, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. § 824a(e)).

On May 4, 2000, the Office of Fossil Energy (FE) of the Department of Energy (DOE) received an application from IPC to transmit electric energy from the United States to Canada. IPC, an Idaho corporation authorized to operate in Idaho, Oregon and Nevada, owns seventeen hydroelectric plants in the United States. The electric energy that IPC intends to export will be purchased from other electric utilities in the United States, Federal power marketing agencies, cogeneration facilities or qualifying cogeneration facilities, and exempt wholesale generators as those terms are defined in the FPA.

IPC proposes to arrange for the delivery of electric energy to Canada over the existing international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power Inc., Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power, and Vermont Electric Transmission Company. The construction of each of the international transmission facilities to be utilized by IPC, as more fully described in the application, has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the IPC application to export electric energy to Canada should be clearly marked with Docket EA–222. Additional copies are to be filed directly with Gary A. Morgans and Catherine M. Giovannoni, STEPTOE and JOHNSON, LLP, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on May 10, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 00–12281 Filed 5–15–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Defense Nuclear Nonproliferation

Nonproliferation and National Security Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of Partially Closed Meeting.

SUMMARY: This notice announces a meeting of the Nonproliferation and National Security Advisory Committee. The Federal Advisory Committee Act, 5 U.S.C. App. 2 sec. 10(a)(2) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, May 31, 2000, 9 a.m. to 5 p.m.; Thursday, June 1, 2000, 9 a.m. to 5 p.m.; and Friday, June 2, 2000, 9 a.m. to 12 p.m.

ADDRESSES: Department of Energy, Room 4A–104, Forrestal Building, 1000 Independence Avenue, SW, Washington DC 20585.

Note: Members of the public are requested to contact Leslie Pitts at (202) 586–7994, in advance of the meeting (if possible), to expedite their entry to the Forrestal Building on the day of the public meeting.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Waldron (202–586–2400), Designated Federal Officer, Office of Nonproliferation Research and Engineering (NN–20), Office of Defense Nuclear Nonproliferation, 1000 Independence Avenue, SW, Washington, DC 20585.

SUPPLEMENTARY INFORMATION:

The purpose of the Committee: To provide the Secretary of Energy and the Deputy Administrator for Defense Nuclear Nonproliferation with advice,

information, and recommendations on national research needs and priorities.

Purpose of the Meeting: To discuss the nonproliferation and national security research, development, and policy programs.

Tentative Agenda

Wednesday, May 31, 2000

9:00 a.m.–12:00 p.m.
Open Meeting
9:00 a.m.–9:15 a.m.
Session Opening
9:15 a.m.–10:00 a.m.
NNAC Findings and Recommendations Concerning the NN–20 R&D Program
10:00 a.m.–10:45 a.m.
NN–20 Action Plan to Address NNAC Recommendations
10:45 a.m.–11:00 a.m.
Break
11:00 a.m.–12:00 p.m.
Public Comments
12:00 p.m.
Adjourn Open Meeting
1:00 p.m.–5:00 p.m.
Closed Meeting

Thursday, June 1, 2000

9:00 a.m.–5:00 p.m.
Closed Meeting

Friday, June 2, 2000

9:00 a.m.–12:00 p.m.
Closed Meeting

Closed Meeting: In the interest of national security, after the public meeting on the morning of May 31, 2000, Secretary Richardson has determined that the remainder of the meeting will be closed to the public. In this regard, governing authorities permit closure of meetings where restricted data or other classified matters are discussed (*see* Federal Advisory Committee Act, 5 U.S.C. App. 2 sec. 10(d); and the Federal Advisory Committee Management regulation, 41 CFR 101–6.1023, ''Procedures for Closing an Advisory Committee Meeting'', which incorporates by reference the Government in Sunshine Act, 5 U.S.C. 552b, sections 552b (c)(1) and (c)(3)).

Minutes: Minutes of the open portion of the meeting will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, Room 1E–190, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal Holidays.

Issued at Washington, DC on May 10, 2000.

Rachel M. Samuel,

Deputy Advisory Committee, Management Officer.

[FR Doc. 00–12280 Filed 5–15–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–21–003]

CNG Transmission Corporation; Notice of Compliance Filing

May 10, 2000.

Take notice that on April 17, 2000, CNG Transmission Corporation (CNG) submitted a compliance filing and a request for modification of the schedule for submission of tariff sheets.

CNG states that its filing was in compliance with the Commission's ''Order on Technical Conference'' issued March 31, 2000 in Docket No. RP00–21–000 related to CNG's Rate Schedules DPO (Delivery Point Operator) and CSC (City Gas Swing Customer) program. CNG explained certain specific provisions of its Rate Schedule FTNN as requested in the Commission's order. CNG did not file revised tariff sheets in compliance with the order because, it explains, it has not yet determined whether it can go forward with the program as modified by the order. CNG proposes that it will file the requisite tariff sheets at least ten days in advance of the date that it proposes to more the sheets into effect.

CNG states that copies of the filing have been mailed to all parties set out on the official service list in Docket No. RP00–21.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 17, 2000. Protests will be considered by Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. 00–12228 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–273–000]

Eastern Shore Natural Gas Company; Notice of Interruptible Sharing Report

May 11, 2000.

Take notice that on May 3, 2000, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing its Interruptible Revenue Sharing Report pursuant to Section 37 of the General Terms and Conditions of its FERC Tariff.

Eastern Shore states that it intends to credit a total of $312,784, including interest of $13,248, to its firm transportation customers on July 1, 2000. Eastern Shore states that the credit amount represents 90 percent of the net revenues received by Eastern Shore under Rate Schedule IT (in excess of the cost of service allocated to such rate schedule), for the period April 1999 through March 2000.

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 on or before May 18, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 00–12266 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER–2356–000]

Entergy Services; Inc.; Notice of Filing

May 10, 2000.

Take notice that on April 28, 2000 Entergy Services, Inc., acting as agent for Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Network Integration Transmission Service Agreement and a Network Operating Agreement, both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Cleco Utility Group, Inc.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protets should be filed on or before May 19, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–12216 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–2416–000]

Entergy Services, Inc.; Notice of Filing

May 10, 2000.

Take notice that on May 8, 2000, pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d and 18 CFR Part 35, Entergy Services, Inc. (ESI), tendered for filing a three-month (June 1, 2000 through August 31, 2000) Transaction Agreement between Entergy Gulf States, Inc., (EGS), as seller, and ESI, as buyer, on behalf of those of the Entergy Operating Companies which have authority to enter into this Transaction Agreement (ESI and said Entergy Operating Companies collectively hereinafter referred to as ''Entergy'').

Entergy requests waiver of the 60-day notice requirement of section 35.3 of FERC's regulations, 18 CFR 35.3, to allow the Transaction Agreement to become effective June 1, 2000.

Entergy has served a copy of this filing on its state and local regulatory commissions.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 19, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–12217 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–272–000]

Garden Banks Gas Pipeline, LLC; Notice of Proposed Changes in FERC Gas Tariff

May 10, 2000.

Take notice that on May 5, 2000, Garden Banks Gas Pipeline, LLC (GBGP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, revised tariff sheets listed in Appendix A to the filing, to be effective May 1, 2000.

GBGP states that the purpose of this filing is to update GBGP's Original Volume No. 1 FERC Gas Tariff to reflect references of Interactive Inernet Website.

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 section 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. 00–12231 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT00–6–000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Tariff Filing

May 10, 2000.

Take notice that on May 4, 2000, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing revisions to its FERC Gas Tariff, Fourth Revised Volume No 1–B, First Revised Sheet Nos 3, 55 and 56 and Second Revised Volume No. 1–D, First Revised Sheet Nos. 3, 48 and 49.

KMIGT states that on April 5, 2000, Kinder Morgan, Inc. (KMI) closed on a transaction with ONEOK, Inc. (ONEOK) whereby various assets and entities were transferred to ONEOK, including all entities that were then marketing affiliates of KMIGT. As a result of the transaction, KMI states that it no longer has a marketing affiliate and is revising the tariff accordingly.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12219 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MT00–7–000]

K N Wattenberg Transmission Limited Liability Co.; Notice of Tariff Filing

May 10, 2000.

Take notice that on May 4, 2000 K N Wattenberg Transmission Limited Liability Co. (KNWT) tendered for filing revisions to its FERC Gas Tariff, First Revised Volume No. 1, First Revised Sheet No. 2, Second Revised Sheet No. 63, and First Revised Sheet No. 64.

KNWT states that on April 5, 2000 Kinder Morgan, Inc. (KMI) closed on a transaction with ONEOK, Inc. (ONEOK) whereby various assets and entities were transferred to ONEOK, including all entities that were then marketing affiliates of KMIGT. As a result of the transaction, KMI states that it no longer has a marketing affiliate and is revising the tariff accordingly.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission 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 hppt://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12220 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–73–000]

Mansfield Municipal Electric Department and North Attleborough Electric Department, Complainants, v. New England Power Company, Respondent; Notice of Complaint

May 10, 2000.

Take notice that on May 5, 2000, the Mansfield Municipal Electric Department and North Attleborough Electric Department (Municipal Complainants) filed a complaint against New England Power Company (NEP). The complaint asserts that NEP's assessment of rolled-in network service charges for service provided to the Municipal Complainants entirely over limited high-voltage radial lines is unjust and unreasonable. The Complaint requests that the Commission summarily rule that NEP's charges to the Municipal Complainants under Tariff No. 9 must be limited to a level appropriately tied to the depreciated (i.e., net plant, not gross plant) value of the limited, high-voltage, non-integrated facilities the Municipals actually use to connect to the NEPOOL high-voltage pool transmission facilities. The Complaint further requests that the Municipal Complainants be refunded the difference between the unreasonable rolled-in charges and the appropriate, direct-assignment charges (plus applicable transition charges) for the 15-month refund window afforded by Section 206 of the Federal Power Act, and that the refund window be set to commence July 4, 2000, the earliest date allowed under FPA Section 206.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before May 30, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before May 30, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–12215 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–271–000]

Mississippi Canyon Gas Pipeline, LLC; Notice of Proposed Changes in FERC Gas Tariff

May 10, 2000.

Take notice that on May 5, 2000, Mississippi Canyon Gas Pipeline, LLC (MCGP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, revised tariff sheets listed in Appendix A to the filing, to be effective June 1, 2000.

MCGP states that the purpose of this filing is to update MCGP's Original Volume No. 1 FERC Gas Tariff to reflect references of Interactive Internet Website.

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 section 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. 00–12230 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–270–000]

Nautilus Pipeline Company, L.L.C.; Notice of proposed Changes in FERC Gas Tariff

May 10, 2000.

Take notice that on May 5, 2000, Nautilus Pipeline Company, L.L.C. (Nautilus) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, revised tariff sheets listed in Appendix A to the filing, to be effective June 1, 2000.

Nautilus states that the purpose of this filing is to update Nautilus' Original Volume No.1 FERC Gas Tariff to reflect references of Interactive Internet Website.

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 section 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. 00–12229 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 137–002]

Pacific Gas & Electric Company; Notice of Meetings

May 10, 2000.

Take notice there will be a joint meeting of the Recreation and Ecological Resources subgroups of the Mokelumne Relicensing Collaborative on May 16, 2000. There will be meetings of the Ecological Resources subgroup on May 17–18, 2000, and a meeting of the Recreation subgroup on May 23, 2000. The Full Collaborative will meet on May 24–25, 2000. These meetings will be held from 9:00 a.m. to 4:00 p.m. at 2740 Gateway Oaks Drive, in Sacramento, California. Expected participants need to give their names to David Moller (PG&E) at (415) 973–4696.

For further information, please contact Diana Shannon at (202) 208–7774.

David P. Boergers,

Secretary.

[FR Doc. 00–12270 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–229–029]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

May 11, 2000.

Take notice that on May 4, 2000, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheet to be effective June 1, 2000:

1st Rev Twenty-Third Rev Sheet No. 19

Panhandle states that the purpose of this filing is to comply with the Commission's Letter received onMay 3, 2000 in Docket No. RP91–229–028 to correct the pagination.

Panhandle states that copies of this filing are being servd on all affected customers, applicable state regulatory agencies and parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in 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. 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. 00–12264 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–29–004]

Panhandle Eastern Pipe Line Company; Notice of Compliance Filing

May 11, 2000.

Take notice that on May 2, 2000, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Revised Sheet No. 273 and First Revised Sheet No. 273A, to be effective June 2, 2000.

Panhandle asserts that the purpose of this filing is to comply with the Commission's Order on Remand issued on April 12, 2000 in Docket No. RP97–29–003 (April 12 Order), 91 FERC ¶61,037, to reflect modifications to Section 13 of the General Terms and Conditions, Policy For Construction on New Receipt or Delivery Facilities. The April 12 Order affirms previous orders in the subject proceeding in which the Commission accepted Panhandle's interconnect policy as stated on tariff sheets filed on April 21, 1997. The April 12 Order also requires Panhandle to conform its interconnect policy as necessary to reflect the five conditions in the Commission's new interconnect policy as announced in the April 12 Order.

Panhandle states that copies of this filing are being served on all affected customers, applicable state regulatory agencies and parties to this proceeding.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in 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. 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. 00–12265 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP92–166–005]

Providence Gas Company; Notice of Filing

May 10, 2000.

Take notice that The Providence Gas Company (Providence Gas), on April 26, 2000, tendered for filing an application to amend the limited-jurisdiction blanket transportation certificate issued in the above-captioned docket by substituting the name of the holder of the certificate.

Upon the consummation of a merger agreement between Providence Energy Corporation and Southern Union Company, Providence Gas will cease to exist as a separate legal entity. Providence Gas requests that the Commission amend the blanket certificate to reflect the name of Southern Union Company as the holder of the certificate effective upon the consummation of the merger. Providence Gas states that there will be no material changes to the services provided under the blanket certificate.

Any person desiring to be heard or to protest the filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions must be filed on or before May 31, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the internet at http://www.ferc.fed.us/online.rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12214 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–274–000]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 11, 2000.

Take notice that on May 8, 2000, Reliant Energy Gas Transmission Company (REGT), tendered for filing the following *pro forma* tariff sheets:

Pro Forma Second Revised Sheet No. 1
Pro Forma First Revised Sheet No. 59
Pro Forma Original Sheet No. 70
Pro Forma Original Sheet No. 71
Pro Forma Original Sheet No. 72
Pro Forma Original Sheet No. 73
Pro Forma Original Sheet No. 74
Pro Forma Original Sheet No. 75
Pro Forma First Revised Sheet No. 286
Pro Forma Second Revised Sheet No. 289
Pro Forma Revised Sheet No. 290

REGT states that these tariff sheets would institute Rate Schedule ANS to provide automatic nomination (AutoNom) service. REGT has requested that the Commission review this filing in a manner that will permit Rate Schedule ANS to become effective on July 1, 2000.

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. 00–12267 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2016–044]

City of Tacoma; Notice of Extension of Time To File Motions To Intervene and Protests, and Comments, Final Terms and Conditions, Recommendations and Prescriptions

May 10, 2000.

By letter dated May 8, 2000, Martha Bean, mediator working with the City of Tacoma and other parties on the relicensing of the Cowlitz River Project, filed on behalf of eight federal, state, and local agencies and the City of Tacoma, a request for an extension of time until July 15, 2000, to file protests and motions to intervene, and comments, recommendations, terms and conditions, and prescriptions, as directed by the Commission's notice issued March 15, 2000, in the above-docketed project. The request for an extension of time included an Agreement in Principal (AIP) Regarding Passage, Production, Hatchery and Habitat, and Recreation for the Cowlitz Project that was supported by a majority of the agency participants in the relicensing process. In the motion, the parties request additional time for legal counsel to craft a final settlement document, based on the filed AIP.

Upon consideration, notice is hereby given that an extension of time for the filing of protests and motions to intervene, and final comments, recommendations, terms and conditions, and prescriptions is granted to and including July 15, 2000.

David P. Boergers,

Secretary.

[FR Doc. 00–12221 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. MG00–7–000]

Texas Gas Transmission Corporation; Notice of Filing

May 10, 2000.

Take notice that on April 21, 2000, Texas Gas Transmission Corporation (Texas Gas) filed revised standards of conduct to reflect certain changes in office space shared with one of its marketing affiliates and to reflect certain changes in names and corporate organizational information since its previous standards of conduct filing in Docket No. MG98–5–000.

Texas Gas states that it has served copies of its revised standards of conduct upon each person designated on the official service list by the Secretary in the proceeding for Docket No. MG98–5–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C., 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before May 25, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the web at *http://www.ferc.fed.ud/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12218 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP88–68–042 and IN89–1–003]

Transcontinental Gas Pipe Line Corporation; Notice of Filing

May 10, 2000.

Take notice that on April 27, 2000, Transcontinental Gas Pipe Line Corporation (Transco) submitted a filing seeking a clarification of a May 29, 1991 Stipulation and Consent Agreement (Agreement) between the Enforcement section of the Office of the General Counsel and Transco. *Transcontinental Gas Pipe Line Corporation,* 55 FERC ¶61,318 (1991). Specifically, Transco asks clarification that employees of Transco's marketing affiliate, Williams Energy Marketing & Trading Company, who are not involved in natural gas related transactions may have offices in the same building in which Transco is headquartered.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before May 25, 2000. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12227 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES00–27–000, et al.]

Consumers Energy Company, et al.; Electric Rate and Corporate Regulation Filings

May 8, 2000.

Take notice that the following filings have been made with the Commission:

1. Consumers Energy Company

[Docket No. ES00–27–000]

Take notice that on April 27, 2000, Consumers Energy Company submitted an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue and sell short-term securities in an amount not to exceed $900 million at any one time. The authorization requested would be for the period July 1, 2000, through June 30, 2002.

Comment date: May 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. Consumers Energy Company

[Docket No. ES00–28–000]

Take notice that on April 27, 2000, Consumers Energy Company (Consumers) filed an application pursuant to Section 204 of the Federal Power Act seeking authorization to issue and sell for the period beginning July 1, 2000, through June 30, 2002, not more than:

(1) $1.05 billion of long-term securities, of which up to $250 million would be for purposes of refinancing or refunding existing long-term securities and up to $800 million would be for general corporate purposes, and

(2) $500 million of first mortgage bonds to be issued solely as security for other long-term securities.

Consumers also requests a waiver of the Commission's competitive bidding and negotiated placement requirements of 18 CFR 34.2 for certain securities to be issued pursuant to authorization requested in this docket.

Comment date: May 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Canal Electric Company

[Docket No. ES00–29–000]

Take notice that on April 28, 2000, Canal Electric Company filed an application pursuant to Section 204 of the Federal Power Act, seeking authorization to issue short-term debt in an amount not to exceed $60 million during a two year period.

Comment date: May 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Commonwealth Electric Company

[Docket No. ES00–30–000]

Take notice that on April 28, 2000, Commonwealth Electric Company filed an application under Section 204 of the Federal Power Act, seeking authorization to issue short-term debt in an amount not to exceed $100 million during a two-year period.

Comment date: May 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Cambridge Electric Light Company

[Docket No. ES00–31–000]

Take notice that on April 28, 2000, Cambridge Electric Light Company filed an application pursuant to Section 204 of the Federal Power Act, seeking authorization to issue short-term debt in

an amount not to exceed $60 million during a two year period.

Comment date: May 29, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Boston Edison Company

[Docket No. ES00–32–000]

Take notice that on April 28, 2000, Boston Edison Company filed an application pursuant to Section 204 of the Federal Power Act, seeking authorization to issue short-term debt in an amount not to exceed $350 million during a two year period.

Comment date: May 29, 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. 00–12211 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–85–000, et al.]

Philbro Power LLC, et al.; Electric Rate and Corporate Regulation Filings

May 9, 2000.

Take notice that the following filings have been made with the Commission:

1. Phibro Power LLC

[Docket No. EC00–85–000]

Take notice that on May 1, 2000, as amended on May 3, 2000, Phibro Power LLC (Phibro Power) tendered for filing an application for authorization under Section 203 of the Federal Power Act to transfer its power marketing business, including its jurisdictional market-based rate schedule (Rate Schedule FERC No. 1) to its affiliate Phibro Inc. (Phibro). Both Phibro and Phibro Power are wholly-owned subsidiaries of Salomon Smith Barney Holdings Inc., which, in turn, is a wholly-owned subsidiary of Citigroup Inc.

Comment date: June 2, 2000, in accordance with Standard Paragraph E at the end of this notice.

2. EME/CDL Trust

[Docket No. EG00–135–000]

Take notice that on May 4, 2000, EME/CDL Trust filed additional information regarding its application for a determination of exempt wholesale generator status in this docket. The applicant is a business trust created pursuant to the laws of the State of Delaware that will be engaged directly and exclusively in holding title to 71 combustion turbine units and associated generation and transmission equipment in Illinois, totaling approximately 934 MW (summer rated). The Facilities will be leased by applicant to Midwest Generation, LLC, which will operate the Facilities as an exempt wholesale generator.

Comment date: May 30, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. NRG Energy Paxton, Inc.

[Docket No. EG00–136–000]

Take notice that on April 26, 2000, NRG Energy Center Paxton, Inc. filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 329a0(1) of the Public Utility Holding Company Act of 1935 (PUHCA0. The applicant is a corporation organized under the laws of the State of Delaware that will be engaged directly and exclusively in owning and operating a 12.6 MW dual-fired cogeneration facility, located on the property of the Harrisburg Steam Works in Harrisburg, Pennsylvania and selling electric energy at wholesale.

Comment date: May 30, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

4. Dearborn Industrial Generation, L.L.C.

[Docket No. EG00–142–000]

Take notice that on May 2, 2000, Dearborn Industrial Generation, L.L.C., Fairlane Plaza South, 330 Town Center Town Drive, Suite 1000. Dearborn, Michigan 48126–2712, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Dearborn Industrial Generation, L.L.C. owns a facility that will have a nominal capacity of approximately 710 MW, with the possibility of the addition of another 100 MW in net capacity, located in Dearborn, Michigan and is a Michigan limited liability company that is a wholly-owned subsidiary of CMS Generation Co. a Michigan corporation that is itself a wholly-owned indirect subsidiary of CMS Energy Corporation, also a Michigan corporation.

Comment date: May 30, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Dearborn Generation Operating, L.L.C.

[Docket No. EG00–143–000]

Take notice that on May 2, 2000, Dearborn Generation Operating, L.L.C., Fairlane Plaza South, 330 Town Center Town Drive, Suite 1000, Dearborn, Michigan 48126–2712, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Dearborn Generation Operating, L.L.C. operates a facility that will have a nominal capacity of approximately 710 MW, with the possibility of the addition of another 100 MW in net capacity, located in Dearborn, Michigan and is a Michigan limited liability company that is a wholly-owned subsidiary of CMS Generation Co. a Michigan corporation that is itself a wholly-owned indirect subsidiary of CMS Energy Corporation, also a Michigan corporation.

Comment date: May 30, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

6. Baconton Power LLC

[Docket No. EG00–146–000]

Take notice that on May 8, 2000, Baconton Power LLC, 1499 38th Blvd. N.W., Cairo, Georgia 31728, filed with the Federal Energy Regulatory Commission an application for

determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Baconton Power LLC, a Georgia limited liability company, is managing the construction of and will own and operate four 50 MW (nominal summer rating) dual fuel combined cycle natural gas turbines located in Mitchell County, Georgia. The Facility includes the above described generating units as well as step-up transformers, leads, and 230 kV buses interconnecting the facility to the transmission system of the Georgia Transmission Corporation's 230 kV Mitchell to Cotton transmission line, as well as certain common natural gas pipeline, water, and water facilities located on the plant site. The Facility will be used exclusively for the generation of electric energy to be sold at wholesale, with the capacity and energy generation services to be sold to Coral Power, L.L.C. under a twenty year tolling agreement.

Comment date: May 26, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. SOWEGA Power LLC

[Docket No. EG00–144–000]

Take notice that on May 8, 2000, SOWEGA Power LLC, 1499 38th Blvd. N.W., Cairo, Georgia 31728, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

SOWEGA Power LLC, a Georgia limited liability company, is the owner of two 50 MW (summer nominal rating), dual fuel combined cycle natural gas turbines located in Mitchell County, Georgia. The Facility includes the above described generating units as well as step-up transformers, leads, and commonly owned 230 kV buses interconnecting the facility to the transmission system of the Georgia Transmission Corporation's 230 kV Mitchell to Cotton transmission line. The Facility will be used exclusively for the generation of electric energy to be sold at wholesale, although a portion of the output will be sold to two affiliates of SOWEGA Power, Grady Electric Membership Cooperative and Three Notch Electric Membership Cooperative, neither of which will resell the power to an affiliate company or associate company and neither of which is subject to State commission retail rate regulation.

Comment date: May 26, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

8. SOWEGA Energy Resources LLC

[Docket No. EG00–145–000]

Take notice that on May 8, 2000, SOWEGA Energy Resources, LLC (SER),1499 38th Blvd. N.W., Cairo, Georgia 31728, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

SER, a Georgia limited liability company, is the majority owner of Baconton Power LLC and is expected to become the sole owner of SOWEGA Power LLC, each of which has filed an application for EWG status relating to their ownership of dual fuel combined cycle natural gas turbines located in Mitchell County, Georgia. SER seeks EWG status relating to its ownership in these two affiliates.

Comment date: May 26, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

9. ISO New England Inc.

[Docket No. ER00–2052–001]

Take notice that on May 1, 2000, ISO New England Inc. filed a correction to Appendix C to its March 31, 2000 filing in the referenced docket.

Copies of said filing have been served upon the parties to these proceedings, the Secretary of the NEPOOL Participants Committee, as well as upon the utility regulatory agencies of the six New England States and the New England Conference of Public Utilities Commissioners.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Avista Corporation, Vermont Electric Power Company and Central Power and Light Company, *et al.;* **Southern Company Services, Inc. and Citizens Utilities Company; The Detroit Edison Company, Consolidated Edison Company of New York, Inc., The Washington Water Power Company and Florida Power & Light Co.; Western Resources, Inc.; Wisconsin Power and Light Company, Interstate Power Company, Seminole Electric Cooperative, Inc. and Cleco Utility Group, Inc.; Entergy Services, Inc.**

[Docket Nos. OA97–21–001; OA97–7–001; OA97–288–001 and OA97–263–001; OA97–215–001; OA96–184–003 and OA97–643–001; OA997–681–001; OA96–138–007; OA97–20–001; OA97–245–001 and OA97–699–001; OA97–626–001 and OA96–203–003; OA97–409–002; OA97–633–001; OA97–140–002; OA97–282–001, OA97–324–001, OA97–325–001 and OA97–326–001; OA96–158–004 and OA97–657–001]

Take notice that on May 1, 2000, the above-referenced companies filed a report in compliance with the Commission's February 29, 2000 order in Allegheny Power Service Co., et al., 90 FERC ¶ 61,224 (2000).

Comment date: June 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Cleveland Electric Illuminating Company

[Docket Nos. OA97–141–001 and OA97–491–001]

Take notice that on April 28, 2000, Cleveland Electric Illuminating Company tendered for filing with the Federal Energy Regulatory Commission (Commission), a report in compliance with the Commission's order in Allegheny Power Service Co., et al., 90 FERC ¶ 61,224 (2000).

Comment date: June 8, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Florida Power Corporation

[Docket No. ER00–2352–000]

Take notice that on April 28, 2000, Florida Power Corporation (Florida Power), tendered for filing revisions to the capacity charges, reservation fees and energy adders for various interchange services provided by Florida Power pursuant to interchange contracts as follows:

Rate schedule	Customer
65	Southeastern Power Administration
80	Tampa Electric Company
81	Florida Power & Light Company
82	City of Homestead
86	Orlando Utilities Commission

Rate schedule	Customer
88	Gainesville Regional Utility
91	Jacksonville Electric Authority
92	City of Lakeland
94	Kissimmee Utility Authority
95	City of St. Cloud
101 ...	City of Lake Worth
102 ...	Florida Power & Light Company
103 ...	City of Starke
104 ...	City of New Smyrna Beach
105 ...	Florida Municipal Power Agency
108 ...	City of Key West
119 ...	Reedy Creek Improvement District
122 ...	City of Tallahassee
128 ...	Seminole Electric Cooperative, Inc.
139 ...	Oglethorpe Power Corp.
141 ...	City of Vero Beach
142 ...	Big Rivers Electric Corporation
148 ...	Alabama Electric Cooperative, Inc.
153 ...	Enron Power Marketing, Inc.
154 ...	Catex Vitol Electric, L.L.C.
155 ...	Louis Dreyfus Electric Power, Inc.
156 ...	Electric Clearing House, Inc.
157 ...	LG & E Power Marketing, Inc.
158 ...	MidCon Power Service Corp.
159 ...	Koch Power Services Company
160 ...	Sonat Power Marketing, Inc.
161 ...	Citizens Lehman Power Sales
162 ...	AES Power, Inc.
163 ...	Intercoast Power Marketing Company
164 ...	Valero Power Service Company
166 ...	Eastex Power Marketing, Inc.
167 ...	NorAm Energy Services, Inc.
168 ...	Western Power Services
169 ...	CNG Power Services Corporation
170 ...	Calpine Power Services Company
171 ...	SCANA Energy Marketing, Inc.
172 ...	PanEnergy Trading & Market Services
173 ...	Coral Power, L.L.C.
174 ...	Aquila Power Corporation
175 ...	The Energy Authority, Inc.
176 ...	NP Energy Inc.
177 ...	Morgan Stanley Capital Group, Inc.

The interchange services which are affected by these revisions are (1) Service Schedule A—Emergency Service; (2) Service Schedule B—Short Term Firm Service; (3) Service Schedule D—Firm Service; (4) Service Schedule F—Assured Capacity and Energy Service; (5) Service Schedule G—Backup Service; (6) Service Schedule H—Reserve Service; (7) Service Schedule I—Regulation Service; (8) Service Schedule OS -Opportunity Sales; (9) Service Schedule RE—Replacement Energy Service; (10) Contract for Assured Capacity And Energy With Florida Power & Light Company; (11) Contract for Scheduled Power and Energy with Florida Power & Light Company.

Florida Power requests that the amended revised capacity charges, reservation fees and energy adder be made effective on May 1, 2000. Florida Power requests waiver of the Commission's sixty-day notice requirement. If waiver is denied, Florida Power requests that the filing be made effective 60 days after the filing date.

Copies of this filing were served on the Orlando Utilities Commission, the Utilities Board of the City of Key West and the Utilities Commission of New Smyrna Beach.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER00–2353–000]

Take notice that on April 28, 2000, Entergy Services, Inc. (Entergy Services), as agent for System Energy Resources, Inc. (SERI), tendered for filing the annual informational update (Update) containing the 2000 redetermination of the Monthly Capacity Charges, prepared in accordance with the provisions of SERI's Power Charge Formula (PCF) Tariff. Entergy Services states that the Update redetermines the formula rate in accordance with the annual rate redetermination provisions of Section 2(B) of the PFC.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. Tampa Electric Company

[Docket No. ER00–2354–000]

Take notice that on April 28, 2000, Tampa Electric Company (Tampa Electric), tendered for filing an updated weekly capacity charge for short term power service provided under its interchange service contract with Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively, Southern Companies). Tampa Electric also tendered for filing updated caps on energy charges for emergency assistance and short term power service under the contract.

Tampa Electric requests that the updated capacity charge and caps on charges be made effective as of May 1, 2000, and therefore requests waiver of the Commission's notice requirement.

Tampa Electric states that a copy of the filing has been served upon Southern Companies and the Florida Public Service Commission.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. Ameren Services Company

[Docket No. ER00–2361–000]

Take notice that on May 1, 2000, Ameren Services Company (Ameren), tendered for filing a revised Network Integration Transmission Service Agreement (Network Transmission Agreement) and a revised Network Operating Agreement with Wayne-White Counties Electric Cooperative, Inc., (Wayne-White). The revised Network Transmission Agreement includes a Distribution Facilities Charge.

Ameren seeks an effective date of June 1, 2000, subject to conditions, or, in the alternative, an effective date of May 2, 2000 for the revised Network Transmission Agreement and a date sixty days from filing for the revised Network Operating Agreement. Accordingly, Ameren seeks waiver of the Commission's notice requirements with respect to the Network Transmission Agreement.

Copies of the filing have been served on Wayne-White and on the Illinois Commerce Commission.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Entergy Services, Inc.

[Docket No. ER00–2355–000]

Take notice that on April 28, 2000, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement and a Short-Term Firm Point-to-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Skygen Energy Marketing, LLC.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Carolina Power & Light Company

[Docket No. ER00–2357–000]

Take notice that on April 28, 2000, Carolina Power & Light Company (CP&L), tendered for filing a Service Agreement for Short-Term Firm Point-to-Point Transmission Service with MIECO INC., and a Service Agreement for Non-Firm Point-to-Point Transmission Service with MIECO INC. Service to this Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

CP&L is requesting an effective date of April 10, 2000 for each Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Tampa Electric Company

[Docket No. ER00–2358–000]

Take notice that on April 28, 2000, Tampa Electric Company (Tampa Electric) tendered for filing updated transmission service rates under its agreements to provide qualifying facility transmission service for Mulberry Phosphates, Inc. (Mulberry), Cargill Fertilizer, Inc. (Cargill), and Auburndale Power Partners, Limited Partnership (Auburndale).

Tampa Electric proposes that the updated transmission service rates be made effective as of May 1, 2000, and therefore requests waiver of the Commission's notice requirement.

Copies of the filing have been served on Mulberry, Cargill, Auburndale, and the Florida Public Service Commission.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER00–2359–000]

Take notice that on April 28, 2000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP), tendered for filing two Firm Point-to-Point Transmission Service Agreements between NSP and NSP Energy Marketing.

NSP requests that the Commission accept the Agreements effective May 1, 2000, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Portland General Electric Company

[Docket No. ER00–2374–000]

Take notice that on April 27, 2000, Portland General Electric Company (PGE), tendered for filing under PGE's Final Rule pro forma tariff (FERC Electric Tariff First Revised Volume No. 8, Docket No. OA96–137–000), executed Service Agreements for Short-Term Firm and Non-Firm Point-to-Point Transmission Service with Bonneville Power Administration.

Pursuant to 18 CFR Section 35.11, and the Commission's Order in Docket No. PL93–2–002 issued July 30, 1993, PGE respectfully requests that the Commission grant a waiver of the notice requirements of 18 CFR Section 35.3 to allow the Service Agreement to become effective April 1, 2000.

A copy of this filing was caused to be served upon Bonneville Power Administration, as noted in the filing letter.

Comment date: May 18, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. The Montana Power Company

[Docket No. ER00–2375–000]

Take notice that on May 1, 2000, The Montana Power Company (Montana Power), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 a revised Schedule 4, Energy Imbalance Service, to Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff).

Montana Power requests that the Commission allow the schedule to become effective July 1, 2000.

A copy of the filing was served upon the list of parties included on the Certificate of Service provided with the filing.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. The Montana Power Company

[Docket No. ER00–2376–000]

Take notice that on May 1, 2000, The Montana Power Company (Montana), tendered for filing with the Federal Energy Regulatory Commission pursuant to 18 CFR 35.13 executed Firm and Non-Firm Point-To-Point Transmission Service Agreements with Southern Company Energy Marketing L.P., under Montana's FERC Electric Tariff, Fourth Revised Volume No. 5 (Open Access Transmission Tariff).

A copy of the filing was served upon Southern Company Energy Marketing L.P.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

23. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power)

[Docket No. ER00–2377–000]

Take notice that on May 1, 2000, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), tendered for filing Schedule 11, Retail Transmission Service—Maryland to its Pro Forma Open Access Transmission Tariff. Allegheny Power will provide retail transmission services to Maryland customers pursuant to the schedule as of July 1, 2000.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

24. FirstEnergy System

[Docket No. ER00–2349–000]

Take notice that on April 28, 2000, FirstEnergy System tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for Orion Power MidWest, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is April 26, 2000 for the above mentioned Service Agreement in this filing.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

25. California Independent System Operator Corporation

[Docket No. ER00–1239–001]

Take notice that on April 28, 2000, the California Independent System Operator Corporation (ISO), tendered for filing changes to the ISO Tariff to comply with the Commission's order in California Independent System Operator Corp., 90 FERC ¶ 61,316 (2000). The ISO states that this filing has been served upon all parties in this proceeding.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

26. New York Independent System Operator, Inc.

[Docket No. ER00–1483–001]

Take notice that on April 28, 2000 the New York Independent System Operator, Inc. (NYISO), tendered for filing a compliance filing in the above-referenced proceeding.

A copy of this filing was served upon all persons on the Commission's official service list.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

27. Tampa Electric Company

[Docket No. ER00–2351–000]

Take notice that on April 28, 2000, Tampa Electric Company (Tampa Electric), tendered for filing cost support schedules showing an updated daily capacity charge for its scheduled/short-term firm interchange service provided under interchange contracts with each of 17 other utilities. Tampa Electric also tendered for filing updated caps on the charges for emergency and scheduled/short-term firm interchange transactions under the same contracts.

In addition, Tampa Electric tendered for filing a revised transmission loss factor, and revised open access transmission tariff sheets on which the transmission loss factor is stated.

Tampa Electric requests that the updated daily capacity charge and caps on charges, and the revised transmission loss factor and tariff sheets, be made effective as of May 1, 2000, and therefore requests waiver of the Commission's notice requirement.

Tampa Electric states that a copy of the filing has been served upon each of the parties to the affected interchange contracts with Tampa Electric and each party to a service agreement under Tampa Electric's open access tariff, as well as the Florida and Georgia Public Service Commissions.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

28. Northern Maine Independent System Administrator, Inc.

[Docket No. ER00–882–001

Take notice that on April 28, 2000, Northern Maine Independent System Administrator, Inc. (NMISA) made its compliance filing as required under Ordering Paragraph (B) of the Commission's April 14, 2000 order in the above-referenced docket.

Copies of the filing were served on all parties to the proceeding.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

29. FirstEnergy System

[Docket No. ER00–2350–000]

Take notice that on April 28, 2000, FirstEnergy System tendered for filing Service Agreements to provide Firm Point-to-Point Transmission Service for Orion Power Midwest, the Transmission Customer. Services are being provided under the FirstEnergy System Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER97–412–000.

The proposed effective date under this Service Agreement is April 26, 2000 for the above mentioned Service Agreement in this filing.

Comment date: May 19, 2000, in accordance with Standard Paragraph E at the end of this notice.

30. UNITIL Power Corp.

[Docket No. ER86–559–003]

Take notice that on May 1, 2000, UNITIL Power Corp., tendered for filing pursuant to Schedule II Section H of Supplement No. 1 to Rate Schedule FERC No. 1, the UNITIL System Agreement, the following material:

1. Statement of all sales and billing transactions for the period January 1, 1999 through December 31, 1999 along with the actual costs incurred by UNITIL Power Corp. by FERC account.
2. UNITIL Power Corp. rates billed from January 1, 1999 to December 31, 1999 and supporting rate development.

Comment date: May 22, 2000, in accordance with Standard Paragraph E at the end of this notice.

31. Praxair, Inc. (successor in interest to Union Carbide Corporation)

[Docket No. EL00–72–000]

Take notice that, on May 2, 2000, Praxair, Inc. (Praxair), the successor in interest to Union Carbide Corporation, tendered for filing a Petition for Limited Contingent Waiver and Request for Expedited Approval. In its Petition, Praxair seeks a limited and contingent waiver of the Commission's operating and efficiency standards applicable to topping cycle cogeneration facilities. The waiver would be for the duration of a new service agreement Praxair has recently entered into with its local electric utility, pursuant to which the subject cogeneration facility is being temporarily removed from service.

Comment date: May 23, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–12212 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Petition for Declaratory Order, and Soliciting Comments, Motions to Intervene, and Protests

May 10, 2000.

Take notice that the following filing is available for public inspection.

a. *Type of Filing:* Petition for Declaratory Order to Find that the Clark Hill Transmission Line is no longer primary and thus no longer requires licensing.

b. *Project No:* 2167.

c. *Date Filed:* November 30, 1999.

d. *Applicant:* Duke Power.

e. *Name of Project:* Clark Hill Transmission Line Project.

f. *Location:* The project is located in McCormick and Greenwood Counties, South Carolina. The project occupies lands of the United States in the Sumter National Forest.

g. *Filed Pursuant to:* Federal Energy Regulatory Commission Regulation; 18 CFR 385.207.

h. *Applicant Contact:* E.M. Oakley, Hydro Licensing Manager, Duke Power, 526 S. Church Street, P.O. Box 1006, Mail code: EC12Y, Charlotte, NC 28201, (704) 382–5778.

i. *FERC Contact:* Mr. Jack Duckworth at (202) 219–2818 or by e-mail at jack.duckworth@ferc.fed.us.

j. *Deadline for filing comments, motions to intervene or protests:* 45 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., 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. *Description of Project:* The existing project consists of a 35.75-mile-long, 115 kV transmission line extending from the Clark Hill Substation at the Thurmond Hydroelectric Project to the Clark Hill Tie Station near Greenwood, South Carolina. Duke Power requests that the Commission declare that the Clark Hill Transmission Line is no longer a primary transmission line and thus will not be subject to the Commission's licensing jurisdiction once the current license expires on August 5, 2003. Approximately 126.35 acres of federal lands are used by the Project. Duke Power proposes to obtain appropriate land use authorization for the continued use of federal lands to operate and maintain the transmission line following the expiration of the license.

l. *Location of the Filing:* A copy of the filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 211, 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comment—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. 00–12222 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Petition for Declaratory Order, and Soliciting Comments, Motions To Intervene, and Protests

May 10, 2000.

The following filing is available for public inspection.

a. *Type of Filing:* Petition for Declaratory Order to Find that the Glen Canyon-Paria Transmission Line Project is no longer jurisdictional and no longer requires licensing.

b. *Project No:* 2642.

c. *Date Filed:* December 3, 1999.

d. *Applicant:* Garkane Power Association, Inc.

e. *Name of Project:* Glen Canyon-Paria Transmission Line Project.

f. *Location:* The Project is located in Kane County, Utah, and Coconino County, Arizona. The project occupies lands of the United States managed by the Bureau of Land Management and the National Park Service.

g. *Filed Pursuant to:* Federal Energy Regulatory Commission Regulation, 18 CFR 385.207.

h. *Applicant Contact:* Michael Avant, Engineering Manager, Garkane Power Association, Inc., 1802 South 175 East, Kanab, Utah 84741, (435) 644–5026.

i. *FERC Contact:* Mr. Jack Duckworth at (202) 219–2818 or by e-mail at jack.duckworth@ferc.fed.us.

j. *Deadline for filing comments, motions to intervene or protests:* 45 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David 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. *Description of Project:* The existing project consists of a 36.1-mile long, 138 kV transmission line extending from the Bureau of Reclamation's Glen Canyon Dam Switchyard, to Garkane's Paria Substation. Garkane Power Association, Inc. requests that the Commission find that the Glen Canyon-Paria Transmission Line Project is no longer jurisdictional and no longer requires licensing.

l. *Location of the Filing:* A copy of the filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection on reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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. 00–12223 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application and Preliminary Draft Environmental Assessment (PDEA) and Request for Preliminary Terms and Conditions

May 10, 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.

b. *Project No.:* 309–000.

c. *Applicant:* Sithe Pennsylvania Holdings LLP.

d. *Name of Project:* Piney.

e. *Location:* On the Clarion River, in Clarion County, Pennsylvania.

f. *Applicant Contact:* Thomas Teitt, Sithe Northeast, 1001 Broad St., Johnstown, PA 15907–1050.

g. *FERC Contact:* William Guey-Lee (202) 219–2808, Email: william.gueylee@ferc.fed.us.

h. Sithe Pennsylvania Holdings LLP mailed a copy of the PDEA to interested parties on April 28, 2000. The Commission received a copy of the PDEA on May 1, 2000. Copies of the documents are available from Sithe Pennsylvania Holdings LLP at the above address.

i. With this notice we are soliciting preliminary terms, conditions, recommendations, prescriptions, and comments on the PDEA and draft license application. All comments on the PDEA and draft license application should be sent to the address above in item (f) with one copy filed with the Commission at the following address: Federal Energy Regulatory Commission, David P. Boergers, Secretary, 888 First St. NE, Washington, DC 20426. All comments must include the project name and number, and bear the heading ''Preliminary Comments,'' ''Preliminary Recommendations,'' ''Preliminary Terms and Conditions,'' or ''Preliminary Prescriptions.'' Any party interested in commenting on the draft license application and the PDEA, must do so on or before July 26, 2000.

j. With this notice, we are initiating consultation with the STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by Section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

David P. Boergers,

Secretary.

[FR Doc. 00–12224 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

May 10, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.

b. *Project No.:* 11243–020.

c. *Date Filed:* March 8, 2000.

d. *Applicant:* Cordova Electric Cooperative, Inc.

e. *Name of Project:* Power Creek.

f. *Location:* On Power Creek, near the town of Cordova, in southeast Alaska. The project is located entirely on Eyak River on Eyak Lands, a native corporation, and is adjacent to the Chugach National Forest.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Keneth J. Gates, General Manager, Cordova Electric Cooperative, Inc., P.O. Box 20, Cordova, Alaska 99574, (907) 424–5555.

i. *FERC Contact:* Any questions on this notice should be addressed to Anumzziatta Purchiaroni at (202) 219–3297, or e-mail address: anumzziatta.purchiaroni@ferc.fed.us.

j. *Deadline for filing comments and or motions:* June 16, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please include the project number (11243–020) on any comments or motions filed.

k. *Description of Amendment:* The licensee proposes to construct the powerhouse at approximately 120 feet upstream from its licensed position, as a safety measure to increase its distance from a possible wet snow avalanche effect area. Consequently, due to the change in location of the powerhouse, the tailrace would be relocated to be contained in a longer channel approximately 12 feet deep and 120 feet long. The proposed amendment would involve a change in the authorized project boundary. The proposed changes are located on lands owned by the Eyak Corporation (a native corporation).

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http:*www.ferc.fed.us/online/rims.htm.* Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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. 00–12225 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request To Surrender Exemption and Soliciting Comments, Motions to Intervene, and Protests

May 10, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Surrender of Exemption.

b. *Project No:* 11564–002.

c. *Date Filed:* April 26, 2000.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* West Hill Hydroelectric Project.

f. *Location:* The project would have been located on Cold Springs, a tributary of Cold Creek; in Siskiyou County, California. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jamie Sims, Senior Contract Administrator, PacifiCorp 9951 SE Ankeny, Portland, Oregon, 97216–2315, (503) 251–5295.

i. *FERC Contact:* Any questions on this notice should be addressed to Lynn R. Miles, Sr. at (202) 219–2671, or e-mail address: *lynn.miles@ferc.fed.us.*

j. *Deadline for filing comments and or motions:* June 16, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC 20426.

Please include the project number (11564–002) on any comments or motions filed.

k. *Description of Request:* The licensee requests to surrender the West Hill Hydroelectric Project, FERC No. 11564 because it no longer wishes to develop the project.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for asistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, 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. 00–12226 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions To Intervene, and Protests

May 11, 2000.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 2232–400.

c. *Date Filed:* October 20, 1999.

d. *Applicant:* Duke Energy Corporation.

e. *Name of Project:* Catawba-Wateree Hydroelectric Project.

f. *Location:* On Lake Norman in the Town of Davidson, in Mecklenburg County, North Carolina. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation P.O. Box 1006 (EC12Y), Charlotte, NC 28201–1006 (704) 382–5778.

i. *FERC Contact:* Any questions on this notice should be addressed to Brian Romanek at (202) 219–3076, or e-mail address: brian.romanek@ferc.fed.us.

j. *Deadline for filing comments and or motions:* June 9, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426.

Please include the project number (2232–400) on any comments or motions filed.

k. *Description of Proposal:* Duke Energy Corporation proposes to lease to Crosland Land Company (Crosland) 0.33 acres of project and for the construction of 10 boat slips. The boat slips would provide access to the reservoir for residents of the Lake Davidson Subdivision. No dredging is proposed.

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, D.C. 20426, or by

calling (202) 208–1371. This filing may be viewed on http:www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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, N.E., Washington, D.C. 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. 00–12262 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Motion for Declaratory Order, and Soliciting Comments, Motions to Intervene, and Protests

May 11, 2000.

a. *Type of Filing:* Motion for Declaratory Order to Determine that the New Melones Transmission Line Project is no longer primary and thus no longer requires licensing

b. *Project No.:* 2781.

c. *Date Filed:* December 1, 1999.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* New Melones Transmission Line Project.

f. *Location:* The Project is located in Calaveras and Stanislaus Counties, California. The project occupies lands of the United States Bureau of Land Management and the Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Energy Regulatory Commission Regulation, 18 CFR 385.207.

h. *Applicant Contact:* Kermit R. Kubitz, Pacific Gas and Electric Company, 77 Beale Street, 30th Floor, P.O. Box 7442, San Francisco, CA 94120, (415) 973–2118.

i. *FERC Contact:* Mr. Jack Duckworth at (202) 219–2818 or by e-mail at jack.duckworth@ferc.fed.us.

j. *Deadline for filing comments, motions to intervene or protests:* 45 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, N.E., 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, it 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. *Description of Project:* The existing project consists of a 23-mile-long, double circuit 230 kV transmission line extending from the Bureau of Reclamation's Melones Powerhouse, to PG&E's Bellota-Herndon 230 kV line (now called the Bellota-Melones 230 kV line and Melones-Wilson 230 kV line). PG&E requests that the Commission determine that its New Melones Transmission Line Project is no longer a primary transmission line and thus no longer requires licensing. Approximately 17.79 acres of federal lands are used by the transmission facilities.

l. *Location of the Filing:* A copy of the filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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, N.E., Washington, D.C. 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. 00–12263 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Petition for Declaratory Order, and Soliciting Comments, Motions To Intervene, and Protests

May 11, 2000.

a. *Type of Filing:* Petition for Declaratory Order to Find that the Walla-Walla Enterprise Transmission Line is not jurisdictional and no longer requires licensing.

b. *Project No.:* 2617.

c. *Date Filed:* March 14, 2000.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Walla-Walla Enterprise Transmission Line Project.

f. *Location:* The Project is located in Walla Walla County, Washington, and in Umatilla, Union, and Wallowa Counties, Orgeon. The project occupies lands of the United States in the Umatilla National Forest.

g. *Filed Pursuant to:* Federal Energy Regulatory Commission Regulation, 18 CFR 385.207.

h. *Applicant Contact:* Randy Landolt, Director, Hydro Resources, PacifiCorp, 825 N.E. Multnomah, Suite 1500, Portland, OR 97232, (503) 813–6650.

i. *FERC Contact:* Mr. Jack Duckworth at (202) 219–2818 or by e-mail at jack.duckworth@ferc.fed.us.

j. *Deadline for filing comments, motions to intervene or protests:* 45 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David 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 of the project. Further, if an intervene files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The existing project consists of a 79-mile-long, 230 kV transmission line extending from the Walla Walla Substation, in Walla Walla, Washington, to Enterprise, Oregon. PacifiCorp requests that the Commission issue a declaratory order finding that the Walla Walla Enterprise Transmission Line is no longer jurisdictional and no longer requires licensing. The Project crosses about six miles of federal lands.

l. *Location of the Filing:* A copy of the filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc./fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervenor 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 motion to intervene must be received on or before the specified comments date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR THE 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. 00–12268 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Motion for Declaratory Order, and Soliciting Comments, Motions To Intervene, and Protests

May 11, 2000.

a. *Type of Filing:* Motion for Declaratory Order to Find that the Transmission Line Project is no longer jurisdictional and no longer requires licensing.

b. *Project No:* 2469.

c. *Date Filed:* February 3, 2000.

d. *Applicant:* Arizona Public Service Company.

e. *Name of Project:* Transmission Line Project.

f. *Location:* The Project is located in Coconino County, Arizona. The project occupies lands of the United States Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Energy Regulatory Commission Regulation, 18 CFR 385.207.

h. *Applicant Contact:* Joel R. Spitzkoff, Manager, Federal Regulation, Arizona Public Service Company, P.O. Box 53999, Station 9905, Phoenix, AZ 85072, (602) 250–2949.

i. *FERC Contact:* Mr. Jack Duckworth at (202) 219–2818 or by e-mail at jack.duckworth@ferc.fed.us.

j. *Deadline for filing comments, motions to intervene or protests:* 45 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David 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. *Description of Project:* The existing project consists of a 10.4-mile-long, 230 kV transmission line extending from the

Bureau of Reclamation's Glen Canyon Dam, to the Arizona-Utah State Line, where it interconnects with a Utah Power line. Arizona Public Service Company requests that the Commission find that the Transmission Line Project is no longer jurisdictional and no longer requires licensing.

l. *Location of the Filing:* A copy of the filing is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with 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 filing 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 field 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. 00–12269 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Technology Demonstration

May 10, 2000.

Take notice that, on May 24, 2000, Edward Cazalet, of Automated Power Exchange, Inc., will make a presentation before the Commission, interested members of the staff, and interested members of the public demonstrating the possible use of e-commerce technologies and the Internet to develop markets for various power products, including transmission rights.

The presentation will be held on May 24, 2000, at 10:00 a.m., in the Commission Meeting Room, 2nd Floor, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Secretary.

[FR Doc. 00–12213 Filed 5–15–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6700–4]

Clear Air Act Advisory Committee Notice of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency established the Clean Air Act Advisory Committee (CAAAC) on November 19, 1990, to provide independent advice and counsel to EPA on policy issues associated with implementation of the Clean Air Act of 1990. The Committee advises on economic, environmental, technical scientific, and enforcement policy issues.

OPEN MEETING NOTICE: Pursuant to 5 U.S.C. App. 2 section 10(a)(2), notice is hereby given that the Clean Air Act Advisory Committee will hold its next open meeting on Friday, June 16, 2000, from approximately 8:30 a.m. to 3:30 p.m. at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia. Seating will be available on a first come, first served basis. The Integrated Urban Air Toxics Program Structure Workgroup will hold two meetings: 8:30 a.m. to 5 p.m. on June 14 and from 8:30 a.m. to 11:30 a.m. on June 15. In addition, three of the CAAAC's Subcommittees (Linking Energy, Land Use, Transportation, and Air Quality Concerns Subcommittee; the Permits/NSR/Toxics Integration Subcommittee; and the Economic Incentives and Regulatory Innovations Subcommittee) will hold meetings on June 15, 2000. The Energy, Clean Air and Climate Change Subcommittee will not meet at this time. The Linking Transportation Land Use and Air Quality Subcommittee is scheduled to meet from 12 noon to 3 p.m.; the Permits/NSR/Toxics Subcommittee is scheduled to meet from 3:15 p.m. to 5:45 p.m.; and the Economic Incentives and Regulatory Innovations Subcommittee is scheduled to meet from 6 p.m. to 8:30 p.m. All workgroup and subcommittee meetings will be held at the Sheraton Crystal City Hotel, the same location as the full Committee.

INSPECTION OF COMMITTEE DOCUMENTS: The Committee agenda and any documents prepared for the meeting will be publicly available at the meeting. Thereafter, these documents, together with CAAAC meeting minutes, will be available by contacting the Office of Air and Radiation Docket and requesting information under docket item A–94–34 (CAAAC). The Docket office can be reached by telephoning 202–260–7548; FAX 202–260–4400.

FOR FURTHER INFORMATION CONTACT: Concerning this meeting of the full CAAAC, please contact Paul Rasmussen, Office of Air and Radiation, US EPA (202) 564–1306, FAX (202) 564–1352 or by mail at US EPA, Office of Air and Radiation (Mail code 6102 A), 1200 Pennsylvania Avenue, NW Washington, DC 20004. For information on the Workgroup or Subcommittee meetings, please contact the following individuals: (1) Integrated Urban Air Toxics Program Structure Workgroup—Chris Stollman, 919–541–0823; (2) Permits/NSR/Toxics Integration—Debbie Stackhouse, 919–541–5354; (3) Economic Incentives and Regulatory Innovations—Carey Fitzmaurice, 202–564–1667; and (4) Linking Transportation, Land Use and Air Quality Concerns—Gay MacGregor, 734–668–4438. Additional Information on these meetings and the CAAAC and its Subcommittees can be found on the CAAAC Web Site: *www.epa.gov/oar/caaac/.*

Dated: May 9, 2000.

D. Brenner,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 00–12303 Filed 5–15–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6700–3]

Public Meetings on Electronic Submission of Environmental Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meetings.

SUMMARY: EPA will hold approximately four public meetings to solicit comments on the Agency's proposed rule for the electronic submission of environmental reports and the Cross-Media Electronic Reporting and Record-keeping Rule (CROMERRR). The meeting will also obtain feedback on the design of the Central Receiving Facility (CRF), the system the Agency will use to receive reports electronically. In addition, the Agency's Integrated Error Correction Process (IECP) will be discussed. This notice announces two upcoming meetings. Additional meeting dates will be announced through **Federal Register** notices.

DATES: The meetings will take place:

1. Tuesday, June 6, 2000, 9 am to 4 pm (CST) at the Ralph H. Metcalfe Federal Building, 3rd Floor, 77 West Jackson Street, Chicago, IL.

2. Tuesday, July 11, 2000. 9 am to 4 pm (EST) at Resolve, Inc., 1255 23rd Street NW, Suite 275, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Magdalena Evi Huffer (Mail Stop 2823), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone: (202) 260–8791; fax number (202) 401–0182; e-mail—*huffer.evi@epa.gov.*

SUPPLEMENTARY INFORMATION: CROMERRR will provide the legal framework for electronic reporting and record-keeping under EPA's environmental regulations. CROMERRR will apply to most, if not all, reporting and record-keeping activities currently required of companies covered by EPA regulations and will remove legal obstacles to electronic reporting and record-keeping under most EPA regulations. It will ensure that these electronic documents will have the same legal and evidentiary force as their paper counterparts.

The (CRF) will be the point of entry for all environmental data submitted to the Agency, electronic and paper. The CRF will enable automated computer-to-computer data transfer for companies with automated environmental systems. It will provide quicker access for industry and the public to higher quality data. It will offer timesaving efficiencies by offering a single point of entry and common procedures for all reporting transactions.

The IECP for environmental data will build upon existing error correction processed in EPA data systems. It will make error correction easier, more prominent and accountable. The IECP will improve EPA's accountability to individuals and entities that report data to the Agency while also improving the Agency's service to the public, which relies on the Agency for information about the state of our environment.

Dated: May 1, 2000.

Joseph D. Retzer,

Director, Collection Services Division, Office of Information Collection, Office of Environmental Information.

[FR Doc. 00–12304 Filed 5–15–00; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1327–DR]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–1327-DR), dated May 3, 2000, and related determinations.

EFFECTIVE DATE: May 3, 2000

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 3, 2000, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Kansas, resulting from severe storms and tornadoes on April 19–20, 2000, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93–288, as amended (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Louis H. Botta of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Kansas to have been affected adversely by this declared major disaster:

Crawford, Labette, and Neosho Counties for Individual Assistance.

All counties within the State of Kansas are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

James L. Witt,

Director.

[FR Doc. 00–12285 Filed 5–15–00; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Minority Health; Notice of a Cooperative Agreement with The National Alliance for Hispanic Health.

AGENCY: Office of the Secretary, Office of Minority Health.

ACTION: Notice of a Cooperative Agreement with The National Alliance for Hispanic Health.

The Office of Minority Health (OMH), Office of Public Health and Science, announces its intent to continue support of the umbrella cooperative agreement with The National Alliance for Hispanic Health (Alliance), formerly known as the National Coalition of Hispanic Health and Human Services Organizations. This cooperative agreement will continue the broad programmatic framework in which specific projects can be supported by various governmental agencies during the project period.

The purpose of this cooperative agreement is to support the efforts of the Alliance in expanding and enhancing its activities relevant to education, health promotion, disease prevention, and family and youth violence prevention, with the ultimate goal of improving the health status of minorities and disadvantaged people.

The OMH will provide technical assistance and oversight as necessary for the implementation, conduct, and assessment of the project activities. On an as-needed basis, OMH will assist in arranging consultation from other government agencies and non-government agencies.

Authority

This cooperative agreement is authorized under Section 1707(e)(1) of the Public Health Service Act, as amended.

Background

Assistance will continue to be provided to the Alliance. During the last five years, the Alliance has successfully demonstrated the ability to work with health agencies on mutual education, service, and research endeavors. The Alliance is uniquely qualified to continue to accomplish the purposes of this cooperative agreement because it has the following combination of factors:

- It has developed, expanded, and managed an infrastructure to coordinate and implement various medical intervention programs within local communities and physician groups that deal extensively with Hispanic health issues. The Alliance has also established several oversight committees that provide a foundation upon which to develop, promote, and manage health intervention, education, and training programs which are aimed at preventing and reducing unnecessary morbidity and mortality among most minority population.
- It has established itself and its members as an organization with professionals who serve as leaders and experts in planning, developing, implementing, and evaluating health education, prevention, and promotion programs aimed at reducing excessive mortality and adverse health behaviors among Hispanic communities.
- It has developed databases and directories of health services, health care accessibility issues, and professional development initiatives that deal exclusively with Hispanic populations that are necessary for any intervention dealing with this minority population.
- It has assessed and evaluated the current education, research, and disease prevention and health promotion activities for its members, affiliated groups, and represented sub-populations.
- It has developed a coalition whose members are all predominately minority health care professionals and providers with excellent professional performance records.
- It has developed a base of critical knowledge, skills, and abilities related to serving Hispanic clients with a range of health and social problems. Through the collective efforts of its members, its affiliated community-based organizations, sponsored research, and sponsored health education and prevention programs, the Alliance has demonstrated (1) the ability to work with academic institutions and health agencies on mutual education, service, and research endeavors relating to the goal of disease prevention and health promotion of minorities and disadvantaged peoples, (2) the leadership necessary to attract minority students into public health careers, and (3) the leadership needed to assist health care professionals to work more effectively with Hispanic clients and communities, as well as other minority populations.

This cooperative agreement will be continued for an additional five-year project period with 12-month budget periods. Depending upon the types of projects and availability of funds, it is anticipated that this cooperative agreement will receive approximately $100,000 per year. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this cooperative agreement, contact Ms. Cynthia Amis, Office of Minority Health, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 or telephone (301) 594–0769.

OMB Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance Number for this cooperative agreement is 93.004.

Dated: May 8, 2000.

Nathan Stinson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 00–12184 Filed 5–15–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Healthy People 2010

AGENCY: DHHS/OS/Office of Public Health and Science, Office of Disease Prevention and Health Promotion (ODPHP).

ACTION: Notice of change in program announcements of the Department of Health and Human Services to reflect the advent of Healthy People 2010, the national health goals/targets for the first decade of the 21st century.

SUMMARY: Certain program announcements by the Department of Health and Human Services have included references to the principles and objectives of Healthy People 2000, the national health promotion and disease prevention initiative in effect during the decade of the 1990's. With the conclusion of that initiative at the turn of the century, the successor initiative, Healthy People 2010, supplants Healthy People 2000 in all such references.

DATES: This change is effective as of January 25, 2000, the date of public release of Healthy People 2010, except that it does not affect program announcements concerning grants, cooperative agreements, or contracts already in force from years prior to 2000 or currently in effect in fiscal year 2000.

FOR FURTHER INFORMATION CONTACT: Office of Disease Prevention and Health Promotion, Room 738–G Hubert H.

Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201, (202) 401–6295.

SUPPLEMENTARY INFORMATION:

Background

In 1979, the Department of Health and Human Services began an initiative to use health promotion and disease prevention objectives to improve the health of people living in the United States. The first set of national health targets was published that year in Healthy People: the Surgeon General's Report on Health Promotion and Disease Prevention, which included five goals to be achieved by 1990 to reduced mortality among four different age groups and increase independence among older adults. The goals were supported by objectives that were released in 1980, also with 1990 targets.

This national health agenda has since been reformulated in each succeeding decade. Healthy People 2000, the second national prevention initiative, reflected the progress and experience of ten years, as well as an expanded science base and surveillance system. With the collaboration of an extensive network of voluntary and professional organizations, businesses, and individuals, the framework of Healthy People 2000 was designed with three broad goals—increasing the span of healthy life, reducing health disparities, and achieving access to clinical preventive services. To help meet those goals, over 300 objectives with targets, organized into 22 priority areas, aimed to achieve improvements in health status, risk reduction, and service delivery. The most recent data available show that about 60 percent of the objectives had either met their target or were progressing toward the target.

The challenges and successes of the Healthy People 2000 initiative have served as the starting points for Healthy People 2010. While its framework is based on the initiatives of the previous two decades, Healthy People 2010 differs from previous efforts. The initiative has grown to 28 focus areas and 467 objectives. The two overarching goals are: (1) Increase quality and years of healthy life; and (2) eliminate health disparities. Healthy People 2010 acknowledges that the many national advances in health have not been enjoyed equally by all demographic groups in the United States. It calls for the elimination of these disparities over the next ten years.

Citation in Announcements

References to the national health promotion initiative appear in numerous program announcements of the Department of Health and Human Services. Examples of such citations, updated to reflect the transition to Healthy People 2010, include but are not limited to the following (superseded text in brackets):

''The (Agency name) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2010 [2000], a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the Healthy People 2010 [2000] focus [priority] area(s) (one or more of 28 areas). . . .''

''The following additional requirements are applicable to this program. (Listed sequentially from AR–1 *et seq.* if applicable) AR–11 Healthy People 2010 [2000]''

''Potential applicants may obtain a copy of the Healthy People 2010 [2000] objectives from/by * * * (with ordering instructions as provided in the following paragraph).''

Availability of Documents

Volumes I and II of Healthy People 2010: Conference Edition (B0074) are for sale at $22 per set by the ODPHP Communication Support Center, P.O. Box 37366, Washington, D.C. 20013–7366. Each of the 28 chapters of Healthy People 2010 is priced at $2 per copy. Telephone orders can be placed to the Center on (301) 468–5690. The Center also sells the complete Conference edition in CD–ROM format (B0071) for $5.

This publication is available as well on the Internet at *www.health.gov/healthypeople.* Web site viewers should proceed to ''Publications''.

Dated: May 8, 2000.

David Satcher,

Assistant Secretary for Health and Surgeon General.

[FR Doc. 00–12183 Filed 5–15–00; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), *Joint Meeting,* Subcommittee on Standards and Security, and Workgroup on Computer-based Patient Records.

Time and Date: 9 a.m. to 5 p.m., June 1, 2000; 9 a.m. to 1 p.m., June 2, 2000.

Place: Room 505A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Status: Open.

Purpose: The Subcommittee and Working Group will discuss its report to the HHS Secretary on standards for patient medical records information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Subcommittee will finalize the report and approve it for transmission to the full NCVHS. The Subcommittee will also discuss plans for upcoming hearings.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from J. Michael Fitzmaurice, Ph.D., Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street #600, Rockville, MD 20852, phone: (301) 594–3938; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the HCVHS home page of the HHS website: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Dated: May 9, 2000.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 00–12182 Filed 5–5–00; 8:45 am]

BILLING CODE 4151–05–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00088]

Health Promotion and Disease Prevention for Rhode Island Senior Citizens; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a grant program entitled ''Health Promotion and Disease Prevention for Rhode Island Senior Citizens''. CDC is committed to achieving the health promotion and disease prevention objectives of

''Healthy People 2010,'' a national activity to reduce the morbidity and mortality and improve the quality of life. This announcement is related to the focus area of Educational and Community-Based Programs. For the conference copy of ''Healthy People 2010'', visit the internet site: <http://www.health.gov/healthypeople>.

The purpose of the program is to create and evaluate a model for health outreach and health promotion for senior citizen communities that can be applied around the nation. This model will be created through a community partnership between the Roger Williams Medical Center and the New England Association of Labor Retirees.

B. Eligible Applicants

Assistance will be provided only to the Roger Williams Medical Center, Providence, RI. No other applications are solicited. This sole source solicitation is based on the Conference Report [H.R. Rep. 10–470, at 599 (1999)] to the Consolidated Appropriations Act, 2000, Public Law 106–113, which earmarks funding for the Roger Williams Medical Center in Providence, Rhode Island, to collaborate with the New England Association of Labor Retirees on a program emphasizing the early detection of diseases among seniors.

Note: Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract loan, or any other form.

C. Availability of Funds

Approximately $607,411 is available in FY 2000 to fund the Roger Williams Medical Center in Providence, Rhode Island. It is expected that the award will begin on or about August 1, 2000, and will be made for a 12-month budget period within a project period of one year. Funding estimates may change.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following:

1. Create a health promotion model with objectives that illustrates a population screening strategy for Rhode Island seniors with follow-up strategies for health promotion and health maintenance.

2. Conduct and evaluate one or more demonstration projects in health promotion and disease prevention or preventive health services, or both, in defined communities or targeted populations. Revise the health promotion model based on outcomes of the demonstration project.

3. Establish an advisory committee to provide input on major program activities. The committee should be comprised of experts in health promotion/disease prevention and evaluation research arena. Committee members could include experts from health-care providers, local health departments, voluntary health organizations, senior citizens, and academic institutions.

4. Establish collaborative activities with appropriate organizations, individuals, State health, education, and mental health agencies such as the Rhode Island Department of Public Health, the American Cancer Society, Senior Citizens Associations and local media, *etc.,* to implement and evaluate the proposed activities.

5. Coordinate and collaborate with other Public Health Service (PHS) supported research programs to prevent duplication and enhance overall efforts.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow the criteria when creating your program plan. The narrative should be no more than 20 double-spaced pages, printed on one side, with one inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and five copies of the application PHS Form 398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit. Submit the application on or before June 30, 2000, to the Grants Management Specialist identified in Section J., ''Where to Obtain Additional Information''.

Deadline: The application shall be considered as meeting the deadline above if it is either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date.

(Applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

G. Evaluation Criteria

The application will be evaluated based on the following criteria by an independent review panel appointed by CDC.

Background (10 Points)

The extent to which the applicant demonstrates an understanding of the current scientific literature and theories relevant to the proposed activities.

Program Plan (50 Points)

1. The extent to which the overall program plan has clear objectives that are specific, measurable, and realistic. (8 points)

2. The extent to which the target population(s) are well-specified and consistent with the proposed objectives. (8 points)

3. The extent to which the proposed program activities are well-specified, achievable, time-phased, and consistent with the proposed objectives. (12 points)

4. The extent to which the proposed research methods (*e.g.,* participant recruitment, data collection, outcome measures, data analyses, etc.) are clear and appropriate, have scientific merit, and are consistent with proposed objectives and activities. (12 points)

5. The degree to which the applicant has met the CDC policy requirements regarding the inclusion of women, ethnic and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted. (10 points)

Evaluation Plan (15 Points)

The quality of the plan to evaluate the overall project as well as specific program activities in regard to progress, efficacy, and cost benefits.

Collaboration (15 Points)

1. The extent to which the applicant has described a plan for establishing and gathering input from an advisory committee with expertise critical to the success of the project.

2. The extent to which the applicant has described a plan for establishing collaborative relationships with appropriate organizations, individuals, State health, education and mental health agencies to implement and evaluate the proposed activities.

Management and Staffing Plan (10 Points)

The extent to which the applicant demonstrates the scientific expertise

and capacity to carry out the program objectives and specific project plan.

Budget (Reviewed But Not Scored)

The extent to which the budget and justification are consistent with program objectives and purpose.

Human Subjects (Reviewed But Not Scored)

Does the application adequately address the requirements of Title 45 CFR part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Progress reports (annual);
2. Financial status report, not more than 90 days after the end of the budget period; and
3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in Section J., ''Where to Obtain Additional Information'.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a) [42 U.S.C. 241(a)] of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

If you have questions after reviewing the contents of all the documents, business management assistance may be obtained from: Robert Hancock, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 00088, Centers for Disease Control and Prevention (CDC), Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, telephone (770) 488–2746, E-mail address: RNH2@cdc.gov.

This and other CDC announcements can be found on the CDC home page internet address: http://www.cdc.gov.

For program technical assistance, contact: Lynda Doll, Ph.D., Program Director, Prevention Research Centers Office, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Atlanta, GA 30341–3724, telephone 404–488–5395, E-mail address: LSD1@cdc.gov.

Dated: May 10, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–12241 Filed 5–15–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00046]

Integration of Viral Hepatitis Prevention Services Into Existing Prevention Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2000 funds for a cooperative agreement program for integration of viral hepatitis prevention services into existing prevention programs. CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010'', a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the focus areas of Immunization and Infectious Diseases. For the conference copy of ''Healthy People 2010'', visit the internet site http://www.health.gov/healthypeople.

The purpose of the program is to develop strategies and guidance for integrating recommended viral hepatitis prevention and control services for persons at high risk for infection into existing settings that provide public health services and to improve public health service delivery by integrating viral hepatitis with existing prevention services to reach persons at high risk for disease. This announcement is intended to support implementation and evaluation of integrating currently recommended prevention activities for viral hepatitis (including hepatitis A and hepatitis B vaccination) into existing disease prevention programs, with the primary intent to improve delivery of established prevention services that may directly benefit clients served by these programs.

B. Eligible Applicants

Limited Competition

Because of the requirement that viral hepatitis services be integrated with existing state or local public health programs, assistance will be provided only to the health departments of States or their bona fide agents, including the District of Columbia and the cities of Philadelphia, New York City, San Francisco, Los Angeles, Houston, Chicago, and Baltimore, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. In consultation with States, assistance may be provided to political subdivisions of States.

C. Availability of Funds

Approximately $800,000 is available in FY 2000 to fund approximately four awards. It is expected that the average award will be $200,000, ranging from $150,000 to $400,000. It is expected that the awards will begin on or about September 30, 2000, and will be made for a 12-month budget period within a project period of up to three years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Funding Preferences

Preference will be given to programs that deliver or provide oversight for public health services to populations in which a high proportion (1000 to 3000 individuals with identifiable risk factors for viral hepatitis are likely to be infected with hepatitis C virus (HCV).

Such programs include STD Clinics, HIV/AIDS counseling/testing sites, correctional settings and providers of services to injection drug users. Also to ensure geographic diversity, additional consideration will be given to the location of the program based on the region of the U.S. (Northeast, southeast, northwest, southwest, north central, and south central states). Finally, to ensure

racial and ethnic diversity of the program populations served, consideration will be given to gender and ethnicity of the populations served.

D. Program Requirements

In conducting activities to achieve the purposes of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Develop and implement protocol(s) to integrate currently recommended viral hepatitis prevention services into existing public health programs and services, as appropriate for the particular setting(s) proposed. Viral hepatitis prevention services may include, but are not limited to:

(1) Assessing risk histories for viral hepatitis among clients;

(2) Providing client-centered prevention counseling to patients with risks for infection;

(3) Providing testing to appropriate risk groups for HCV infection (anti-HCV) and chronic hepatitis B virus (HBV) infection (hepatitis B surface antigen (HBsAg), when appropriate;

(4) Providing hepatitis B vaccine to persons in appropriate risk groups (*e.g.,* >1 sex partner in prior 6 months, history of other sexually transmitted diseases (STDs), men who have sex with men (MSM), incarcerated persons, injecting drug users);

(5) Providing hepatitis A vaccine to persons in appropriate risk groups (*e.g,* MSM, illegal drug users);

(6) Providing primary prevention services for anti-HCV positive and HBsAg-positive persons, including: (a) Counseling on how to prevent transmission to others, (b) Identification of partners (sex and/or needle-sharing) for counseling and referral services, if appropriate, and (c) Providing hepatitis B vaccination for at-risk (sex or needle-sharing) partners and household contacts of HBsAg-positive persons; and

(7) Providing, either directly or by referral, appropriate services to persons found to be HBsAg-positive or anti-HCV positive, including:

(a) Alcohol and drug counseling, and (b) appropriate medical referral and assistance in accessing medical care for evaluation of chronic liver disease and possible treatment.

b. Provide staff training regarding viral hepatitis prevention and control related to implementing this program.

c. Develop and implement a monitoring and evaluation system to assess the feasibility, impact, and effectiveness of integrating viral hepatitis prevention services into existing prevention programs, including measurement of the cost of services and the impact of integration on existing disease prevention services.

d. Conduct appropriate data analysis and interpretation.

e. Attend and participate in an annual meeting of project managers, to plan and present program activities and evaluate activities.

2. CDC Activities

a. Provide technical support for and training in the design, implementation, and evaluation of program activities, if requested.

b. Assist in data management, analysis, presentation, and publication of project findings.

c. Assist in the development of a research protocol for Institutional Review Board (IRB) review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

E. Application Content

Letter of Intent (LOI)

In order to assist CDC in planning and executing the evaluation of applications submitted under this announcement, all parties intending to submit an application are requested to inform CDC of their intention to do so at least thirty (30) days prior to the application due date. Notification should include: (1) Name and address of institution, and (2) name, address, and telephone number of contact person. Notification should be provided by facsimile, postal mail, or E-mail, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement''.

Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 20 double-spaced pages (excluding appendices), printed on one side, with one inch margins, unreduced (12-point) font, unbound, and unstapled. A complete index to the application and its appendices should be provided, and a one-page executive summary included.

F. Submission and Deadline

Letter of Intent (LOI)

One original and two copies of the Letter of Intent (LOI) must be submitted on or before June 15, 2000. Submit the letter of intent to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Applications should include an original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are in the application kit. Submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement on or before July 14, 2000.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received prior to submission to the review panel. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC:

1. Background and Need (10 Points)

a. Extent to which the applicant demonstrates a clear understanding of the subject area and of the purpose and objectives of this cooperative agreement (5 points).

b. Extent to which the applicant demonstrates need based on disease burden of viral hepatitis (*i.e.,* prevalence, incidence data) among high risk populations, as well as prevalence of risk factors for viral hepatitis among populations accessible to the applicant programs and services (5 points).

2. Capacity (40 Points)

Extent to which the applicant provides evidence of ability to provide all recommended and appropriate viral hepatitis prevention and control activities and services annually to 1000

to 3000 individuals with identifiable risk factors for viral hepatitis. This should include:

a. Description of adequate resources, including personnel and facilities (both technical and administrative), either direct or through collaboration, for conducting the project (10 points);

b. Description of population served by existing program(s) and access to additional populations with identifiable risk factors for viral hepatitis (MSM, injection drug users (IDUs), sex partners of IDUs, heterosexuals at high risk) that may accept viral hepatitis prevention and control activities and services provided through an integrated program (10 points);

c. Extent to which applicant documents experience of proposed personnel, either direct or collaborating, in providing viral hepatitis prevention and control activities and services (*e.g.,* training, testing, counseling, vaccination, clinical services) (10 points);

d. Evidence of existing quality assurance mechanisms to insure appropriate counseling and other services as recommended for the proposed setting, as provided by published CDC guidelines in various settings (*e.g.* STD, HIV, Drug Treatment) and the extent the applicant demonstrates how the planned integration activities may improve existing prevention services. (10 points).

3. Objectives and Technical Approach (50 Points)

a. Extent to which the applicant describes objectives of the proposed project which are (1) consistent with the purpose and goals of this cooperative agreement program, (2) measurable and time-phased, and (3) consistent with published CDC guidelines on prevention and control of hepatitis C (MMWR 1998;47 [No. RR–19], hepatitis B (MMWR 1991;40 [No. RR–13] and hepatitis A (MMWR 1999;48 [No. RR–12]. (15 points)

b. Extent and quality of operational plan proposed for implementing the program, including maximizing the use of existing resources and staff to integrate viral hepatitis prevention services, which clearly and appropriately addresses all ''Recipient Activities'' in the application. (15 points)

c. Extent to which the applicant clearly identifies specific assigned responsibilities of all key professional personnel. (5 points)

d. Extent to which the applicant prioritizes resources for evaluation and determination of effectiveness of integrating services through a detailed and adequate plan for evaluating progress toward achieving program process and outcome objectives. This should include methods and instruments for evaluating progress in planning, implementation, and effectiveness of interventions through measurement of outcomes related to viral hepatitis and to impact of integrating these services on other prevention services offered (*e.g.,* HIV counseling and testing) (10 points).

e. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed program. This includes: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (2) The proposed justification when representation is limited or absent; (3) A statement as to whether the plans for recruitment and outreach for participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits. (5 points)

4. Budget (Not Scored)

The budget will be reviewed to determine the extent to which it is reasonable, clearly justified, consistent with the intended use of funds, and allowable.

a. Submit line-item descriptive justification for personnel, travel, supplies, laboratory testing, and other services related to the project;

b. For contracts, include the name of the person or firm to receive the contract, the method of selection, the period of performance, and a description of the contracted service requested, itemized budget with narrative justification and method of accountability.

c. Funding levels for years two and three should be estimated.

5. Human Subjects (Not Scored)

Does the application adequately address the requirements of Title 45 CFR part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Progress reports (semiannual);
2. Financial status report, no more than 90 days after the end of the budget period; and
3. Final financial status and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

For descriptions of the following Other Requirements, see Attachment I in the application kit.

AR–1–Human Subjects Requirements

AR–2–Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research

AR–7–Executive Order 12372 Review

AR–9–Paperwork Reduction Act Requirements

AR–10–Smoke-Free Workplace Requirements

AR–11–Healthy People 2010

AR–12–Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a), and 317(k)(1) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. sections 241(a), and 247b(k)(1) and 247(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements''.

To obtain additional information, contact: Gladys Gissentanna, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone number (770) 488–2753, Facsimile number (770) 488–2777, E-mail address gcg4@cdc.gov.

For program technical assistance, contact: Dr. Joanna Buffington, Centers for Disease Control and Prevention, National Center for Infectious Diseases, Division of Rickettsial Diseases, Hepatitis Branch, 1600 Clifton Road, NE, M/S G–37, Atlanta, GA 30333, Telephone: (404) 371–5460, E-mail address: eem1@cdc.gov.

Dated: May 10, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–12240 Filed 5–15–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Training and Technical Assistance Assessment.

OMB No.: New Collection.

Description: This data will be used to assess the Head Start Training and Technical Assistance (T/TA) delivery system. Data collected will provide information on the quality of services that Head Start Quality Improvement Centers (QICs) provide to Head Start grantees. Respondents will include QIC staff, collaborative partners of QIC organizations, and Head Start grantees. Specifically, site visit interviews will be conducted with QIC Directors and QIC Area Specialists, while telephone interviews will be conducted with QIC Directors, Grantee Directors, and Partner Agencies.

Training and technical assistance are critical in supporting the continuous improvement efforts of Head Start grantee and delegate agencies serving children birth to five and their families. The reports of the Advisory Committee on Head Start Quality and Expansion in December 1993 and the Advisory Committee on Services for Families with Infants and Toddlers reaffirmed the importance of T/TA to support program quality. The Head Start Act of 1994 (P.L. 103–252) also emphasized the importance of T/TA and stated that T/TA activities must ensure that needs of local Head Start agencies relating to improving program quality and expansion are addressed to the maximum extent feasible.

The assessment is designed to gather information for program management and planning purposes about the kind and quality of services provided by each QIC. Information collected will be used by the Bureau to: (1) identify the quality of approaches undertaken in each phase of the strategic planning cycle; (2) identify any patterns or changes over time in the delivery of T/TA; and (3) determine the feasibility of future initiatives and funding decisions. The data collected will provide a means for the Head Start Bureau to carry out the Federal role outlined in the Cooperative Agreement establishing the QICs. These data also may be used, in part, to fulfill the Department's requirement to report to Congress on the Head Start program under the Government Performance and Results Act (GPRA).

Respondents:

Head Start Quality Improvement Centers (QIC), Head Start Grantees, Head StartPartner Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
QIC Director Site Visit Interview	28	30	.1	84
QIC Area Specialists Site Visit Interview	116	19	.16	353
QIC Director Telephone Interview	28	8	.19	42
HS Partner Agency Telephone Interview	112	11	.09	112
Grantee Director Telephone Interview	256	18	.11	512
Estimated Total Annual Burden Hours:				1,103

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW, Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: May 9, 2000.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 00–12250 Filed 5–15–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1268]

Agency Information Collection Activities; Proposed Collection; Comment Request; Food Additives and Food Additive Petitions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to the approval and labeling of food additives.

DATES: Submit written comments on the collection of information by July 17, 2000.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests

or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

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

Food Additives and Food Additive Petitions—21 CFR 171.1 and Parts 172, 173, 175 through 178, and 180—(OMB Control Number 0910–0016)—Extension

Section 409(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(a)) provides that any particular use or intended use of a food additive shall be deemed to be unsafe, unless the additive and its use or intended use are in conformity with a regulation issued under Section 409 of the act that describes the condition(s) under which the additive may be safely used, or unless the additive and its use or intended use conform to the terms of an exemption for investigational use, or unless a food contact notification submitted under paragraph (h) is effective. Food additive petitions are submitted by individuals or companies to obtain approval of a new food additive or to amend the conditions of use permitted under an existing food additive regulation. Section 171.1 (21 CFR 171.1) specifies the information that a petitioner must submit in order to establish that the proposed use of a food additive is safe and to secure the publication of a food additive regulation describing the conditions under which the additive may be safely used. Parts 172, 173, 175 through 178, and 180 (21 CFR parts 172, 173, 175 through 178, and 180) contain labeling requirements for certain food additives to ensure their safe use.

FDA scientific personnel review food additive petitions to ensure the safety of the intended use of the food additive in or on food, or of a food additive that may be present in food as a result of its use in articles that contact food. FDA requires food additive petitions to contain the information specified in § 171.1 in order to determine whether a petitioned use for a food additive is safe, as required by the act. This regulation (§ 171.1) implements section 409(b)(2) of the act.

Respondents are businesses engaged in the manufacture or sale of food, food ingredients, or substances used in materials that come into contact with food.

FDA estimates the burden of this collection of information as follows:

TABLE1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section/Part	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
171.1	13	1	13	5,332	69,316
Part 172	13	1	13	0	0
Part 173	13	1	13	0	0
Parts 175 through 178	13	1	13	0	0
Part 180	13	1	13	0	0
Total					69,316

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

This estimate is based on the number of new food additive petitions received in fiscal year 1999 and the total hours expended by petitioners to prepare the petitions. A reduction was estimated based on expected eligibility of some substances previously submitted as food additive petitions for submission as food contact notices under new section 409(h) of the the act. The burden varies with the complexity of the petition submitted, because food additive petitions involve the analysis of scientific data and information, as well as the work of assembling the petition itself. Because labeling requirements under parts 172, 173, 175 through 178, and 180 for particular food additives involve information required as part of the food petition safety review process under § 171.1, the estimate for the number of respondents is the same and the burden hours for labeling are included in the estimate for § 171.1.

Dated: May 9, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–12181 Filed 5–15–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–5325]

Agency Information Collection Activities; Announcement of OMB Approval; Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Irradiation in the Production, Processing, and Handling of Food'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 22, 2000 (65 FR 15343), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0186. The approval expires on April 30, 2003. A copy of the supporting statement for this information collection is available on the Internet at http://www.fda.gov/ohrms/dockets.

Dated: May 9, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–12179 Filed 5–15–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Science Advisory Board to the National Center for Toxicological Research Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Science Advisory Board (the Board) to the National Center for Toxicological Research (NCTR).

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 5, 2000, 1 p.m. to 4:30 p.m., and June 6, 2000, 8:30 a.m. to 1 p.m.

Location: NCTR, Bldg. #12, Conference Center, Jefferson, AR.

Contact Person: Ronald F. Coene, NCTR (HFT–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–6696, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12559. Please call the Information Line for up-to-date information on this meeting.

Agenda: The Board will be presented with draft reports on evaluations of NCTR's research programs in Endocrine Disrupter Knowledge Base, and Microbiology, for their review, discussion, and approval. The draft reports are the products of two site visit teams who conducted on site reviews over the last year. The staff from these programs will provide a preliminary response to the issues raised and recommendations made. Three progress reports will be presented to the Board on the recommendations it made at its last meeting, as a result of earlier site visits, on NCTR's programs in BioChem Toxicology, Genetic Toxicology and Molecular Epidemiology. The NCTR Acting Director will also provide a Center update and a discussion of future research directions.

Procedure: On June 5, 2000, from 1 p.m. to 4:30 p.m., and June 6, 2000, from 8:30 a.m. to 12 noon, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 23, 2000. Oral presentations from the public will be scheduled between approximately 11 a.m. and 12 noon on June 6, 2000. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 23, 2000, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On June 6, 2000, from 12 noon to 1 p.m., the meeting will be closed to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). This portion of the meeting will be closed to permit discussion of information concerning individuals associated with the research programs at NCTR.

The Commissioner of Food and Drugs approves the scheduling of meetings at locations outside the Washington, DC area on the basis of the criteria of 21 CFR 14.22 of FDA's regulations relating to public advisory committees.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 5, 2000.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 00–12180 Filed 5–15–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2000 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of Funding Availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) announces the availability of FY 2000 funds for grants for the following activity. This activity is discussed in more detail under Section 3 of this notice. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Program Announcement, including Part I, Programmatic Guidance for Grants to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing an application.

Activity	Application deadline	Est. funds	FY 2000	Est. No. of awards
Cooperative Agreement for a National Center for Mentally Ill and Substance Abusing Youth and Adults Involved with the Justice System.	July 21, 2000	Up to $1,200,000	1	Up to 3 years.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2000 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–113. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement applications were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–512–1800).

SAMHSA will publish additional notices of available funding opportunities for FY 2000 in subsequent issues of the **Federal Register**.

GENERAL INSTRUCTIONS: Applicants must use application form PHS 5161–1 (Rev. 6/99; OMB No. 0920–0428). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified for the activity covered by this notice (see Section 3).

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of all necessary forms and information, including any specific program review and award criteria.

The PHS 5161–1 application form and the full text of the activity described in Section 4 are also available electronically via SAMHSA's World Wide Web Home Page (address: http://www.samhsa.gov).

APPLICATION SUBMISSION: Applications must be submitted to: SAMHSA Programs, Center for Scientific Review, 5600 Fishers Lane, Room 17–89, Rockville, MD 20857.

Applications sent to an address other than the address specified above will be returned to the applicant without review.

APPLICATION DEADLINES: The deadlines for receipt of applications are listed in the table above. Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may only be accepted if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing. Applications received after the deadline date will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified for the activity covered by this notice (see Section 3).

Requests for information concerning business management issues should be directed to the grants management contact person identified for the activity covered by this notice (see Section 3).

PROGRAMMATIC INFORMATION:

1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA moved assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice.

2. Criteria for Review and Funding

2.1 General Review Criteria

Competing applications requesting funding under the specific project activity in Section 3 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

2.2 Award Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

3. Special FY 2000 SAMHSA Activities

Cooperative Agreements for a National Center for Mentally Ill and Substance Abusing Youth and Adults Involved with the Justice System(Short Title: Co-Occurring and Justice Center), number TI 00–007).

- Application Deadline: July 21, 2000.
- Purpose: The Center for Substance Abuse Treatment (CSAT) and the Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), announce the availability of funds for a cooperative agreement for a Co-Occurring and Justice Center. This program will support knowledge application and systems change initiatives toward the implementation of effective integrated treatment interventions for youth with serious emotional disorders and substance abuse and adults diagnosed with mental illness and substance abuse disorders involved with the justice system. This cooperative agreement is a collaboration between several Federal agencies: the two Centers within SAMHSA: CSAT and CMHS; and components of the Department of Justice: the National Institute of Corrections, the Office of Justice Programs, and the Office of Juvenile Justice and Delinquency Prevention.

This program solicits applications for a cooperative agreement that will develop and implement a comprehensive program of knowledge application and technical assistance strategies in promoting organizational and systems change. The purpose of this program is to provide, at both the community and national levels, information and technical assistance that enable professionals and organizations to improve service delivery within systems, and to effect system change where needed. This program does not provide direct services to clients.

- Eligible Applicants: Applications may be submitted by public and private domestic nonprofit and for-profit entities such as professional associations, governmental units, universities, colleges, community-based organizations, and hospitals.
- Amount: It is estimated that up to $1.2 million will be available to support one award under this announcement in fiscal year 2000.

• Period of Support: Support should be requested for a period of up to three years. Annual awards will be made subject to continued availability of funds and progress achieved.

• *Catalog of Federal Domestic Assistance Number:* 93.230.

• Program Contact: For questions concerning program issues, contact: Bruce Fry, Project Officer, Division of Practice and Systems Development, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, Rockwall II, Suite 740, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0128.

For questions regarding grants management issues, contact: Christine Chen, Grants Management Officer, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, 6th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–8926.

• Application kits are available from: National Clearinghouse for Alcohol and Drug Information (NCADI), P.O. Box 2345, Rockville, MD 20847–2345, Telephone: 1–800–729–6686.

4. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

a. A copy of the face page of the application (Standard form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if a particular FY 2000 activity is subject to the Public Health System Reporting Requirements.

5. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

6. Executive Order 12372

Applications submitted in response to the FY 2000 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 24, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–12261 Filed 5–15–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4453–FA–02]

Announcement of Funding Awards for FY 1999 Public and Indian Housing Economic Development and Supportive Services Carryover

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement for funding awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding awards for Fiscal Year (FY) 1999 to housing agencies (HAs), Tribes and Tribally Designated Housing Entities (TDHEs) under the Economic Development and Supportive Services (EDSS) Carryover Program. The purpose of this Notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to enable these HAs, Tribes/TDHEs to establish and implement programs that increase resident self-sufficiency, and support continued independent living for elderly or disabled residents.

FOR FURTHER INFORMATION CONTACT: Michael Diggs, Director, Grants Management Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024, telephone (202) 358–0221. For the hearing or speech impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1 (800) 877–8339. (Other than the ''800'' TTY number, these telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The EDSS Carryover Program is designed to provide HAs, Tribes, or TDHEs with a range of resources that broaden the number of opportunities for families to overcome barriers to economic self-sufficiency, particularly those affected by welfare reform. EDSS funding also provides resources that address the needs of elderly or disabled persons so that they can continue independent living without institutionalization.

The 1999 awards announced in this Notice were selected for funding in a competition announced in a **Federal Register** Notice published on March 10, 1999 (64 FR 12028). Applications were scored and selected for funding based on the selection criteria in that Notice.

A total of $8,051,660.00 was awarded to 49 EDSS Carryover grantees, who

submitted comprehensive implementation plans, to enable them to increase resident self-sufficiency and support continued independent living for elderly or disabled residents.

Approximately $23.5 million in funding was available for eligible HAs, Tribes and TDHES. This amount is comprised of $6,727,034 from the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Pub. L. 104–204, 110 Stat. 2874, approved September 26, 1996), and $16,772,966 from the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Act, 1998 (Pub. L. 105–65, 111 Stat. 1344, approved October 27, 1997). HUD set aside $1.4 million to fund applications from Tribes/TDHEs; the remaining funds were available to fund eligible applications from HAs.

The Catalog of Federal Domestic Assistance number for the EDSS program is 14.863.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 35445), the Department is publishing the names, addresses, and amounts of those awards as show in Appendix A.

Dated: May 10, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

APPENDIX A—PUBLIC AND INDIAN HOUSING ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES CARRYOVER FUNDING AWARDS FOR FY 1999

Applicant name	Applicant address	City	State	Zip Code	Funded
Huntsville Housing Authority	P.O. Box 486	Huntsville	Alabama	35804–	$500,000
Evergreen Housing Authority	P.O. Box 187, 130 Rabb Dr	Evergreen	Alabama	36401–	22,500
Tuscaloosa Housing Authority	P.O. Box 2281	Tuscaloosa	Alabama	35403–	307,250
Tingit-Haida Regional Housing Authority.	P.O. Box 32237	Juneau	Alaska	99803–223	150,000
Tucson Housing Authority	P.O. Box 27210	Tucson	Arizona	85726–	154,000
Gila River Housing Authority	P.O. Box 528	Sacaton	Arizona	85247–	263,750
San Bernardino Housing Authority	1053 North ''D'' Street	San Bernardino	California	92410–	432,750
Ventura Housing Authority	1400 West Hillcrest Dr	Newbury Park	California	91320–	47,912
West Palm Beach Housing Authority	3801 Georgia Avenue	West Palm Beach	Florida	33405–	150,000
Clearwater Housing Authority	210 S. Ewing Avenue	Clearwater	Florida	33756–	150,000
Orlando Housing Authority	300 Reeves Court	Orlando	Florida	32801–	401,750
Lawrenceville Housing Authority	502 Glenn Edge Drive	Lawrenceville	Georgia	30045–	32,500
Dublin Housing Authority	500 West Mary Street	Dublin	Georgia	31040–	136,750
Milledgeville Housing Authority	400 North Glenn Street	Milledgeville	Georgia	31061–	80,750
Guam Housing & Urban Renewal	117 Bien Venida Avenue	Sinajana	Guam	96926–	150,000
Bloomington Housing Authority	104 East Wood Street	Bloomington	Illinois	61701–	92,000
New Albany Housing Authority	P.O. Box 11	New Albany	Indiana	47150–	272,000
Housing Authority of Hopkinsville	P.O. Box 437	Hopkinsville	Kentucky	42241–043	41,250
Housing Authority of Glasgow	P.O. Box 1745	Glasgow	Kentucky	42142–174	91,750
Housing Authority of Hickman	50 Holly Court	Hickman	Kentucky	42050–	9,500
Housing Authority of Pikeville	327 Hellier Street	Pikeville	Kentucky	41501–	59,740
Housing Authority of Cattlettsburg	210 24th Street	Cattlettsburg	Kentucky	41129–	24,250
Housing Authority of Fort Fairfield	P.O. Box 230, 255 Maine St	Fort Fairfield	Maine	04742–	492,700
Allegany County Housing Authority	701 Furnace St	Cumberland	Maryland	21502–	7,500
Flint Housing Authority	132 Franklin Blvd	Flint	Michigan	48341–	220,250
MRHA V	110 Broad St	Newton	Mississippi	39345–041	68,000
Pyramid Lake Paiute Tribe	P.O. Box 213	Nixon	Nevada	89424–021	43,346
Atlantic City Housing Authority*	227 N. Vermont Ave. 17th	Atlantic City	New Jersey	08401–	200,000
Atlantic City Housing Authority	227 N. Vermont Ave. 17th	Atlantic City	New Jersey	08401–	407,000
Camden Housing Authority	1300 Admiral Wilson	Camden	New Jersey	18109–	500,000
Union City Housing Authority	3911 Kennedy Blvd	Union City	New Jersey	07087–	114,000
Secaucus Housing Authority	700 County Avenue	Secaucus	New Jersey	07094–	100,000
Rochester Housing Authority	140 West Avenue	Rochester	New York	14611–274	350,487
Binghamton Housing Authority	35 Exchange Street	Binghamton	New York	13902–	150,000
Hickory Housing Authority	P.O. Brawer 2927	Hickory	North Carolina	28603–	77,250
Housing Authority of Raleigh	P.O. Box 28007	Raleigh	North Carolina	27611–	397,250
Housing Authority of Salisbury	200 South Boundary Street	Salisbury	North Carolina	28145–	139,500
Haliwa-Saponi Tribe	P.O. Box 2343	Fayetteville	North Carolina	28302–	134,112
Housing Authority of Clackamas County.	P.O. 1510	Oregon City	Oregon	97045–	58,671
North Bend City Housing Authority	1700 Monroe Street	North Bend	Oregon	97459–	12,500
Columbia Housing Authority (Elderly)	1917 Harden Street	Columbia	South Carolina	29204–	144,842
Columbia Housing Authority (Family)	1917 Harden Street	Columbia	South Carolina	57262–	50,000
Sisseton-Wahpeton	P.O. Box 687	Sisseton	South Dakota	57262–	150,000
Oak Ridge Housing Authority	10 Van Hicks Lane	Oak Ridge	Tennessee	37830–	29,000
Galveston Housing Authority	4700 Broadway	Galveston	Texas	77551–	353,250
Danville RHA	651 Cardinal Place	Danville	Virginia	24541–	150,000
KITSAP Co Consolidated Housing Authority.	9265 Bayshore Drive, NW	Silverdale	Washington	98383–	34,000
Cheyenne Housing Authority	3304 Sheridan Street	Cheyenne	Wyoming	82009–	36,850

[FR Doc. 00–12298 Filed 5–15–00; 8:45 am]

BILLING CODE 4210–33–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for a Permit for the Incidental Take of the Houston Toad (Bufo houstonensis) During Construction of One Single Family Residence on 0.5 Acres of the 1.02-Acre Lot 4, Section 3, in the Circle D Country Acres Subdivision, Bastrop County, Texas

SUMMARY: Elliot and Rebecca Manferd (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–025655–0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of a single family residence on 0.5 acres of the 1.02-acre Lot 4, Section 3, in the Circle D Country Acres Subdivision in Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and EA/HCP should be received on or before June 15, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Tannika Englehard, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas, at the above address. Please refer to permit number TE–025655–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Englehard at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Elliot and Rebecca Manferd plan to construct a single family residence on 0.5 acres of the 1.02-acre Lot 4, Section 3, in the Circle D Country Acres Subdivision in Bastrop County, Texas. This action will eliminate less than 1 acre of habitat and result in indirect impacts within the lot. The applicants propose to compensate for this incidental take of the Houston toad by providing $1,500 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–12242 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of an Application for a Permit for the Incidental Take of the Houston Toad (Bufo houstonensis) During Construction of One Single Family Residence on 0.5 Acres of the 2.0-Acre Lot 102, Section 1, in the Circle D Country Acres Subdivision, Bastrop County, Texas

SUMMARY: Brandon and Letty Pettit (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–025656–0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of a single family residence on 0.5 acres of the 2.0-acre Lot 102, Section 1, in the Circle D Country Acres Subdivision in Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and EA/HCP should be received on or before June 15, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Tannika Englehard, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas, at the above address. Please refer to permit number TE–025656–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Englehard at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Brandon and Letty Pettit plan to construct a single family residence on 0.5 acres of the 2.0-acre Lot 102, Section 1, in the Circle D Country Acres Subdivision in Bastrop County, Texas. This action will eliminate less than 1 acre of habitat and result in indirect

impacts within the lot. The applicants propose to compensate for this incidental take of the Houston toad by providing $1,500 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–12244 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan and Receipt of Application for an Incidental Take Permit for the Construction and Operation of a Mixed-Use Development on a Portion of the 201.7-Acre Crossings Property, Travis County, Texas

SUMMARY: Kenneth Beck (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–024619–0. The requested permit, which is for a period of 30 years, would authorize the incidental take of the endangered golden-cheeked warbler (*Dendroica chrysoparia*). The proposed take would occur as a result of the construction and operation of a conference and retreat complex on a portion of the 201.7-acre Crossings property, Travis County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environment Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and the EA/HCP should be received on or before June 15, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to Scott Rowin, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0063). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE–024619–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Scott Rowin, at the above U.S. Fish and Wildlife Service Office, Austin, TX.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the golden-cheeked warbler. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Kenneth Beck plans to construct and operate a private conference and retreat complex on 26.05 acres of the 201.7-acre Crossings property, Travis County, Texas. This action will eliminate approximately 26.05 acres of habitat and indirectly impact 36.65 additional acres of golden-cheeked warbler habitat. The Applicant proposes to compensate for this incidental take of golden-cheeked warbler habitat by donating through fee simple or conservation easement to Travis County the remaining 175.7 acres of the Crossings property, which includes approximately 128 acres of golden-cheeked warbler habitat. This land is adjacent to existing Balconies Canyonlands Preserve land and will be managed by Travis County as such.

Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible, no mitigation or preservation of habitat in perpetuity would take place, and alteration of the project design would increase the level of impacts to the warbler.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–12245 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for the Incidental Take of the Houston Toad (Bufo houstonensis) During Construction of One Single Family Residence on 0.5 Acres of Each of 3 Lots in the Circle D Country Acres Subdivision, Bastrop County, Texas

SUMMARY: Cornerstone Construction Company (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–26687–0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of one single family residence on 0.5 acres of each of three lots (Lot 20, Section 5; Lot 49, Section 7; Lot 38, Section 8 in the Circle D Country Acres Subdivision, Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and the EA/HCP should be received on or before June 15, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Tannika Engelhard, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Field Supervisor, Ecological Services Field Office, Austin, Texas, at the above

address. Please refer to permit number TE–26687–0. when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Engelhard at the above Austin Ecological Services Field Office.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Cornerstone Construction Company plans to construct a single family residence on 0.5 acres of each of three lots (Lot 20, Section 5; Lot 49, Section 7; Lot 38, Section 8) in the Circle D Country Acres Subdivision, Bastrop County, Texas. This action will eliminate 1.5 acres or less (0.5 acres or less per homesite) and result in indirect impacts within the lot. The applicant proposes to compensate for this incidental take of the Houston toad by providing $4,500.00 ($1,500 per homesite)to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–12246 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of an Environmental Assessment/Habitat Conservation Plan for Issuance of an Endangered Species Act Section 10(a)(1)(A) Permit for the Incidental Take Permit of the Houston Toad (Bufo houstonensis) During Construction of One Single Family Residence on Lots 247–248, Unit 2, Block 3 in the Tahitian Village Subdivision in Bastrop County, Texas

SUMMARY: Richard Hyatt (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for an incidental take permit pursuant to Section 10(a) of the Endangered Species Act (Act). The Applicant has been assigned permit number TE–025653–0. The requested permit, which is for a period of 5 years, would authorize the incidental take of the endangered Houston Toad (*Bufo houstonensis*). The proposed take would occur as a result of the construction and occupation of one single family residence on Lots 247–248, Unit 2, Block 3, of the Tahitian Village Subdivision, Bastrop County, Texas.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the application and the EA/HCP should be received on or before June 15, 2000.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by written or telephone request to Tannika Engelhard, U.S. Fish and Wildlife Service, Ecological Services Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request or by appointment only during normal business hours (8:00 to 4:30) at the U.S. Fish and Wildlife Service Office, Austin, Texas. Data or comments concerning the application and EA/HCP should be submitted in writing to the Field Supervisor, U.S. Fish and Wildlife Service Office, Austin, Texas at the above address. Please refer to permit number TE–025653–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Tannika Engelhard at the above U.S. Fish and Wildlife Service Office, Austin, TX.

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Service, under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

Applicant

Richard Hyatt plans to construct one single family residence on 0.5 acres of the 0.5-acres Lots 247–248, Unit 2, Block 3, Tahitian Village Subdivision, Bastrop County, Texas. This action will eliminate less than 0.5 acres of habitat and result in an unquantifiable amount of indirect impact. The applicants propose to compensate for this incidental take of the Houston Toad by providing $1,000.00 to the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat, as identified by the Service.

Alternatives to this action were rejected because not developing the subject property with federally listed species present was not economically feasible and alteration of the project design would not alter the level of impacts.

Frank S. Shoemaker, Jr.,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–12247 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Information Collection Request for the Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts requires renewal. Before submitting a request for extension of this collection to the Office of Management and Budget (OMB), the Department of the Interior is soliciting public comments on this information collection 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 17, 2000.

ADDRESSES: Direct all written comments to Chester J. Eagleman, Sr., Bureau of Indian Affairs, 1849 C Street, NW, MS–4660–MIB, Washington, D.C. 20240.

All written comments will be available for public inspection in Room 4651 of the Main Interior Building, 1849 C Street, NW, Washington, DC from 9 a.m. until 3 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Chester J. Eagleman, 202–208–2721 (This is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Abstract

A state court that appoints counsel for an indigent Indian parent or Indian custodian in an involuntary Indian child custody proceeding in a State court may send written notice to the Bureau of Indian Affairs (Bureau) when appointment of counsel is not authorized by State law. The cognizant Bureau Regional Director uses this information to decide whether to certify that the client in the notice is eligible to have his counsel compensated by the Bureau in accordance with the Indian Child Welfare Act, Public Law 95–608.

II. Method of Collection

The following information is collected in a notice from State courts in order to certify payment of appointed counsel in involuntary Indian child custody proceedings. The information collected and the reasons for the collection are listed below:

Information collected	Reason for collection
(a) Name, address and telephone number of attorney appointed	(a) To identify attorney appointed as counsel and method of contact.
(b) Name and address of client for whom counsel is appointed	(b) To identify indigent party in an Indian child custody proceeding for whom counsel is appointed.
(c) Applicant's relationship to child	(c) To determine if the person is eligible for payment of attorney fees as specified in Public Law 95–608.
(d) Name of Indian child's tribe	(d) To determine if the child is a member of a federally recognized tribe and is covered by the Indian Child Welfare Act (ICWA).
(e) Copy of petition or complaint	(e) To determine if this custody proceeding is covered by the ICWA.
(f) Certification by the court that State law does not provide for appointment of counsel in such proceedings.	(f) To determine if other State laws provide for such appointment of counsel and to prevent duplication of effort.
(g) Certification by the court that the Indian client is indigent	(g) To determine if the client has resources to pay for counsel.
(h) The amount of payments due counsel utilizing the same procedures used to determine expenses in juvenile delinquency proceedings.	(h) To determine if the amount of payment due appointed counsel is based on State court standards in juvenile delinquency proceedings.
(i) Approved vouchers with court certification that the amount requested is reasonable considering the work and the criteria used for determining fees and expenses for juvenile delinquency proceedings.	(i) To determine the amount of payment considered reasonable in accordance with State standards for a particular case.

Proposed use of the information: The information collected will be used by the respective Bureau Regional Director to determine:

(a) If an individual Indian involved in an Indian child custody proceeding is eligible for payment of appointed counsel's attorney fees;

(b) If any State statutes provide for coverage of attorney fees under these circumstances;

(c) The State standards for payment of attorney fees in juvenile delinquency proceedings; and,

(d) The name of the attorney, and his actual voucher certified by the court for the work completed on a preapproved case. This information is required for payment of appointed counsel as authorized by Public Law 95–608.

III. Data

(1) *Title of the Collection of Information:* Department of the Interior, Bureau of Indian Affairs, Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts.

OMB Number: 1076–0111.

Expiration Date: August 31, 2000.

Type of Review: Extension of a currently approved collection.

Affected Entities: State courts and individual Indians eligible for payment of attorney fees pursuant to 25 CFR 23.13.

Estimated number of respondents: 4.

Proposed frequency of response: 1.

(2) *Estimate of total annual reporting and record keeping burden that will result from the collection of this information:* 12 hours.

Reporting: 2 hours per response × 4 respondents = 8 hours.

Recordkeeping: 1 hour per response × 4 respondents = 4 hours.

Estimated Total Annual Burden Hours: 12 hours.

Estimated Annual Costs: $540.00 (12 hours × $45.00 per hour).

(3) Description of the need for the information and proposed use of the information: Submission of this information is required in order to receive payment for appointed counsel under 25 CFR 23.13. The information is collected to determine applicant eligibility for services.

IV. Request for Comments

The Department of the Interior invites comment on:

(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 agencies' estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

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; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

The comments, names and addresses of commenters will be available for public view during regular business hours. If you wish us to withhold this information, you must state this prominently at the beginning of your comment. We will honor your request to the extent allowable by law.

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 Office of Management and Budget control number.

Dated: May 5, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–12192 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Near-Reservation Designations for California Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. Pursuant to 25 CFR 20.1(r), notice is hereby given of the near-reservation designations for certain Indian tribal entities within the States of California and Oregon recognized as eligible to receive services from the United States Bureau of Indian Affairs (BIA).

DATES: These near-reservation designations become effective on June 15, 2000.

FOR FURTHER INFORMATION CONTACT: Larry Blair, Chief, Human Services Branch, Bureau of Indian Affairs, 1849 C Street, NW., MS–4660–MIB, Washington, D.C. 20240, Telephone No. (202) 208–2479.

SUPPLEMENTARY INFORMATION: In accordance with 25 CFR part 20—Financial Assistance and Social Services Program, the Assistant Secretary—Indian Affairs designates the following locales as ''near-reservation'' areas appropriate for the extension of BIA financial assistance and/or social services. 25 CFR part 20—Financial Assistance and Social Services Program regulations have full force and effect when extending BIA financial assistance and/or social services into these designated ''near-reservation'' locations. In the absence of officially designated ''near-reservation'' areas, such services are provided only to Indian people who live within reservation boundaries. The tribes identified below are now authorized to extend financial assistance and social services to their eligible tribal members (and their family members who are Indian) who reside outside the boundaries of a federally recognized tribe's reservation, but within the areas designated below.

The locales listed below are those designated for this purpose.

Tribe: Big Sandy Rancheria

''Near-reservation'' locations: The counties of Madera, Fresno and Kings in the State of California.

Tribe: Big Valley Rancheria

''Near-reservation'' locations: The counties of Lake and Sonoma in the State of California.

Tribe: Bishop Reservation

''Near-reservation'' locations: The counties of Mono and Inyo in the State of California.

Tribe: Cedarville Rancheria

''Near-reservation'' location: The county of Modoc in the State of California.

Tribe: Cortina Rancheria

''Near-reservation'' locations: The counties of Glenn, Colusa, Yolo and Sacramento in the State of California.

Tribe: Dry Creek Rancheria

''Near-reservation'' location: The county of Sonoma in the State of California.

Tribe: Fort Bidwell Reservation

''Near-reservation'' locations: The county of Modoc in the State of California. The counties of Lake and Klamath in the State of Oregon.

Tribe: Greenville Rancheria

''Near-reservation'' locations: The counties of Plumas, Lassen, Shasta, Tehama, Butte, Yuba and Sutter in the State of California.

Tribe: Hopland Reservation

''Near-reservation'' locations: The counties of Mendocino and Sonoma in the State of California.

Tribe: Karuk Tribe of California

''Near-reservation'' locations: The counties of Siskiyou, northeastern Humboldt from State Highway 96 milepost HUM 28.61 north to the Siskiyou County Line in the State of California.

Tribe: Laytonville Rancheria

''Near-reservation'' locations: The counties of Mendocino, Lake and Humboldt in the State of California.

Tribe: Mechoopda Indian Tribe of the Chico Rancheria

''Near-reservation'' location: The county of Butte in the State of California.

Tribe: Mooretown Rancheria

''Near-reservation'' location: The county of Butte in the State of California.

Tribe: North Fork Rancheria

''Near-reservation'' locations: The counties of Madera, Mariposa and Fresno in the State of California.

Tribe: Picayune Rancheria of the Chukchansi Indians

''Near-reservation'' locations: The counties of Fresno, Madera and Mariposa in the State of California.

Tribe: Pinoleville Reservation

''Near-reservation'' locations: The counties of Mendocino, Sonoma, Lake and Napa in the State of California.

Tribe: Redding Rancheria

''Near-reservation'' locations: The county of Trinity and the western two-thirds of Shasta in the State of California.

Tribe: Redwood Valley Rancheria

''Near-reservation'' locations: The counties of Mendocino and Sonoma in the State of California.

Tribe: Coast Indian Community of the Resighini Rancheria

''Near-reservation'' location: The county of Del Norte in the State of California.

Tribe: Bear River Band of Rohnerville Rancheria

''Near-reservation'' locations: The counties of Humboldt and Del Norte in the State of California.

Tribe: Round Valley Reservation

''Near-reservation'' locations: The counties of Trinity, Mendocino, Lake and Sonoma in the State of California.

Tribe: Scotts Valley Rancheria

''Near-reservation'' locations: The counties of Mendocino, Lake, Sonoma and Contra Costa in the State of California.

Tribe: Sherwood Valley Rancheria

''Near-reservation'' locations: The counties of Mendocino, Lake and Sonoma in the State of California.

Tribe: Shingle Springs Rancheria

''Near-reservation'' locations: The counties of El Dorado, Sacramento, Placer and Yolo in the State of California.

Tribe: Smith River Rancheria

''Near-reservation'' locations: The counties of Del Norte and Humboldt in the State of California. The counties of Curry, Josephine and Coos in the State of Oregon.

Tribe: Susanville Indian Rancheria

''Near-reservation'' location: The county of Lassen in the State of California.

Tribe: Tule River Reservation

''Near-reservation'' location: The county of Tulare in the State of California.

Tribe: Tuolumne Rancheria

''Near-reservation'' location: The county of Tuolumne in the State of California.

Tribe: Yurok Tribe

''Near-reservation'' locations: The counties of Humboldt and Del Norte in the State of California.

Dated: May 5, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–12193 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compacts.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority on May 5, 2000, has approved the following Tribal-State Compacts between the State of California and California Indian Tribes:

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation,
Alturas Indian Rancheria,
Berry Creek Rancheria of Maidu Indians of California,
Blue Lake Rancheria,
Buena Vista Rancheria of Me-Wuk Indians of California,
Bear River Band of Rohnerville Rancheria,
Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation,
Big Sandy Rancheria of Mono Indians of California,
Big Valley Band of Pomo Indians of the Big Valley Rancheria,
Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony,
Cabazon Band of Cahuilla Mission Indians of the Cabazon Reservation,
Cahto Indian Tribe of Laytonville Rancheria,
Cahuilla Band of Mission Indians of the Cahuilla Reservation,
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation,
Chemehuevi Indian Tribe of the Chemehuevi Reservation,
Chicken Ranch Rancheria of the Me-Wuk Indians of California,
Resighini Rancheria (formerly known as the Coast Indian Community of Yurok Indians of the Resighini Rancheria),
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria,
Cuyapaipe Community of Diegueno Mission Indians of the Cuyapaipe Reservation,
Dry Creek Rancheria of Pomo Indians of California,
Elk Valley Rancheria,
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria,
Hoopa Valley Tribe,
Hopland Band of Pomo Indians of the Hopland Rancheria,
Jackson Rancheria of Me-Wuk Indians of California,
Jamul Indian Village of California,
La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation,
Manchester Band of Pomo Indians of the Manchester-Point Area Rancheria,
Manzanita Band of the Diegueno Mission Indians of the Manzanita Reservation,
Middletown Rancheria of Pomo Indians of California,
Mooretown Rancheria of Maidu Indians of California,
Morongo Band of Cahuilla Mission Indians of the Morongo Reservation,
Pala Band of the Luiseno Mission Indians of the Pala Reservation,
Paskenta Band of Nomlaki Indians of California,
Pechenga Band of Luiseno Mission Indians of the Pechenga Reservation,
Picayune Rancheria of Chukchansi Indians of California,
Pit River Tribe, California,
Quechan Tribe of the Fort Yuma Indian Reservation,
Redding Rancheria,
Rincon Band of Luiseno Mission Indians of the Rincon Reservation,
Robinson Rancheria of Pomo Indians of California,
Rumsey Indian Rancheria of Wintun Indians of California,
San Manual Band of Serrano Mission Indians of the San Manual Reservation,
San Pasqual Band of Diegueno Mission Indians of California,
Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation,
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation,
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract),
Sherwood Valley Rancheria of Pomo Indians of California,
Smith River Rancheria,
Soboba Band of Luiseno Mission Indians of the Soboba Reservation,
Susanville Indian Rancheria,
Sycuan Band of Diegueno Mission Indians of California,
Table Mountain Rancheria of California,
Cher-Ae Heights Indian Community of the Trinidad Rancheria,
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California,
Twenty-Nine Palms Band of Luiseno Mission Indians of California,
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation,
Tule River Indian Tribe of the Tule River Reservation,
United Auburn Indian Community of the Auburn Rancheria of California.

DATES: This action is effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: May 11, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–12322 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approval of amendment to Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved an Amendment, executed on May 2, 2000, to the Gaming Compact between the Coushatta Tribe of Louisiana and the State of Louisiana.

DATES: This action is effective May 16, 2000.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: May 4, 2000.

Levin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–12321 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–5700–10; Closure Notice No. NV–030–00–002]

Temporary Closure of Public Lands; Washoe County, Nevada

AGENCY: Bureau of Land Management, Nevada, Interior.

SUMMARY: The Carson City Field Office Manager announces the temporary closure of selected public lands under his administration. This action is being taken to provide for public safety during the 2000 Pylon Racing Seminar and 2000 Reno National Championship Air RAces.

EFFECTIVE DATES: June 22 through June 25, 2000, and September 10 through September 17, 2000.

FOR FURTHER INFORMATION CONTACT: Richard Conrad, Assistant Manager, Nonrenewable Resources, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701. Telephone (775) 885–6100.

SUPPLEMENTARY INFORMATION: This closure applies to all the public, on foot or in vehicles. The public lands affected by this closure are described as follows:

Mt. Diablo Meridian

T. 21 N., R. 19 E.,
Sec. 8, N½¼, SE¼NE¼ and E½SE¼;
Sec. 16, N½ and SW¼.

Aggregating approximately 680 acres.

The above restrictions do not apply to emergency or law enforcement personnel or event officials. The authority for this closure is 43 CFR 8364.1. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than $1,000 and/or imprisoned for not more than 12 months.

A map of the closed area is posted in the Carson City District Office of the Bureau of Land Management.

Dated: April 19, 2000.

Richard Conrad,

Assistant Manager, Nonrenewable Resources, Carson City Field Office.

[FR Doc. 00–12198 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–1020–001]

Mojave-Southern Great Basin Resource Advisory Council; Notice of Meeting Locations and Times

May 5, 2000.

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council meeting locations and times.

DATES: May 18 and 19, 2000.

TIMES: 8 a.m. to 4:30 p.m. each day.

ADDRESSES: Beatty, Nevada Community Center, Knight Ave. and Watson St.

FOR FURTHER INFORMATION CONTACT: Phillip L. Guerrero, Las Vegas Field Office, Public Affairs Officer, telephone: (702) 647–5046.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), council meeting of the Mojave-Southern Great Basin Resource Advisory Council (RAC) will be held as indicated above. The agenda includes a public comment period, and discussion of public land issues.

The Resource Advisory Council develops recommendations for BLM regarding the preparation, amendment, and implementation of land use plans for the public lands and resources within the jurisdiction of the council. For the Mojave-Great Basin RAC this jurisdiction is Clark, Esmeralda, Lincoln and Nye counties in Nevada. Except for the purposes of long-range planning and the establishment of resource management priorities, the RAC shall not provide advice on the allocation and expenditure of Federal funds, or on personnel issues.

The RAC may develop recommendation for implementation of ecosystem management concepts, principles and programs, and assist the BLM to establish landscape goals and objectives.

All meetings are open to the public. The public may present written comments to the council. Public comments should be limited to issues for which the RAC may make recommendations within its area of jurisdiction. Depending on the number of persons wishing to comment, and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need further information about the meetings, or need special assistance such as sign language interpretation or other reasonable accommodations, should contact Phillip L. Guerrero at the Las Vegas District Office, 4765 Vegas Dr., Las Vegas, NY 89108, telephone, (702) 647–5000.

Dated: May 5, 2000.

Phillip L. Guerrero,

Public Affairs Officer.

[FR Doc. 00–12197 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–170–1430–ES: COC 62308]

Notice of Realty Action; Recreation and Public Purposes Act Classification and Application; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following lands in LaPlata County, Colorado have been examined and found suitable for classification for lease and conveyance under the provisions of the Recreation and Public Purposes Act (R&PP), as amended (43 U.S.C. 869 *et seq.*). The purpose of the classification and application for R&PP lease and potential conveyance is to allow construction and operation of a fire station by the Animas Fire Protection District, Durango, Colorado.

New Mexico Principal Meridian

T. 34 N., R. 10 W.,
Sec. 7: Lot 5: SW¼SE¼, more particularly described as:
Beginning at a point on the east line of said Lot 5 from which the center 1/16 monument bears N 0°11′00″ W a distance of 816.78 feet;
Thence S 0°11′00″ E along the east line of said Lot 5 a distance of 399.83 feet to the east 1/16 monument and the Ute Line;
Thence S 89°18′08″ W along said Ute Line a distance of 18.18 feet to BLM MP–49;
Thence S 89°50′02″ W along said Ute Line a distance of 577.50 feet;
Thence N 0°11′00″ W a distance of 400.00 feet;
Thence N 89°50′02″ E a distance of 595.68 feet to the point of beginning.
Less a 60 feet wide easement for County Road 141, less an access and utility easement, 60 feet wide, reserved to the United States, containing 4.33 acres more or less.

Lease and conveyance is consistent with current BLM land use planning and would be in the public interest. The lease/patent, if issued, would be subject to valid existing rights and 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 should be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

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 and 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 written comments regarding the classification and proposed lease and conveyance of the lands to the Field Manager, San Juan Field Office, 15 Burnett Court, Durango, Colorado, 81301.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a fire station. Comments on the classification are restricted to whether the land is suited for the proposal, whether the use will maximize the further use or uses of the land, whether the use is consistent with local planning and zoning, or if the use if consistent with State and Federal programs.

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**.

FOR FURTHER INFORMATION CONTACT: Clyde Johnson, San Juan Field Office, phone (970) 385–1352. Documents pertinent to this proposal may be reviewed at the San Juan Field Office, 15 Burnett Court, Durango, Colorado.

Kent Hoffman,

Associate Field Manager.

[FR Doc. 00–12196 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–JB–M

DEPARTMENT OF THE INTERIOR

National Park Service

Availability of Maurice National Scenic and Recreational River Draft Comprehensive Management Plan and Environmental Impact Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of Maurice National Scenic and Recreational River Draft Comprehensive Management Plan and Environmental Impact Statement.

SUMMARY: The National Park Service, in cooperation with its partners, has prepared and released a draft Comprehensive Management Plan and Environmental Impact Statement for the management, protection, and use of the Maurice National Scenic and Recreational River in New Jersey. The public is invited to review and comment on the draft plan. Comments will be accepted for 45 days from the date of this notice. Please be advised that, if requested, the National Park Service is required to supply the names and addresses of individuals providing comments. For more information about this document: contact Mary Vavra, National Park Service Program Manager by letter or telephone.

FOR FURTHER INFORMATION CONTACT: Mary Vavra, Program Manager, National Park Service, Philadelphia Support Office, 200 Chestnut Street, 3rd Floor, Philadelphia, PA 19106, (215) 597–9175.

Dated: May 1, 2000.

Len Emerson,

Assistant Regional Director, Human Resources, Acting Regional Director; Northeast Region, National Park Service.

[FR Doc. 00–12315 Filed 3–15–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Advisory Commission for the San Francisco Maritime National Historical Park Public Meeting

Department of Interior agenda for the June 21, 2000 public meeting of the Advisory Commission for the San Francisco Maritime National Historical Park, Golden Gate Club in the Presidio 10:00 AM–12:15 PM.

10 AM Welcome—Neil Chaitin, Chairman,
Opening Remarks—Neil Chaitin, Chairman,
Approval of Minutes from Previous Meeting
10:15 AM Report of the Superintendent— William Thomas, Superintendent
10:30 AM New Collection Storage Space Initiatives—Tom Mulhern, Collections Manager
10:45 AM Staff Reports
11:45 AM Public Comments and Questions
12 PM Election of Officers
12:15 PM Agenda Items/Date for Next Meeting.

William G. Thomas,

Superintendent.

[FR Doc. 00–12316 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Meeting: Committee for the Preservation of the White House

In compliance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the Committee for the Preservation of the White House. The meeting will be held at the Old Executive Office Building, Washington, DC at 1:30 p.m., Monday, May 22, 2000. It is expected that the agenda will include policies, goals and long range plans. The meeting will be open, but subject to appointment and security clearance requirements. Clearance information must be received by May 18, 2000.

Inquiries may be made by calling the committee for the Preservation of the White House between 9 a.m. and 4 p.m., weekdays at (202) 619–6344. Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW., Washington, DC 20242.

Dated: May 11, 2000.

James I. McDaniel,

Executive Secretary, Committee for the Preservation of the White House.

[FR Doc. 00–12339 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bostwick Division, Frenchman-Cambridge Division, and Kanaska Division, Almena Unit Pick-Sloan Missouri Basin Program

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of draft repayment and long-term water service contracts.

SUMMARY: Pursuant to the Act of July 2, 1956 (Administration of Contracts under Section 9, Reclamation Project Act of 1939), contractors of federally developed irrigation water hold a first right to renew long-term water service contracts and/or to convert water service contracts to repayment

contracts. Reclamation has entered into negotiations for contract renewal with irrigation districts in the Republican River basin in Nebraska and Kansas. A draft long-term water service contract has been developed for the Frenchman Valley Irrigation District. Draft repayment contracts have been developed for Bostwick Irrigation District in Nebraska, Kansas Bostwick Irrigation District No. 2, Frenchman-Cambridge Irrigation District, and Almena Irrigation District. The draft contracts are now available for public review and comment.

DATES: A 60-day public review and comment period commences with the publication of this notice. Written comments on the draft contracts should be submitted by July 17, 2000.

ADDRESSES: Written comments from interested parties should be submitted to Kent Heidt, GP–2100, Bureau of Reclamation, Great Plains Regional Office, Post Office Box 36900, Billings, MT 59107–6900 for consideration in the contract renewal process.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. 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 disclosure in their entirety.

You may request copies of the draft contracts from Jim Beadnell, GP–2100, Bureau of Reclamation, Great Plains Region, P.O. Box 36900, Billings, MT 59107–6900; telephone (406) 247–7731. See Supplementary Information section for additional addresses where the draft contracts are available for public inspection and review.

FOR FURTHER INFORMATION CONTACT: Kent Heidt, GP–2100, Bureau of Reclamation, Great Plains Region, P.O. Box 36900, Billings, MT 59107–6900; telephone (406) 247–7730.

SUPPLEMENTARY INFORMATION:

Draft Contract Public Inspection and Review Locations

Offices

- Bureau of Reclamation, Nebraska-Kansas Area Office, 203 West Second Street, Grand Island NE 68801—telephone (308) 389–4622
- Bureau of Reclamation, Great Plains Regional Office, 316 North 26th Street, Billings MT 59101—telephone (406) 247–7731
- Bostwick Irrigation District in Nebraska, Red Cloud NE
- Kansas Bostwick Irrigation District No. 2, Courtland KS
- Frenchman-Cambridge Irrigation District, Cambridge NE
- Frenchman Valley and H&RW Irrigation District, Culbertson NE
- Almena Irrigation District, Almena KS

Libraries

- Alma Public Library, West Second Street, Alma NE 68920–3378
- Blue Hill Public Library, 317 West Gage Street, Blue Hill NE 68930–2068
- Butler Memorial Library, 621 Pennsylvania, Cambridge NE 69022
- Franklin Public Library, 1502 P Street, Franklin NE 68939–1200
- Hastings Public Library, 517 West Fourth Street, Hastings NE 68901–7560
- Imperial Public Library, 703 Broadway Street, Imperial NE 69033–4017
- Kearney Public Library, 2020 First Avenue, Kearney NE 68847–5306
- McCook Library, 802 Norris Avenue, McCook NE 69001–3143
- Nelson Public Library, 10 West Third Street, Nelson NE 68961–1246
- Red Cloud Public Library, 537 North Webster Street, Red Cloud NE 68970–2421
- Carnegie Public Library, 449 North Kansas Street, Superior NE 68978–1852
- Trenton Village Library, 406 East First Street, Trenton NE 69044
- Wauneta City Library, 319 North Tecumseh, Wauneta NE 69045–2011
- Almena Public Library, 415 Main, Almena KS 67622
- Belleville Public Library, 1327 Nineteenth Street, Belleville KS 66935
- Courtland City Library, 403 Main Street, Courtland KS 66939
- Northwest Kansas Library System, 2 Washington Square, Norton KS 67654

Dated: May 2, 2000.

Maryanne C. Bach,

Regional Director.

[FR Doc. 00–11520 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection: Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories.

This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until July 17, 2000. Written comments and suggestions are requested from the public and affected agencies concerning the proposed collection of information.

Your comments should address one or more of the following four points:

1. 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;
2. 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;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

If you have comments, suggestions, or need a copy of the proposed information collection instrument with instructions, if applicable, or additional information, please contact Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

Overview of this information collection:

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Collection of Laboratory Analysis Data on Drug Samples Tested by Non-Federal (State and Local Government) Crime Laboratories.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form No.: None.

Applicable component of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Regulatory or Compliance.

Other: Research.

Abstract: Information is needed from state and local laboratories to provide DEA with additional analyzed drug information for the National Forensic Laboratory Information System.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 100 respondents; 1200 responses per year × .25 hours per response = 300 hrs.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 300 annual burden hours; 100 respondents × 3 hours per respondent per year.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1221, National Place Building, 1331 Pennsylvania Ave., NW., Washington, DC 20530.

Dated: May 9, 2000.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 00–12251 Filed 5–15–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; extension of a currently approved collection; Annual Reporting Requirement for Manufacturers of Listed Chemicals.

This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until July 17, 2000. Written comments and suggestions are requested from the public and affected agencies concerning the proposed collection of information.

Your comments should address one or more of the following four points:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. 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.

If you have comments, suggestions, or need a copy of the proposed information collection instrument with instructions, if applicable, or additional information, please contact Frank L. Sapienza, Chief, Drug & Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 307–7183.

Overview of this information:

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Annual Reporting Requirement for Manufacturers of Listed Chemicals.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form No.: None.

Applicable component of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit.

Other: None.

Abstract: This information collection permits the Drug Enforcement Administration to monitor the volume and availability of domestically manufactured listed chemicals. These listed chemicals may be subject to diversion for the illicit production of controlled substances. This information collection is authorized by the Domestic Chemical Diversion Control Act of 1993 (P.L. 103–200; 21 U.S.C. 830(b)). This information is collected from businesses and other for-profit entities which manufacture listed chemicals domestically.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 100 respondents; 100 responses per year × 4 hours per response = 400 hrs.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 400 annual burden hours; 100 respondents × 4 hours per respondent per year.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1221, National Place Building, 1331 Pennsylvania Ave., NW, Washington, DC 20530.

Dated: May 9, 2000.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 00–12252 Filed 5–15–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Extension of a currently approved collection; Report of Mail Order Transactions.

This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until July 17, 2000. Written comments and suggestions are requested from the public and affected agencies concerning the proposed collection of information.

Your comments should address one or more of the following four points:

1. 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;

2. 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;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

If you have comments, suggestions, or need a copy of the proposed information collection instrument with instructions, if applicable, or additional information, please contact Marc B. Golubock, Chief, Chemical Control Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, (202) 307–7204.

Overview of this information collection:

(1) *Type of information collection:* Extension of a currently approved collection

(2) *The title of form/collection:* Report of Mail Order Transactions.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form No.: None.

Applicable components of the Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit.

Abstract: The Comprehensive Methamphetamine Control Act of 1996 (Public Law 104–237) (MCA) amended the Controlled Substances Act to require that each regulated person who engages in a transaction with a non-regulated person which involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals) and uses or attempts to use the Postal Service or any private or commercial carrier shall, on a monthly basis, submit a report of each such transaction conducted during the previous month of the Attorney General.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* 100 respondents; 1200 responses per year × 1 hour per response = 1200 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1200 annual burden hours; 100 respondents × 12 hours per respondent per year.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1221, National Place Building, 1331 Pennsylvania Ave., NW, Washington, DC 20530.

Dated: May 9, 2000.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 00–12253 Filed 5–15–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council; Notice of Meetings and Agenda

The Spring meetings of committees of the Labor Research Advisory Council will be held on June 12, 13, and 14. All of the meetings will be held in the Conference Center of the Postal Square Building (PSB), 2 Massachusetts Avenue, NE., Washington, DC.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members. The schedule and agenda of the meetings are as follows:

Monday, June 12, 2000

9:30 a.m.—Committee on Compensation and Working Conditions—Meeting Room 9, PSB

1. Stock Options Incidence Test—preliminary results
2. Technology interactions with BLS: suggestions, recommendations
3. Other business
4. Topics for next meeting

1:30 p.m.—Committee on Productivity, Technology and Growth—Meeting Room 9, PSB

1. E-commerce and productivity measurement
2. Effects of recent methodological changes on productivity data
3. Overview of current Office of Employment Projections projects
4. Research on the employment impacts of e-commerce
5. Topics for next meeting

Committee on Foreign Labor Statistics

1. International comparisons of Gross Domestic Product (GDP) and productivity
2. Topics for next meeting

Tuesday, June 13, 2000

9:30 a.m.—Committee on Employment and Unemployment Statistics—Meeting Room 7, PSB

1. The household survey-establishment survey employment gap
2. An examination of flexible (alternative) staffing arrangements
3. The Current Employment Statistics probability redesign (initial implementation scheduled for June 2000)
4. Current and planned local area unemployment statistics tabulations on the BLS web site
5. Topics for next meeting

Wednesday, June 14, 2000

9:30 a.m.—Committee on Prices and Living Conditions—Meeting Room 9, PSB

1. Update on program developments
   a. Consumer Price Index
   b. International Prices
   c. Producer Price Indexes
2. Topics for next meeting

1:30 p.m.—Committee on Occupational Safety and Health Statistics—Meeting Room 9, PSB

1. Review of the industry summary data from the 1998 Survey of Occupational Injuries and Illnesses
2. Review of the worker demographics and case circumstances data from the 1998 Survey of Occupational Injuries and Illness
3. Discussion of the analysis of detailed worker and case information from the Survey of Occupational Injuries and Illnesses
4. Impact of revision of the Occupational Safety and Health Administration work injury and illness record keeping requirements on the BLS occupational safety and health statistics program
5. Discussion of study of toxicology data for workers fatally injured during 1998
6. Topics for next meeting

The meetings are open to the public. Persons planning to attend these meetings as observers are requested to contact Wilhelmina Abner on (Area Code 202) 691–5970.

Signed at Washington, DC this 9th day of May 2000.

Katherine G. Abraham,

Commissioner.

[FR Doc. 00–12286 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Notice of Meeting

Notice is hereby given of the date and location of the next meeting of the National Advisory Committee on Occupational Safety and Health (NACOSH), established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the administration of the Act. NACOSH will hold a meeting on June 6, 2000, in Room N 5437 A–D of the Department of Labor Building

located at 200 Constitution Avenue NW., Washington, DC. The meeting is open to the public and will begin at 9:00 a.m. lasting until approximately 4 p.m. However, if work is completed earlier on the draft report the committee will be working on, the meeting may end sooner.

During this November 1998 meeting, NACOSH decided that one of its areas of activity over the next two years would be to study OSHA's standards development process. The Committee has now completed its study after holding panel discussions during the last four meetings involving internal staff and members of the public who were involved with the OSHA standards setting process. This included people who had been involved with the development of the methylene chloride standard; those who had served on two types of advisory committees; representatives of consensus standards setting organizations and other professional associations; and representatives of other Federal regulatory agencies. During its June 6 meeting, the committee will be going over the final draft report and recommendations in full detail. It is difficult to estimate how long this will take.

The only other agenda item will be an overview of current activities of the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) which will be the first agenda item.

Written data, views or comments for consideration by the committee may be submitted, preferably with 20 copies, to Joanne Goodell at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Because of the need to cover a wide variety of subjects in a short period of time, there is usually insufficient time on the agenda for members of the public to address the committee orally. However, any such requests will be considered by the Chair who will determine whether or not time permits. Any request to make an oral presentation should state the amount of time desired, the capacity in which the person would appear, and a brief outline of the content of the presentation. Individuals with disabilities who need special accommodations should contact Veneta Chatmon (phone: 202–693–1912; FAX: 202–693–1634) one week before the meeting.

An official record of the meeting will be available for public inspection in the OSHA Technical Data Center (TDC) located in Room N2625 of the Department of Labor Building (202–693–2350). For additional information contact: Joanne Goodell, Occupational Safety and Health Administration (OSHA); Room N–3641, 200 Constitution Avenue NW., Washington, DC 20210 (phone: 202–693–2400; FAX: 202–693–1641; e-mail: joanne.goodell@osha.gov; or at www.osha.gov).

Signed at Washington, DC, this 10th day of May 2000.

Charles N. Jeffress,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 00–12289 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Advisory Committee for Veterans' Employment and Training; Notice of Open Meeting

The Secretary's Advisory Committee for Veterans' Employment and Training was established under section 4110 of title 38, United States Code, to bring to the attention of the Secretary, problems and issues relating to veterans' employment and training.

Notice is hereby given that the Secretary of Labor's Advisory Committee for Veterans' Employment and Training will meet on Tuesday, June 6, 2000, at the U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2508, Washington, DC 20210, from 9 a.m. to 4 p.m.

Written comments are welcome and may be submitted by addressing them to: Ms. Polin Cohanne, Designated Federal Official, Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–1313, Washington, DC 20210.

The agenda is open.

The meeting will be open to the public.

Persons with disabilities needing special accommodations should contact Ms. Polin Cohanne at telephone number 202–693–4741 no later than May 24, 2000.

Signed at Washington, DC this May 10, 2000.

Espiridion (Al) Borrego,

Assistant Secretary of Labor for Veterans' Employment and Training.

[FR Doc. 00–12288 Filed 5–15–00; 8:45 am]

BILLING CODE 4510–79–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Institute of Museum and Library Services, Office of Museum Services; Proposed Collection, Comment Request; Technology and Digitization Surveys

AGENCY: Institute of Museum and Library Services

ACTION: Notice.

SUMMARY: The Institute of Museum and Library Services as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3508(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Institute of Museum and Library Services is soliciting comments concerning the proposed Technology and Digitization Surveys.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before July 17, 2000.

- IMLS is particularly interested in comments that help the agency to:
- 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.

ADDRESSES: Send comments to: Dr. Rebecca Danvers, Director of the Office of Research and Technology, Institute of Museum and Library Services, 1100 Pennsylvania Ave., NW., Room 802, Washington, DC 20506. Dr. Danvers can be reached on Telephone: 202–606–2478 Fax: 202–606–1077 or at rdanvers@imls.fed.us.

SUPPLEMENTARY INFORMATION: The Institute of Museum and Library Services is an independent Federal grant-making agency. The IMLS provides a variety of grant programs to assist the nation's museums and libraries in improving their operations and enhancing their services to the public. Museums and libraries of all sizes and types may receive support from IMLS programs. The Museum and Library Services Act of 1996 includes a strong emphasis on supporting library services through the use of technology and on assisting museums in their educational role and in modernizing their methods and facilities. This solicitation is to develop plans to collect information to assist IMLS in understanding the current status and capacity of museums and libraries to participate in national networks to deliver educational resources to students, life-long learners, underserved populations, and the general public.

II. Current Actions

The core duties of the Institute of Museum and Library Services, as stated in its strategic plan, are to promote excellence in library services and to promote access to museum and library services for a diverse public. This goal will be accomplished in part by promoting access to learning and information resources held by museums and libraries through electronic linkages. IMLS is seeking assistance in developing specific plans to collect information from the US library and museum communities to assess the digitization readiness and capacity of libraries and the technological readiness and capacity of museums. These information collections will be developed based on the varying characteristics of each community. A great deal of information has been collected on the internet access of libraries for internal and public access. The information IMLS collects should build on but not duplicate existing or ongoing collections.

Agency: Institute of Museum and Library Services.

Title: Museum Technology Survey.

OMB Number: Agency Number: 3137.

Frequency: Once.

Affected Public: museums and museum organizations.

Number of Respondents: 650.

Estimated Time Per Respondent: ½ hour.

Total Burden Hours: 325.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs: 0.

Agency: Institute of Museum and Library Services.

Title: Library Digitization Survey.

OMB Number: Agency Number: 3137.

Frequency: Once.

Affected Public: Libraries and library organizations.

Number of Respondents: 1000.

Estimated Time Per Respondent: 1 hour.

Total Burden Hours: 1000.

Total Annualized Capital/Startup Costs: 0.

FOR FURTHER INFORMATION CONTACT: Mamie Bittner, Director of Public and Legislative Affairs, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, telephone (202) 606–4648.

Dated: May 8, 2000.

Mamie Bittner,

Director of Public and Legislative Affairs.

[FR Doc. 00–12282 Filed 5–15–00; 8:45 am]

BILLING CODE 7036–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Submission for OMB Review; Comment Request

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval as required by the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13,44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling Susan G. Daisey, Deputy Director, Grants Office, the National Endowment for the Humanities (202–606–8494) or may be requested by e-mail to sdaisey@neh.gov. Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Humanities, Office of Management and Budget, Room 10235, Washington, DC 20503 (202–3995–7316), within 30 days from the date of this publication in the **Federal Register.**

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) is particularly interested in comments which:

(1) 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; (2) 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; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) 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: National Endowment for the Humanities.

Title of Proposal: Generic Clearance Authority for the National Endowment for the Humanities.

OMB Number: 3136–0134.

Frequency of Collection: On occasion.

Affected Public: Applicants to NEH grant programs, reviewers of NEH grant applications, and NEH grantees.

Number of Respondents: 20,569.

Estimated Time Per Respondent: Varied according to type of information collection.

Estimated Total Burden Hours: 91,301 hours.

Total Annualized Capital/Startup Cost: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): 0.

Description: This submission requests approval from OMB for a three year extension of NEH's currently approved generic clearance authority for all NEH information collections other than one-time evaluations, questionnaires and surveys. Generic clearance authority would include approval of forms and instructions for application to NEH grant programs, reporting forms for NEH grantees, panelists and reviewers and for program evaluation purposes.

FOR FURTHER INFORMATION CONTACT: Ms. Susan G. Daisey, Deputy Director, Grants Office, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 311, Washington, DC 20506, or by email to: sdaisey@neh.gov. Telephone: 202–606–8494.

John W. Roberts,

Deputy Chairman.

[FR Doc. 00–12314 Filed 5–15–00; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Meeting of the Subcommittee on Reliability and Probabilistic Risk Assessment; Revised

The meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment scheduled for May 19, 2000 has been *rescheduled for Wednesday, June 28 and Thursday, June 29, 2000 at 8:30 a.m. until the conclusion of business, in Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.* On June 28, 2000, the Subcommittee will discuss the proposed final ASME Standard for PRA quality. On June 29, 2000, the Subcommittee will discuss the status of risk-informed revisions to 10 CFR Part 50, including proposed revision to 10 CFR 50.44 concerning combustible gas control systems, issues in the Nuclear Energy Institute letter dated January 19, 2000 (Option 3), and the public comments related to the Advance Notice of Public Rulemaking on 10 CFR 50.69 and Appendix T (Option 2) and associated plans and schedules. All other items pertaining to this meeting remain the same as published in the **Federal Register** on Monday, May 8, 2000 (65 FR 26644).

FOR FURTHER INFORMATION CONTACT: Mr. Michael T. Markley, cognizant ACRS staff engineer (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EDT).

Dated: May 10, 2000.

Howard J. Larson,

Acting Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 00–12301 Filed 5–15–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission Regarding Nuclear Threat Incidents Involving NRC Licensed Facilities, Materials, or Activities

AGENCY: Nuclear Regulatory Commission.

ACTION: Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission.

SUMMARY: The Nuclear Regulatory Commission (NRC) entered into a Memorandum of Understanding (MOU) with the Federal Bureau of Investigation (FBI) in 1979. The MOU delineated the responsibilities of each agency regarding nuclear threat incidents involving NRC-licensed facilities, materials, or activities. In 1991, the NRC and FBI revised the MOU to reflect new legal authorities and operating experience. In 1999, the agencies reviewed the MOU and determined additional revisions were not required. We are currently publishing the MOU to inform the public of this review and staff conclusion regarding the continuing adequacy of the document. The text of the MOU between the NRC and the FBI follows.

FOR FURTHER INFORMATION CONTACT: John Davidson, Office of Nuclear Material Safety and Safeguards, telephone 301–415–8130, e-mail *jjd@nrc.gov.*

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

For the Nuclear Regulatory Commission

Michael F. Weber,

Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

Memorandum of Understanding Between the Federal Bureau of Investigation and the Nuclear Regulatory Commission Regarding Nuclear Threat Incidents Involving NRC Licensed Facilities, Materials, or Activities

I. Purpose

In recognition of the responsibilities and functions of the Federal Bureau of Investigation (FBI) and the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954, as amended, this Memorandum of Understanding (MOU) delineates the responsibilities of each agency regarding nuclear threat incidents involving NRC-licensed facilities, materials, or activities. (This agreement does not affect the procedures and responsibilities set forth in the November 23, 1988, Memorandum of Understanding between the NRC and the Department of Justice (DOJ) regarding cooperation concerning NRC enforcement actions, criminal prosecution by DOJ, and the exchange of pertinent information.)

Having closely related statutory responsibilities with regard to nuclear materials, facilities, and activities in the United States, the FBI and NRC must cooperate fully in carrying out their respective responsibilities in the interest of achieving:

1. Effective communication and exchange of relevant information, and
2. A timely, reliable, and effective response to a nuclear threat incident.

II. Definitions

For the purpose of this agreement, nuclear threat incidents are defined as threats, or acts of theft or sabotage in the U.S. nuclear industry, including the following:

- Theft or attempted theft of NRC-licensed special nuclear material.
- Sabotage or attempted sabotage of NRC-licensed nuclear facilities or NRC-licensed transportation activities.
- Attacks on NRC-licensed nuclear facilities or activities.
- Credible threats involving NRC licensed facilities, materials, or activities.

III. Responsibilities

A. The FBI

The FBI derives the authority to investigate criminal matters related to NRC licensed facilities, materials, or activities from the Atomic Energy Act of 1954, as amended; Title 18, Section 831 ''Prohibited transactions involving nuclear materials,'' and other Federal statutes as may be applicable. The FBI has been designated as the lead agency for coordinating the Federal Response to acts of terrorism within the United States by National Security Decision Directive (NSDD) Number 207 and the National System for Emergency Coordination (NSEC).

It is therefore understood that the FBI shall:

1. Provide to NRC, intelligence information concerning possible criminal acts relative to the security of nuclear facilities, materials, activities.
2. Notify NRC when allegations of a serious nature arise, or derogatory information is developed involving licensee personnel occupying positions considered critical to the safety and security of nuclear facilities or activities.
3. Investigate ongoing nuclear-related threat situations; advise NRC regarding the credibility and danger of such threats.
4. Establish liaison and develop contingency response plans with pertinent local law enforcement agencies to ensure effective and coordinated law enforcement response operations.
5. In accordance with the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, conduct identification and criminal history records checks on individuals with unescorted access to NCR-licensed nuclear power plants or access to Unclassified Safeguards Information.
6. Establish liaison with pertinent NRC Headquarters staff, NRC regional offices, and licensed facilities to ensure effective information exchange, threat evaluation, and contingency response planning.

In the event of a nuclear threat incident the FBI shall:

7. Coordinate the Federal response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities. The FBI will rely on the NRC on matters concerning public health and safety, as they relate to the nuclear facility, material, or activity.
8. Manage the law enforcement and intelligence aspects of the responded to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.
9. Establish and maintain contacts and coordinate the incident response with other Federal and local law enforcement agencies and military authorities, as appropriate.
10. Ensure that all reasonable measures are provided to ensure the physical safety and security of all NRC personnel and equipment to be used in support of the incident.

11. Promptly provide NRC with all information applicable to an assessment of a perpetrator's operational capability to carry out a threat.

12. At the scene of a nuclear threat incident, provide the necessary support, as may be needed by NRC personnel, in carrying out assigned operations and actions to protect the public from radiological hazards.

13. Request Department of Defense (DOD)/ Civil Explosive Ordnance Disposal (EOD) resources, as appropriate.

B. The NRC

NRC shall provide, to the extent compatible with its primary mission to protect the public's health and safety, as required by the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and the Omnibus Diplomatic Security Act and Anti-Terrorism Act of 1986, scientific and technical support to the FBI upon notification of the existence of a nuclear threat incident.

It is therefore understood that NRC shall:

1. Review and correlate intelligence information on possible criminal acts received from the FBI; evaluate potential adversary capabilities and trends as a basis for rulemaking, evaluations, and systems design.

2. When informed of an FBI investigation involving an NRC-licensed nuclear facility or activity, will promptly provide to the FBI investigating office a list of all positions considered critical to the safety and security of that facility or activity.

3. Establish liaison with FBI Headquarters staff and field office personnel to ensure effective information exchange, threat evaluation, and contingency response planning.

4. Support joint operational readiness planning between licensees and associated local law enforcement agencies for prompt law enforcement response assistance when needed at licensed facilities or activities.

5. Notify the FBI of threats involving NRC-licensed nuclear facilities, materials, or activities; assist the FBI in evaluating the nuclear aspects and the credibility of such threats, as appropriate.

6. Disseminate, with the approval of the FBI, to the affected licensees, alert and warning information received from the FBI about specific nuclear-related threats.

In the event of a nuclear threat incident, NRC shall:

7. Plan for and manage the public health and safety aspects of the response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

8. Provide NRC field liaison and technical assistance to the FBI at the scene of an incident.

9. Evaluate the radiological hazards of the particular incident and provide technical assessment of any potential or actual impact upon the public health and safety.

10. Ensure that all reasonable measures are provided for the health and safety of all FBI personnel and equipment involved in the support of the incident.

11. Provide for the health and safety of the public from radiological hazards.

C. Joint

The FBI and NRC shall:

1. Coordinate all proposed press releases related to nuclear threat incidents involving NRC-licensed facilities, materials, or activities.

2. Identify individuals assigned to fulfill the positions and responsibilities outlined in Section III of this agreement.

3. Handle all threat incident information with adequate security and confidentiality commensurate with national security guidelines and the standards for the preservation of criminal evidence.

4. Review and evaluate the events leading to and occurring during a nuclear threat incident for the purpose of improving upon future joint responses.

5. Exercise and test nuclear threat incident management procedures, equipment, and personnel.

IV. Standard Procedures

A. Initial Notification

1. Nuclear threat incidents involving NRC-licensed facilities, materials, or activities may be reported to either the FBI, NRC, or others. Upon receipt of a reported threat, the agency informed shall immediately notify the other concerned agencies about the situation and exact information known.

2. The FBI and NRC will notify appropriate individuals and offices of any nuclear emergency in accordance with current procedures and agreements.

B. Points of Contact

1. The FBI Special Agent in Charge of the responding FBI field office will take command of the field operations in a nuclear threat incident involving NRC-licensed facilities, materials, or activities. At the Headquarters level, a Special Agent may be designated to act as a liaison officer with the NRC Executive Team (ET).

2. The NRC Headquarters ET will convene and during the initial stage of the response will direct NRC activities. The Director may transfer authority for managing the NRC emergency response to the Director of Site Operations.

3. The FBI and NRC field representatives will coordinate and cooperate with each other in carrying out their respective responsibilities. The FBI and NRC representatives will report on the situation and make recommendations to their respective agencies regarding the need for additional assistance at the scene.

4. The FBI and NRC will maintain points of contact with the other Federal agencies involved in responding to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

V. Threat Assessment

1. NRC will provide scientific and technical advice for determining the credibility of specific nuclear threats and potential hazards associated with those threats.

2. NRC will endeavor to verify, with the cooperation of the Department of Energy and/ or the Department of Defense, whether any source material, special nuclear material, or radioactive by-products, are missing or unaccounted for.

VI. Funding Responsibilities

Interested parties will each fund for the cost incurred in providing the necessary assistance required to meet the responsibilities defined in this MOU.

VII. Terms of Agreement

1. This Agreement will become effective immediately upon signature by all parties and shall continue in effect unless terminated by any party upon 120 days notice in writing to all other parties.

2. Amendments or modifications to this Agreement may be made upon written notice by all parties to the Agreement.

For the Federal Bureau of Investigation.

Dated: May 29, 1991.

William S. Sessions,

Director.

For the Nuclear Regulatory Commission.

Dated: March 13, 1991.

Kenneth M. Carr,

Chairman.

[FR Doc. 00–12300 Filed 5–15–00; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Lag Service Reports; OMB 3220–005.

Under Section 9 of the Railroad Retirement Act (RRA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA. To pay benefits due on a deceased employee's earnings records or determine entitlements to, and amount of an annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service

and compensation information not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.4 and 209.5.

The RRB currently utilizes Form G–88A, *Employer's Supplemental Report of Service and Compensation* and Form AA–12, *Notice of Death and Statement of Compensation,* to obtain the required lag service and compensation and related information from railroad employers.

The RRB proposes to obsolete Form G–88a. Form G–88a will be replaced by two forms, Form G–88a.1, Notice of Retirement and Request for Verification of Date Last Worked, and G–88a.2, Notice of Retirement and Request for Service Needed for Eligibility. Form G–88a.1 will be sent by the RRB to railroad employers and used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by the employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G–88a.2 will be used by the RRB to secure lag service and compensation information when it is needed to determine benefit eligibility. Both proposed forms will direct the railroad employers to fax the information directly to the RRB. It is expected that the proposed new forms will be easier for railroad employers to complete and encourage a speedier reply, allowing the RRB to pay applicants in a more timely and accurate manner. A minor editorial change is proposed to Form AA–12.

The completion time for proposed forms G–88a.1 and G–88a.2 is estimated at 5 minutes per response. The estimated completion time for Form AA–12 is estimated at 6½ minutes per response. The RRB estimates that approximately 800 Form AA–12's, 2,300 Form G–88a.1's and 1,200 G–88.2's will be completed annually.

ADDITIONAL INFORMATION OR COMMENTS: 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. 00–12199 Filed 5–15–00; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42770; File No. SR–NYSE–99–31]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Amending Exchange Rules 902, 903 and 906

May 10, 2000.

I. Introduction

On June 30, 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 to amend Exchange Rules 902, 903 and 906.

The proposed rule change was published for comment in the **Federal Register** on September 1, 1999. No comments were received on the proposal. This order approves the proposal.

II. Description of the Proposal

The Exchange proposes to amend NYSE Rules 902, 903 and 906 to permit coupled orders to be submitted after the official closing of the 9:30 a.m. to 4:00 p.m. trading session until 5:00 p.m. (the period after the 4:00 p.m. close until 5:00 p.m. hereafter referred to as ''Crossing Session 1'') where both sides represent member or member organization interest, in circumstances in which a specialist has included another member's or member organization's interest in offsetting the imbalance when setting a closing price.

In 1991, the Exchange established its ''Off-Hours Trading Facility.''[3] In connection with its implementation, the Exchange adopted its ''900'' series of rules to govern trading, order eligibility, order entry and record keeping requirements.[4]

At 4:00 p.m. each day, the Exchange completes its normal procedure for the close of trading of the 9:30 a.m.–4:00 p.m. trading session. After 4:00 p.m., a common message switch broadcast message is published announcing the commencement of Crossing Session 1, which runs until 5:00 p.m.

During Crossing Session 1, the Off-Hours Trading Facility permits members and member organizations to enter orders to be executed at the NYSE closing price, that is, the price established by the last regular way sale in a security at the official closing of the 9:30 a.m. to 4:00 p.m. trading session. Orders may be entered for any Exchange listed issue, other than a security that is subject to a trading halt at the close of the regular trading session (including a Rule 80B trading halt) or is halted after 4:00 p.m.

The Exchange proposes to modify certain rules pertaining to Crossing Session 1 in an effort to reduce volatility and price dislocations at the 4:00 p.m. close by enabling the specialist to reflect legitimate market interest that was willing to participate in the close, but could not enter a timely order.

In circumstances in which a stock has an imbalance of market-on-close or limit-on-close orders, or when the closing price will elect a significant volume of stop orders, there may be little time to attract offsetting orders. A member, member organization or a customer may be willing to offset the imbalance, but be unable to enter an order before 4:00 p.m. The specialist may then have to acquire a substantial position or halt trading.

Under NYSE Rule 902, coupled orders to buy and sell the same amount of the same security may be entered into Crossing Session 1. However, such coupled orders may not be entered if they are both for an account of a member or member organization, or for an account in which an ''associated person'' of a member or member organization has an interest.

Therefore, while a specialist member organization may enter an order coupled with a contra-side order from a non-member in Crossing Session 1, it may not enter an order coupled with an order for a member's or member organization's account.

The Exchange proposes to amend NYSE Rule 902 to permit coupled orders to be submitted to Crossing Session 1 where both sides represent member or member organization interest, in circumstances in which a specialist has included another member's or member organization's interest in offsetting the imbalance when setting a closing price. Thus, the specialist may increase his or her participation at the close in anticipation of trading with a member or member organization in Crossing Session 1 and the closing price should reflect less of an imbalance.

Under NYSE Rule 903, orders entered in Crossing Session 1, including coupled orders, are executed at the 5:00 p.m. close of the session. Under NYSE

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 29237 (May 24, 1991), 56 FR 24853 (May 31, 1991) (Files No. SR–NYSE–90–52 and SR–NYSE–90–53).

[4] *See id.*

Rule 906, if the Exchange determines that material news is disclosed between 4:00 p.m. and 5:00 p.m., such as news about a corporate development, the Exchange will cancel orders received in Crossing Session 1 and will preclude the entry of any subsequent orders. However, in the circumstances outlined above, it is the Exchange's view that a good faith negotiation tied to establishing the closing price should not be affected by a subsequent event which ''halts'' trading.

Therefore, the Exchange proposes to amend NYSE Rules 903 and 906 to permit trades for the account of a specialist and a member, member organization or a non-member to be executed immediately when entered into Crossing Session 1, not at 5:00 p.m., regardless of whether the Exchange has determined that all other Crossing Session 1 orders be canceled and precluded from entry. In addition, the Exchange proposes to require a specialist to obtain Floor Official approval for the entry of his or her order into Crossing Session 1 if such order is not to be at the risk of the market, *i.e.,* it will be executed immediately and will not be precluded from entry because of a trading ''halt.'' The Exchange believes this requirement will help to insure that orders which are intended to offset the specialist's participation at the close have been reflected when the closing price was established. Other coupled orders would continue to be executed at 5:00 p.m., subject to the stock not being withdrawn from Crossing Session 1. The Exchange believes that retaining this provision for other coupled orders is appropriate for the protection of investors who may not be aware of the corporate development.

Under the proposal, total executed volume for coupled orders which are executed either immediately upon entry or at 5:00 p.m. will be reported to the tape as a single print, and will continue to be reported as ''sold.''

Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[5] In particular, the Commission finds the proposal is consistent with Section 6(b)(5) of the Act,[6] which requires that an Exchange promulgate rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange's proposed amendment to NYSE Rule 902 should allow a specialist to increase his or her participation at the close in anticipation of trading with a member or member organization in Crossing Session 1, thereby resulting in a more orderly close during periods of extraordinary volatility.

The Exchange also proposes to amend NYSE Rules 903 and 906 to permit trades for the account of a specialist and a member, member organization or a non-member to be executed immediately when entered into Crossing Session 1, rather than at 5:00 p.m. The amendment will allow such trades to be executed immediately when entered into Crossing Session 1, regardless of whether the Exchange has determined that all other Crossing Session 1 orders in a particular security be canceled and precluded from entry. The proposal also will require a specialist to obtain Floor Official approval for the entry of his or her order into Crossing Session 1 if such order is not to be executed immediately and will not be precluded from entry because of a trading ''halt.'' The Exchange has represented that this amendment is based on the premise that a specialist involved in a good faith renegotiation tied to establishing the closing price should not have his or her trades remain unexecuted if a subsequent event ''halts'' trading in the security.

The Commission finds that the Exchange's proposed amendments to NYSE Rules 903 and 906 should help to insure that orders which are intended to offset a specialist's participation at the close have been reflected when the closing price was established, resulting in a more orderly close. Such provisions are consistent with Section 6(b)(5),[7] which requires the rules of an Exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission further finds that retaining the provision requiring other coupled orders to continue to be executed at 5:00 p.m., subject to the stock not being withdrawn from Crossing Session 1, as appropriate under Section 6(b)(5) of the Act,[8] which requires an Exchange's rules be designed to protect investors and the public interest. An investor, after having entered an order into Crossing Session 1, may be unaware of a corporate development which could have substantial impact on the price of a security.Retaining the provision which requires other coupled orders to be executed at the close of Crossing Session 1 will help to ensure that investors who are unaware of corporate news will be adequately protected, should the corporate news have an unfavorable impact on the price of the stock.[9]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–NYSE–99–31) is approved.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–12271 Filed 5–15–00; 8:45 am]

BILLING CODE 8010–01–M

[5] 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).

[6] 15 U.S.C. 78f(b)(5).

[7] *Id.*

[8] *Id.*

[9] The Commission, in granting approval, notes that Floor Officials should carefully review specialist requests to enter these types of trades into Crossing Session 1. In particular, Floor Officials should consider the frequency with which particular specialists request to use this rule, and whether there have been any instances or prior problems associated with a particular specialist's use of this rule. For example, Floor Officials should consider whether there have been occasions in which there were significant discrepancies between the execution price contemplated by a member firm and the price actually received as a result of the Crossing Session 1 transaction.

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42767; File No. SR–PCX–99–07]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 to the Proposed Rule Change by the Pacific Exchange, Inc. Relating to Its Competing Specialist Program

I. Introduction

On March 1, 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 implement a competing specialist program. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange amended the proposed rule on April 22, 1999.[3]

The Commission published notice of the proposed rule change in the **Federal Register** on April 30, 1999.[4] The Commission received nine comments. The Exchange filed a second amendment on May 8, 2000.[5] For the reasons discussed below, the Commission is approving the proposed rule change as amended.

II. Description of the Proposal

The Exchange proposes to implement a competing specialist program to allow multiple specialists to make markets in equity securities traded on the Exchange. Currently, two specialists continuously make markets in most equity securities traded on the Exchange. The proposal would allow one or more competing specialists to make markets in a security, in addition to the existing ''regular specialists.''[6] Like regular specialists, competing specialists in a security will be required to make a two-sided market and will be subject to the rights and responsibilities of regular specialists, subject to certain exceptions discussed below. By allowing additional specialists to make markets in the most actively traded stocks, the Exchange expects that its competing specialist proposal will attract additional order flow to the Exchange. The Exchange also believes that a competing specialist program will result in greater competition, tighter bid-ask spreads, and greater depth and liquidity on the PCX.

A. PCX's Current Order Routing Procedures

Currently, the P/COAST trading system[7] typically sends incoming orders to a particular specialist based on arrangements that the specialist has made with the firm that sent the order to the exchange. If a firm has not designated a particular specialist to receive the order, the Exchange sends the order to one of the two regular specialists on an alternating basis.[8] A specialist may execute market orders it receives against the specialist's own account, unless the Exchange's Consolidated Limit Order Book (''CLOB'') contains a limit order that is priced at the National Best Bid or Offer (''NBBO'').[9] If the CLOB contains a limit order priced at the NBBO, and a specialist receives a market or marketable limit order that would match against the order that has priority on the CLOB, the specialist typically must execute the incoming order against the CLOB order, unless the specialist retains the order by executing the order against its own account at a price better than the order that has priority on the CLOB.[10] Other than requiring a specialist to give priority to CLOB orders, the existing system permits a specialist to execute its designated order flow at the NBBO or better whether or not the specialist's quoted bid or offer was priced at the NBBO when it received the order.

B. Proposed Order Routing Procedures

Under the Exchange's competing specialist proposal, if one specialist disseminates a bid or offer at the NBBO that has time priority on the Exchange, and another specialist (a ''contra specialist'') in that security receives a market or marketable limit order that would match against the first specialist's bid or offer, then the specialist with time priority at the NBBO would have the right to execute the incoming market or marketable limit order, unless the specialist that receives the order executes the entire order at a price better than the NBBO. If multiple specialists are quoting at the NBBO, then each of those specialists' quotes must be filled in time priority sequence before a specialist without time priority can execute an order against its own account at the NBBO, unless the specialist who receives the order provides price improvement. As today, a specialist could not execute an order against its own account at the NBBO until eligible orders in the CLOB priced at the NBBO are filled. The priority provisions would apply to trading in all securities that have more than one specialist on the PCX, including all securities in which two regular specialists make a market, whether or not one or more competing specialists also trades the security.

To implement these changes, PCX proposes to modify Rule 7.19(e)(1), which governs priority of bids and offers.[11] The rule currently provides, among other things, that bids and offers that are made first at a particular price are entitled to priority, and that a member may maintain priority by giving the order to a specialist. The existing language reflects a time when floor brokers played a more active role on the Exchange than is currently the case. The proposed rule change would add language stating that specialist bids and offers must always yield to agency orders represented at the same price, unless otherwise excepted by the rules of the ''Corporation,'' meaning PCX Equities, Inc.[12] The Exchange states that the exception refers to odd lot orders, orders that provide for settlement other than in three days (non-regular way) and conditional orders (such as all-or-

[3] *See* Letter from Michael Pierson, Director, Regulatory Policy, PCX, to Michael Walinskas, Deputy Associate Director, Division of Market Regulation (''Division''), Commission, dated April 22, 1999 (''Amendment No. 1''). Amendment No. 1 made numerous technical and descriptive changes to the filing.

[4] Securities Exchange Act Release No. 41327 (April 22, 1999), 64 FR 23370 (April 30, 1999) (''Notice'').

[5] *See* Letter from Michael Pierson, Director, Regulatory Policy, PCX, to Belinda Blaine, Associate Director, Division, Commission, dated May 8, 2000 (''Amendment No. 2''). Amendment No. 2 made technical changes to reflect PCX's recent restructuring of its equity trading system and rules, discussed recent technology upgrades relevant to this filing, and made clarifying changes to certain rules.

[6] Under the proposal, a ''regular specialist'' is a specialist registered with the PCX in a security, other than a competing specialist in that security. Although PCX rules do not specify a minimum number of regular specialists in a security, as a practical matter there must be at least one regular specialist in a security because regular specialists have certain duties not shared by competing specialists.

[7] P/COAST, the ''Pacific Computerized Order Access System,'' is the Exchange's communication, order routing, and execution system for equity securities. *See* Rule 7.70.

[8] Firms may also send orders to floor brokers for representation on the exchange. Currently, floor brokers are not required to enter orders they receive into the P/COAST system, and they can direct orders they represent to either specialist post handling that security.

[9] The Exchange has proposed changing several rules to reflect its implementation of the CLOB. *See* Securities Exchange Act Release No. 41304 (April 16, 1999), 64 FR 22888 (April 28, 1999).

[10] Under certain limited circumstances, a specialist can execute an order against its own account even if a same-priced or better-priced order is on the CLOB. For example, because an all-or-none order in the CLOB that is priced at or better than the NBBO cannot execute against an incoming market order that is smaller than the all-or-none order, a specialist may execute the market order against its own account.

[11] In the Notice, Rule 7.19(c)(1) was identified as Rule 5.8(c). PCX renumbered its equity trading rules as part of a restructuring plan that the Commission recently approved. *See* Securities Exchange Act Release No. 42759 (May 5, 2000).

[12] Under the PCX equities trading restructuring plan, the Exchange is delegating the responsibility to operate PCX's equities trading system to PCX Equities, Inc. Rule 1.1(f) of the revised rules states that the term ''Corporation'' means PCX Equities, Inc.

Amendment No. 2 modified the language of several rules published in the Notice to replace references to the ''Exchange'' with references to the ''Corporation.''

Under the restructuring plan, firms that trade equities on PCX now may hold Equity Trading Privileges (''ETP)'' or Automated System Access Privileges. Accordingly, Amendment No. 2 also replaced references to ''member'' or ''firm'' with references to ''ETP Holder'' or ''ETP Firm.''

none orders, stop orders and market-on-close orders).[13]

The Exchange also proposes to add new Rule 7.19(c)(2), governing priority among specialists. The rule would provide that if two or more specialists are quoting at the NBBO and there are no agency orders being represented at that price, the earliest specialist bid or offer at that price will have time priority and be eligible for an execution first up to its specified size.[14] If no specialists are quoting at the NBBO, a specialist representing an order may execute that order at the NBBO or better.[15]

In addition, the Exchange proposes to change other rules to describe how the P/COAST system will route orders in the competing specialist environment. An addition to Rule 7.70(a),[16] which generally describes P/COAST, states that the Corporation will route orders to a specialist in accordance with arrangements that the customer has made with that specialist. Absent such arrangements, the Corporation will alternate orders between the two regular specialists.[17] The Exchange also proposes to add new Rule 7.70(h)[18] to explain that the P/COAST system will provide that specialists who are quoting with time priority at the NBBO will have the right to execute incoming orders at the NBBO, up to the size of their quote. A specialist designated to receive an order, however, could retain the order even if the specialist's quote did not have priority at the NBBO, if the specialist improve the price.[19] The Exchange estimates that it will implement this change to P/COAST by September 29, 2000.[20]

C. Other Provisions of the Competing Specialist Program

The Exchange proposes to describe the competing specialist program by replacing the existing text of Rule 7.30(a)[21] with new language. Specifically, proposed Rule 7.30(a)(1) would provide that only registered specialists may act as competing specialists. Similarly, proposed Rule 7.30(a)(3) would provide that all applicant competing specialists must be registered as ETP Holders or ETP Firms with the Corporation, must meet capital requirements set forth in the Commission's and the Corporation's rules, must conform to all other performance requirements and standards set forth in the rules of the Corporation, and are subject to all the rules and policies applicable to a regular specialist, unless otherwise indicated. The Commission notes that applicable rules include, among other things, Rule 7.24(a), which makes a specialist responsible for the execution of all orders that he has accepted. Proposed Rule 7.30(a)(3) also would provide that applicants who control, are controlled by, or are under common control with another person engaged in a securities or related business must have and maintain appropriate information barriers as approved by a self-regulatory organization.

Proposed Rule 7.30(a)(2) would provide that applications for registration as a competing specialist must be directed to the Corporation in writing and must list in order of preference the issue(s) in which the applicant intends to compete.[22] The Corporation would consider several factors when reviewing an application: financial capability; adequacy of staffing; performance evaluations; whether the allocation would increase competition in the issue and/or increase order flow to the Corporation; and any objections of the regular specialists in the issue.[23] Proposed Rule 7.30(a)(4) also states that applicant organizations must demonstrate to the Corporation that they have adequate staffing.

Proposed Rule 7.30(a)(5) would provide that order flow not specifically designated for a competing specialist must be routed to a regular specialist, but that an ETP Firm affiliated with a specialist in an issue must designate all PCX order flow in that issue to that specialist.[24] Commentary .01 to proposed Rule 7.30(a) explains that this is designated to prevent ETP Firms affiliated with a specialist from routing non-profitable orders to another (unaffiliated) specialist when market conditions are unfavorable.[25]

Proposed Rule 7.30(a)(6) would provide that if a firm wishes to withdraw from acting as a competing specialist in a security, it must notify the Corporation at least three business days prior to the desired effective date of such withdrawal, except when notice is not practicable. Also, proposed Rule 7.30(a)(7) would provide that any competing specialist that withdraws its registration in an issue will be barred from applying to compete in that same issue for a period of 90 days following the effective date of withdrawal.

Proposed Rule 7.30(a)(8) would provide that competing specialists must cooperate with the regular specialists regarding openings and reopenings to ensure that they are unitary.[26]

Proposed Rule 7.30(a)(9) would require that if a competing specialist receives a limit order that is not immediately executable, the competing specialist must enter the order into the CLOB and execute it according to the Corporation's rules on time priority.

---

[13] The proposed rule change would also remove a reference to individual floors. The filing further proposes eliminating a reference to the ''specialist's book'' that is inconsistent with the Exchange's use of a CLOB.

[14] *But see* Rule 7.70, discussed below.

[15] Proposed Commentary .02 to these rules defines the term ''NBBO'' as the national best bid or offer made by an Intermarket Trading System (''ITS'') participant. As set forth in the Notice, proposed Commentary .03 to these rule provided for specialists to manually intervene with orders to assure that the priority rules would be maintained, until the Exchange reprogrammed the P/COAST system to implement the priority rules. Amendment No. 2 eliminated proposed Commentary .03, which is now unnecessary.

[16] In the Notice, Rule 7.70(a) was identified as Rule 5.25(a).

[17] *But see* note 36.

[18] In the Notice, Rule 7.70(h) was identified as Rule 5.25(h).

[19] Amendment No. 2 clarified Rule 7.70(a) by stating that non-designated orders would alternate among the two regular specialists. The amendment also changed proposed Rule 7.70(h) to eliminate an outdated reference to specialists interacting with orders by using electronic orders or by vocalizing bids and offers, to eliminate the inference that a specialist who has time priority at the NBBO could retain priority when increasing the size of its quote, to make a clarifying change, and to eliminate language suggesting that the rule described a ''future modification'' of P/COAST.

[20] *See* Amemdment No. 2. The Exchange further states that it will not permit specialists to act as competing specialists until the Exchange has implemented this systems change.

[21] In the Notice, Rule 7.30(a) was identified as Rule 5.35(a).

[22] As proposed in the Notice, several portions of Rule 7.30(a) (identified as Rule 5.35(a) in the Notice) would have delegated certain responsibilities regarding competing specialists to the Exchange's Equity Floor Trading Committee (''EFTC''). Amendment 2 replaced reference to the EFTC with references to the ''Corporation.'' Amendment No. 2 also replaced references to the Exchange's Board of Governors with references to the Corporation's Board of Directors.

[23] In Amendment No. 2, the Exchange added language to Rule 7.30(a)(2) stating that the denial of an application to register as a competing specialist may be appealed pursuant to Rule 10.14(a), which provides a right of appeal if the Corporation denies an application to serve as a specialist.

[24] As originally published in the Notice, proposed Rule 7.30(a)(5) (identified as Rule 5.35(a)(5) in the Notice) and Commentary .01 only applied to firms affiliated with competing specialists. Amendment No. 2 modified the proposal to also encompass firms affiliated with regular specialists.

[25] As discussed above, however, Rule 7.19(c)(2), would provide that if another specialist is quoting at the NBBO and clearly has established priority on the PCX, then that specialist would have priority to fill the order.

[26] Competing specialists who wish to use ITS to send preopening indications of interest to the primary market in a security must send those preopening indications through a regular specialist who is an ITS Coordinator. During trading hours, competing specialists at times will be able to send outbound ITS commitments and execute incoming ITS commitments independently and without the need for a regular specialist to clear the activity; at other times an ITS Coordinator will need to be involved. *See* Securities Exchange Act Release No. 42708 (April 20, 2000), 65 FR 25780 (May 3, 2000). The Exchange states that competing specialists will not be permitted to act as an ITS Coordinator.

This rule reiterates certain of the order routing principles discussed above, and clarifies that they apply to competing specialists as well as regular specialists. Commentary .02 to proposed Rule 7.30(a) further states that incoming orders are first executed against any matching limit orders on the Corporation, that all market and marketable limit orders are exposed to a specialist for possible price improvement before execution, and that specialists may execute their designated order flow unless there is a matching limit order eligible for execution on the Corporation, or another specialist has a bid or offer with time priority at the NBBO.

Proposed Rule 7.30(a)(10) would provide that all suspensions of trading must be coordinated through a regular specialist. The exchange is also codifying the role of competing specialists in trading halts in an amendment to Rule 7.46(b).[27] Rule 7.46(b)(1) currently provides, in part, that when the flow of orders in a security traded on both floors does not allow either specialist to maintain an orderly market in such security, either specialist may suspend trading, and the specialist who suspends trading must notify the specialist on the other floor who shall also suspend trading. Rule 7.46(b)(2) contains similar provisions for securities traded only on one floor. The Exchange is proposing to amend both rules to require notification of all specialists trading the security. The Exchange also is proposing to add a commentary to the rule stating that competing specialists in an issue may not suspend trading, and that all suspensions of trading must be coordinated through a regular specialist. Finally, the Exchange proposes to extend its rules on circuit breakers, codified in Rule 7.47(a)–(b), to competing specialists.

The Exchange is also proposing to add Rule 7.30(a)(11), which would provide that the registration of any competing specialist may be suspended or terminated by the Corporation upon a determination of any substantial or continued failure by that competing specialist to engage in dealing in accordance with the bylaws, rules and procedures of the Corporation.[28]

Under proposed Rule 7.30(a)(12), the Corporation will establish an effective date for competition to commence, but the Corporation will limit competition during the initial phase as follows: (a) any registered specialist may apply to become a competing specialist in a number of issues, not to exceed ten, that has been previously established for the program by the Board of Directors; (b) the Board of Directors will determine the total number of competing specialists permitted on the Corporation; and (c) the Corporation will conduct a quarterly review of each competing specialist, and in conducting such reviews, the Corporation may consider, among other things, the five factors that it considers when reviewing an application for registration as a competing specialist.[29]

Proposed Rule 7.30(a)(13) would provide that once the program has operated for one year, the Corporation will evaluate it and make a recommendation to the Board of Directors as to whether to continue the program or to modify its terms.[30]

III. Summary of Comments

The Commission received nine comment letters, all of which were from individuals associated with PCX firms, and all of which were favorable.[31] The commenters stated that the proposal would encourage quote competition, improve execution speed and quality, improve customer service, and provide additional competition to the primary market.

IV. Discussion

After having carefully reviewed the proposal, the Commission finds that the proposed rule change is consistent with the requirements of Sections 6(b)(5) and 11A of the Act.[32] Section 6(b)(5) requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to reflect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.[33] Section 11A of the Act promotes, among other things, the development of a national market system for securities to assure economically efficient execution of securities transactions, and fair competition among brokers and dealers, among exchange markets, and markets other than exchange markets.[34]

The Commission finds that the proposal is consistent with those sections of the Act. The proposal has the potential to enhance competition and increase liquidity by permitting multiple specialists to compete for order flow on the Exchange, which may lead to enhanced opportunities for price improvement and improved services for customers.

In 1996, the Commission granted permanent approval to the Boston Stock Exchange's (''BSE's'') competing specialist program.[35] The BSE's program is similar to the PCX's proposal in that both programs permit multiple specialists to make markets in a security, and both programs restrict a specialist's ability to execute its designated order flow if customer orders have priority on the exchange's consolidated limit order book or if other specialists are quoting with time priority at the NBBO. The Commission approved the BSE competing specialist program on the grounds that the BSE's program was designed to improve market making and increase liquidity and competition on BSE's trading floor. The Commission also recognized that although the BSE program had the potential to increase internalization of orders, it was not necessarily inconsistent with a broker-dealer's duty to seek best execution of customer limit orders. The Commission emphasized, however, that broker-dealers could not

[27] In the Notice, Rule 7.46(b) was identified as Rule 5.31(b).

[28] Amendment No. 2 revised a reference to the constitution and rules of the Exchange.

[29] The purpose of these reviews is to assure that the new program will be operated appropriately, particularly in its early phase, so that any problems can be identified and corrected.

[30] In the Notice, the Exchange proposed deleting older rules for competing specialists, which were codified as Rules 5.35(a)–(i). The Exchange had not applied those rules since approximately 1977. The Exchange recently deleted those rules as part of its equity trading rule restructuring.

[31] *See* Letters from: Harvey Cloyd, President, Harvey Cloyd & Co., dated April 27, 1999; Daniel Turner, President, Rubicon Securities, Inc., dated April 27, 1999; David Hultman, Vice President, D.A. Davidson & Co., dated May 6, 1999 (''Hultman/Davidson letter''); Thomas Stephenson, received May 14, 1999; Walter Reinsdorf, D.A. Davidson & Co., dated May 20, 1999 (''Reinsdorf/Davidson letter''); Arnold Staloff, President, Bloom Staloff, dated may 28, 1999; Ronald Melville, Ronald E. Melville, Inc., dated May 25, 1999; Dennis LoPresti, Senior Vice President, Wedbush Morgan Securities, dated May 26, 1999; and David Gale, President, Delta Dividend Group, Inc., dated June 16, 1999.

Four of the letters were virtually identical, stating that the proposal would encourage quote competition without interfering with specialists' efforts to achieve price improvement, would result in faster executions due to increased liquidity, and would allow the PCX to keep pressure on the primary market. *See* Wedbush Morgan letter, Melville letter, Bloom Staloff letter, Reinsdorf/Davidson letter. Other commenters emphasized that the proposal would promote the quality of executions. *See* Delta letter, Stephenson letter. Other commenters said that the proposal would allow specialists to provide improved service to customers and add depth to the national market system. *See* Hultman/Davidson letter, Rubicon letter, Cloyd letter.

[32] 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).

[33] 15 U.S.C. 78f(b)(5).

[34] 15 U.S.C. 78k–1.

[35] Securities Exchange Act Release No. 37045 (March 29, 1996), 61 FR 15318 (April 5, 1996).

automatically route their order flow to an affiliated BSE specialist without engaging in a regular and rigorous evaluation of execution quality.

The Commission similarly finds that the PCX proposal has the potential to enhance competition consistent with Sections 6(b)(5) and 11A of the Act. Permitting additional specialists to make markets in each stock on the PCX could potentially bring increased liquidity to the Exchange and could allow additional customer limit orders to benefit from the protections provided by the CLOB. Moreover, the PCX proposal's order routing provisions should give specialists an incentive to improve their quotations by providing that a specialist quoting with time priority at the NBBO would execute incoming orders unless the designated specialist retains the order by providing price improvement.[36] Finally, allowing additional specialists to make markets on the PCX should also promote competition among PCX specialists in the rates of price improvement they provide, and in the quality of their limit order execution guarantees and other services.

The Commission reiterates that while an automated order routing environment is not necessarily inconsistent with the achievement of best execution, broker-dealers choosing where to automatically route orders must assess periodically the quality of competing markets to assure that order flow is directed to markets providing the most advantageous terms for their customers' orders. Thus, a broker-dealer may not simply employ default order routing to an affiliated PCX specialist without undertaking such an evaluation on an ongoing basis. A broker-dealer sending orders to the PCX must satisfy itself that its routing decision is consistent with its best execution obligations, irrespective of the firm's desire to internalize order flow through an affiliated PCX specialist. To reach this conclusion, the broker-dealer must rigorously and regularly examine the executions likely to be obtained for customer orders in the different markets trading the security, in addition to any other relevant considerations in routing customer orders.[37]

Several other proposed rule changes govern the operations and responsibilities of competing specialists. The Commission finds that those proposed rules would promote fair and orderly markets by providing that competing specialists meet all requirements applicable to specialists on the exchange, that competing specialists follow all rules applicable to regular specialists (with certain exceptions), that competing specialists maintain barriers against the disclosure of information to affiliates, and that they cooperate with regular specialists during openings, suspensions, and reopenings of trading.

The remaining proposed rule changes govern the qualifications and selection of competing specialists and the implementation of the competing specialist program. The Commission finds that those proposed rule changes set forth reasonable requirements that will permit the Exchange to implement the program in a fair and efficient manner. The proposed rule changes would permit the Exchange to evaluate applications to serve as competing specialist using factors that are relevant and appropriate (*e.g.*, financial capability, adequacy of staffing, and performance evaluations) to the question of whether an applicant is capable of making a market in a stock and whether adding specialists to a stock will benefit the public.[38] The proposed rules should also promote specialist continuity and minimize disruptions to the PCX market by restricting a firm's ability to repeatedly start and cease making markets as a competing specialist in a security. The proposed rules set forth a phase-in plan that should help the Exchange implement the competing specialist program with a minimum of disruption to existing operations.

The Commission believes it is consistent with the Act to allow the PCX to implement its competing specialist program on a permanent basis. Nevertheless, Commission approval of the PCX's competing specialist program is not a determination by the Commission that mere default routing by a firm to its affiliated competing specialist is consistent with a firm's best execution obligations. As noted above, a broker-dealer associated with a competing specialist must still ensure that its order routing decisions are consistent with its best execution obligations and assess periodically the quality of competing markets to assure that order flow is directed to markets providing the most advantageous terms for its customers' orders.

The Commission finds good cause for approving Amendment No. 2 prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. Amendment No. 2 renumbered several rules, made necessary technical changes to reflect the recent approved restructuring of PCX's equities trading, and clarified aspects of the proposed amendments to the Exchange's priority rules. The amendment eliminated a proposed commentary to the priority rules that provided for specialists to manually intervene with orders, because the commentary is unnecessary in light of P/COAST improvements that the Exchange is implementing. The amendment modified proposed competing specialist rules to state that all firms affiliated with specialists must send their PCX orders to that specialist (not just firms affiliated with competing specialists). The amendment also clarified that firms whose applications to serve as competing specialists are denied would have the right of appeal. Finally, Amendment No. 2 sets forth the Exchange's commitment to reprogram the P/COAST system within eighteen months of the competing specialist program's approval, so that the P/COAST system would route incoming orders directly to a specialist who is quoting at the NBBO with time priority. Those modifications were clarifying in nature and did not change the substance of the Exchange's proposal, as it was published in the Notice.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written

[36] The Commission finds that it is generally appropriate for the Exchange to route non-designated orders to a regular specialist, given that regular specialists have market making responsibilities not shared by the competing specialists. That provision is subject to the requirement that a specialist quoting with time priority at the NBBO has a right to execute incoming orders, regardless of which specialist was designated to receive the order, absent price improvement.

The Commission notes that the Exchange has committed to implement systems changes, within eighteen months of the Commission's approval of this program, so that incoming orders will be automatically routed to the specialist with time priority at the NBBO.

[37] The Commission recognizes that the proposed competing specialist program has the potential to increase internalization. The Commission will monitor the impact of the competing specialist program as part of its ongoing review of market fragmentation. *See* Securities Exchange Act Release No. 42450 (February 23, 2000), 65 FR 10577 (February 28, 2000).

[38] The Commission expects that the Exchange will consider all permissible factors in assessing applicants and will not be unduly influenced by objections of the regular specialist in the issue. Indeed, the Exchange may not reject an application to be a competing specialist solely because of the objections of the regular specialist in the issue.

statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–PCX–99–07 and should be submitted by June 6, 2000.

VI. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change SR–PCX–99–07, including Amendment No. 2, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[39]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–12272 Filed 5–15–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that TD Origen Fund, L.P. (''TD Origen''), 150 Washington Avenue, Suite 201, Santa Fe, New Mexico 87501, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), TD Javelin Capital Fund, LP (''TD Javelin''), 2850 Cahaba Road, Suite 240, Birmingham, Alabama 35223, a Federal Licensee under the Act, TD Javelin Capital Fund II, LP (''TD Javelin II''), 2850 Cahaba Road, Suite 240, Birmingham, Alabama 35223, a Federal Licensee under the Act, and TD Lighthouse Capital Fund, LP (''TD Lighthouse'', and together with TD Javelin, TD Javelin II, and TD Origen, the ''Funds''), 303 Detroit Street, Suite 301, Ann Arbor, Michigan 48104, an applicant for a Federal license under the Act, in connection with the financing of a small concern, are seeking an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.730 (2000)). The Funds propose to provide equity financing to TransMolecular, Inc. (''TMI''), 2850 Cahaba Road, Suite 240, Birmingham, Alabama 35223. The financing is contemplated for product development and working capital.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because TD Javelin, an Associate of the Funds, currently owns greater than 10 percent of TMI and therefore TMI is considered an Associate of each of the Funds as defined in Sec. 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW; Washington, DC 20416.

Dated: April 26, 2000.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 00–12185 Filed 5–15–00; 8:45 am]

BILLING CODE 8025–01–U

[39] *See* 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Emergency Consideration Request

In compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is requesting emergency consideration from OMB by 06/02/2000 of the information collection listed below.

1. Annual Earning Test-Direct Mail Follow-up Program Notices–0960–0369. In 1997, as part of the initiative to reinvent government, SSA began to use the information reported on W–2's and self-employment tax returns to adjust benefits under the earnings test rather than have beneficiaries make a separate report, which often showed the same information. As a result, beneficiaries under full retirement age (FRA) complete forms SSA–L9778–SM–SUP, SSA–L9779–SM–SUP and SSA–L9781–SM (the ''Midyear Mailer'' forms) under this information collection.

With the passage of the Senior Citizen Freedom to Work Act of 2000, the annual earnings test (AET) at FRA was eliminated. As a result, SSA designed 2 new Midyear Mailer forms, the SSA–L9784–SM and the SSA–L9785–SM, to request an earnings estimate in the year of FRA for the period prior to the month of FRA. Social Security benefits may be adjusted based on the information provided and this information is needed to comply with the recent change to the law. Consequently, the Midyear Mailer program has become an even more important tool in helping SSA to ensure that Social Security payments are correct. Respondents are beneficiaries who must update their current year estimate of earnings, give SSA an estimate of earnings for the following year and an earnings estimate (in the year of FRA) for the period prior to the month of FRA.

Number of Respondents: 315,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 52,500 hours.

You can obtain a copy of the collection instruments and/or OMB clearance package by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him. Written comments and recommendations regarding the information collection should be submitted to the SSA Reports Clearance Officer and to the OMB Desk Officer at the addresses at the end of this document. Comments and recommendations should be received before June 2, 2000.

(OMB Address)

Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, DC 20503.

(SSA Address)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

Dated: May 9, 2000.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 00–12323 Filed 5–15–00; 8:45 am]

BILLING CODE 4190–29–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 25–XX, Sustained Engine Imbalance

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed advisory circular (AC) 25–XX and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides methods acceptable to

the Administrator related to the aircraft design for sustained engine rotor imbalance conditions provisions of 14 CFR part 25 regarding the type certification requirements for transport airplane structure. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

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

ADDRESSES: Send all comments on the proposed AC to: Federal Aviation Administration, Attention: Jim Haynes, Airframe/Airworthiness Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056. Comments may also be submitted electronically to the following address: jim.haynes@faa.gov. Comments may be inspected at the above address between 7;30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jim Haynes, Airframe/Airworthiness Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056; telephone (425) 227–2131; facsimile (425) 227–1320. Questions may also be submitted electronically to the following address: jim.haynes@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

You may obtain an electronic copy of the advisory circular identified in this notice at the following Internet address: www.faa.gov/avr/air/airhome.htm. If you do not have access to the Internet, you may request a copy by contacting Susan Boylon, Program Management Branch, ANM–114, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–1152. Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments, as they may desire. Commenters should identify AC 25–XX, and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC.

Discussion

This AC contains guidance for the latest amendment of the regulations and applies to all transport category airplanes for which a new, amended, or supplemental type certificate is required. This guidance should be applied to any portion of the airplane structure that has been modified. In the past, advisory and guidance information applicable to transport airplane structure has been published as AC's. Advisory circulars have not been developed for all of the regulatory requirements applicable to transport airplane structure, however. In many instances, certification of new technology airplanes resulted in the need to interpret the existing regulations and to apply new regulations. Issue papers and special conditions were generated to document the compliance method agreed upon between the applicant and the FAA. In other instances, applicants, FAA Aircraft Certification Office (ACO) managers, and foreign regulatory authorities have requested interpretation of the intent of specific regulations. This guidance was documented in the form of policy memorandums that were distributed to all ACO's, letters to applicants and foreign airworthiness authorities, and issue papers. In many instances, this information was not organized in a manner that allowed easy access, and applicants were not aware of revised policy. This AC formalizes existing policy so that the public and FAA personnel have access to this information. The methods and procedures described in this AC have evolved after many years and represent current certification practice.

Issued in Renton, Washington, on May 8, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 00–12311 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

The Texas Mexican Railway Company

[Waiver Petition Docket Number FRA–2000–7040]

The Texas Mexican Railway Company (TM) seeks a permanent waiver of compliance from certain provisions of the Safety Appliances Standards, 49 CFR part 231, and the Power Brakes and Drawbars regulations, 49 CFR part 232, concerning RoadRailer® train operations over their railroad system. Specifically, TM requests relief from the requirements of 49 CFR part 231, which specifies the number, location and dimensional specifications for handholds, ladders, sill steps, uncoupling levers, and handbrakes; and § 232.2, which regulates drawbar height.

TM would like to begin operations of RoadRailer® equipment over its system in connection with the Burlington Northern Santa Fe Railway (BNSF) and/or the Kansas City Southern Railroad to and from interchange with the Transportation Ferroviaria Mexicana at Laredo, Texas, with movement of the equipment between interchange points at Beaumont, Houston, or Corpus Christi, Texas. TM requests that FRA consider this waiver under the same conditions as granted to BNSF under Docket Number FRA 1999–5895.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 1999–5894) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 15 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC, on May 9, 2000.

Michael J. Logue,

Deputy Associate Administrator for Safety Compliance and Program Implementation.

[FR Doc. 00–12313 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7312; Notice 1]

General Motors North America, Notice of Application for Decision of Inconsequential Noncompliance

General Motors North America (GM) has determined that on some 1995–1999 model year GMC and Chevrolet trucks and on some 1997–1999 Pontiac Grand Prix cars, the center high-mounted stop lamp (CHMSL) could briefly illuminate if the hazard flasher switch is depressed to its limit of travel. This condition would not meet the lighting requirements of S5.5.4 of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, reflective devices, and associated equipment.'' Pursuant to 49 U.S.C. 30118(d) and 30120 (h), GM has petitioned for a determination that this condition is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

We are publishing this notice of receipt of an application as required by 49 U.S.C. 30118 and 30120. This action does not represent any agency decision of other exercise of judgment concerning the merits of the application.

FMVSS No. 108 establishes the requirements for signaling to enable safe operation in darkness and other conditions of reduced visibility. Under S5.5.4 of FMVSS No. 108, the CHMSL on each vehicle shall be activated only upon application of the service brakes. During Model Year 1995–1999 GM produced 3,375,393 vehicles with a CHMSL that could briefly illuminate if the hazard flasher switch is depressed to its limit of travel. The vehicles that may have this condition are 1995–1999 model year GMC and Chevrolet trucks and some 1997–1999 Pontiac Grand Prix cars.

GM supports its application for inconsequential noncompliance by stating the following:

The possibility of unintended CHMSL illumination is very low, for several reasons. Hazard flashers are infrequently used in service. The condition can occur only when the hazard flasher switch is at the extreme bottom of travel. To turn the hazard flashers on or off, one need merely push the hazard flasher switch. It is not necessary to push the switch all the way to its limit of travel. Even when the switch is depressed all the way to its limit of travel, CHMSL illumination may not occur. In approximately 50% of the switches it would be moderately difficult to get a CHMSL activation. With these switches, it is also necessary to apply a side force to the hazard flasher switch (in addition to having the switch at its bottom of travel) before the CHMSL might illuminate.

Even if the condition does occur, the duration of unintended CHMSL illumination would be very brief. The hazard flasher switch requires less than a second in total to turn the flashers on or off, and only for a fraction of this total time would the switch be all the way to its limit of travel.

About one-third of the affected vehicles have incandescent CHMSLs. In these vehicles, visible illumination of the CHMSL would not occur unless the hazard switch were depressed to its full limit of travel and held there long enough for the incandescent bulb filaments to heat and become visible. Therefore, unless the hazard switch was deliberately held at its limit of travel, and possibly with a side force, any unintended CHMSL illumination would be momentary and as a practical matter virtually imperceptible.

Even if a visible CHMSL illumination occurs upon hazard flasher activation, it would almost certainly have no adverse effect on safety. Hazard flasher lights are typically used when the vehicle is off the road or out of traffic. However, if a CHMSL illuminated due to this condition when the vehicle was on the road, a following driver would likely see a brief single flash of the CHMSL. As a practical matter, the following driver might not notice this flash at all. Even if he or she did, there would seem to be no likelihood of driver confusion or inappropriate responses. In reaching this view, we have considered the following situations and would invite the agency's consideration of them as well:

A driver who turns on the hazard flasher switch does so in order to alert others to some situation that the driver judges to be a highway safety hazard. Indeed, the owner's manual in each of these vehicles states as much: Your hazard warning flashers let you warn others. They also let police know you have a problem.

When the driver turns them on, the hazard lamps on these vehicles commence flashing immediately after the driver releases the switch. In this situation, any momentarily illuminated CHMSL would augment the hazard alert to following drivers.

If the hazard flasher switch is being turned off, the CHMSL could be illuminated momentarily while the hazard lamps are flashing. A following driver is unlikely to react inappropriately to a momentary CHMSL illumination when two hazard lamps are already flashing.

In many situations, it seems likely that a driver suddenly approaching a hazard situation might want to slow down, and therefore the service brakes would be applied when the hazard switch is depressed. In this case, the CHMSL would remain illuminated by the service brakes as required by FMVSS 108. This situation would pose no safety or compliance issue because the CHMSL would already be on.

The CHMSL (and the remainder of the vehicle lighting) otherwise meets all of the requirements of FMVSS 108.

GM is not aware of any accidents, injuries, owner complaints or field reports for the subject vehicles related to this condition.

NHTSA has previously granted inconsequential treatment for a similar condition. In 1995, General Motors petitioned for inconsequential treatment for a noncompliance while the hazard switch was being used (reference Mr. Milford Bennett letter to Dr. Ricardo Martinez dated June 16, 1995). The agency subsequently granted inconsequential treatment for this condition (reference Docket 95–57, Notice 2 published in the **Federal Register**, 61 FR 2865, January 29, 1996). No one opposed the application. NHTSA found in that situation that ''the transient activation of the CHMSL, a false signal, is highly unlikely to mislead a following driver,'' at 2865–2866.

The current situation would appear to be even less of a highway safety issue, because (a) the previous condition could occur at various positions within the normal operating travel of the hazard switch, while the current condition can only occur at the extreme bottom of travel of the hazard switch; and (b), the previous condition could involve up to three momentary flashes of the CHMSL, while the current condition only has the potential for a single momentary illumination of the CHMSL.

Interested persons are invited to submit written data, views, and arguments on the application described above. Comments should refer to the docket number and be submitted to : U.S. Department of Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC, 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: June 15, 2000.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: May 10, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–12312 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption from the Federal Motor Vehicle Motor Theft Prevention Standard; Volkswagen

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

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the petition of Volkswagen of America, Inc. (VW) for an exemption of a new high-theft line, the Audi allroad Quattro, from the parts-marking requirements of the Federal motor vehicle theft prevention standard. The petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard.

DATES: The exemption granted by this notice is effective beginning with the 2001 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington D.C. 20590. Ms. Proctor's phone number is (202) 366–0846. Her fax number is (202) 493–2290.

SUPPLEMENTARY INFORMATION: In a petition dated January 4, 2000, VW requested an exemption from the parts-marking requirements of 49 CFR Part 541, *Federal Motor Vehicle Theft Prevention Standard,* for the Audi allroad Quattro, a new high-theft vehicle line beginning in MY 2001. The petition requested an exemption from parts-marking pursuant to 49 CFR 543, Exemption from Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Review of VW's petition disclosed that certain information was not provided in its original petition. Consequently, by telephone call on March 17, 2000, VW was informed of its omissions. Subsequently on March 22, 2000, VW submitted supplemental information providing the omitted information. VW's March 22, 2000 submission constitutes a complete petition, as required by 49 CFR Part 543.7, in that it met the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In its petition, VW provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new line. This antitheft device includes: (1) An alarm system that activates the vehicle's emergency flasher system and horn in the event unauthorized entry is attempted through any of the doors, the rear hatch, or the engine compartment; (2) an ultrasonic interior monitoring system to detect window breakage or movement inside the vehicle; and (3) an electronic engine immobilizer which utilizes a transponder in the ignition key.

In order to ensure the reliability and durability of the device, VW conducted tests based on its own specified standards. VW provided a detailed list of tests conducted. Because the device complied with these tests, VW believes that the device is reliable and durable.

Volkswagen believes the proposed device will be as effective in deterring motor vehicle theft as the devices used in lines for which NHTSA has already granted a parts-marking exemption. Specifically, Volkswagen based its belief on the theft rate experience of several lines with similar devices which have experienced significant theft rate reductions, such as the Mitsubishi Diamante, the Toyota Cressida, the Nissan Maxima, the Toyota Supra, the Nissan 300ZX, the Mazda RX–7, the Audi 5000, the Ford Taurus and some General Motors Chevrolet, Pontiac and Cadillac car lines.

Additionally, VW compared theft rate experiences of its 1992 Jetta and Golf/GTI vehicles (with no alarm system) to the theft rate experiences of its 1993, 1994 and 1997 model years Jetta and Golf/GTI vehicles (with a standard alarm system) to demonstrate the effects of a standard alarm systems installation. Based on data from the FBI's National Crime Information Center (NCIC), VW showed that the theft rates for the 1993, 1994 and 1997 Jetta and Golf/GTI vehicles that have been equipped with a standard alarm system resulted in a significant decrease in theft rates from its MY 1992 vehicles. The theft rates for the 1993, 1994 and 1997 Jetta vehicles were 0.7699, 2.4344 and 2.6010, respectively, down from the 1992 theft rate of 7.5005. The theft rates for the 1993, 1994 and 1997 Golf/GTI vehicles were 0.6789, 1.5329 and 2.6010, respectively, down from the 1992 theft rate of 20.2320.

VW stated that the Vehicle Information Center of Canada (VICC), which compiles insurance loss statistics in Canada, conducted a study comparing the frequency of theft claims per 100 vehicles for MY 1992 and 1993 Volkswagen Golf and Jetta lines. The standard alarm system had been installed on both lines for MY 1993. The results of the study showed a reduction in the frequency of theft claims per 100 vehicles for the Jetta and Golf vehicle lines in Canada. Specifically, the reductions ranged from 75% for the Jetta line to 90% for the Golf (4-door) vehicle line.

Further, VW stated that its Audi lines have historically demonstrated theft rates below the median theft rate (3.5826). VW cited the theft rankings of the 1995, 1996 and 1997 Audi A6 vehicle line equipped with an alarm system as standard equipment. The A6 was granted an exemption from the parts-marking standard beginning with MY 1995 (see 59 FR 55150, November 3, 1994). The theft rates for the 1995, 1996 and 1997 Audi A6 line were 0.5888, 0.3237 and 1.5512, respectively.

Based on the evidence submitted by VW, the agency believes that the antitheft device for the new vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541).

The agency believes that the device will provide the types of performance listed in 49 CFR Part 543.6(a)(3): Promoting activation; attracting attention to unauthorized entries; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR part 543.6(a) (4) and (5), the agency finds that VW has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information VW provided about its device, much of which the agency has determined to be confidential. This confidential information included a description of reliability and functional tests conducted by VW for the antitheft device and its components.

For the foregoing reasons, the agency hereby grants in full VW's petition for exemption for the MY 2001 Audi allroad Quattro vehicle line from the parts-marking requirements of 49 CFR part 541. VW requested confidential treatment for some of the information and attachments submitted in support of its petition. In a letter to VW dated February 4, 2000, the agency granted the petitioner's request for confidential treatment of most aspects of its petition.

If VW decides not to use the exemption for this line, it should formally notify the agency. If such a

decision is made, the line must be fully marked according to the requirements under 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if VW wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: May 10, 2000.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 00–12260 Filed 5–15–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Pacific-Northwest District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Pacific-Northwest Citizen Advocacy Panel will be held in Juneau, Alaska.

DATES: The meeting will be held Friday, May 19, 2000 and Saturday, May 20, 2000.

FOR FURTHER INFORMATION CONTACT: Judi Nicholas at 1–888–912–1227 or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988), that an open meeting of the Citizen Advocacy Panel will be held Friday May 19, 2000, 9:00 a.m. to 4:30 p.m. at the Internal Revenue Service Federal Building located at 709 West 9th Avenue, Room 859, Juneau, AK 99801 and Saturday May 20, 2000, 9:00 a.m. to Noon at the Westmark Baranof Hotel, Gastineau Room, 127 N. Franklin Street, Juneau, AK 99801. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write Judi Nicholas, CAP Office, 915 2nd Avenue, Room 442, Seattle, WA 98174. Due to limited conference space, notification of intent to attend the meeting must be made with Judi Nicholas. Ms. Nicholas can be reached at 1–888–912–1227 or 206–220–6096.

The Agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 28, 2000.

M. Cathy VanHorn,

Director, CAP, Communications & Liaison.

[FR Doc. 00–12202 Filed 5–15–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Flushing, New York.

DATES: The meeting will be held Wednesday, June 7, 2000.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1–888–912–1227 or 718–488–3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988), that an operational meeting of the Citizen Advocacy Panel will be held Wednesday, June 7, 2000, 7:30 p.m. to 9:30 p.m. at the Queens Borough Public Library at 41–17 Main Street, Flushing, N.Y. 11355. If you are in need of a hearing impaired or a language interpreter or for more information please contact Eileen Cain. Mrs. Cain can be reached at 1–888–912–1227 or 718–488–3555. The public is invited to make oral comments from 7:30 p.m. to 9:30 p.m. on Wednesday, June 7, 2000. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1–888–912–1227 or 718–488–3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY 11202.

The Agenda will include the following: introductions of the panel and open discussions with the public.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 28, 2000.

M. Cathy VanHorn,

Director, CAP, Communications & Liaison.

[FR Doc. 00–12203 Filed 5–15–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0376]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, with change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to maintain an up-to-date Agent Orange Registry.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before July 17, 2000.

ADDRESSES: Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (191A1), Department of Veterans Affairs, 810 Vermont Avenue, NW.,

Washington, DC 20420. Please refer to ''OMB Control No. 2900–0376'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Ann Bickoff at (202) 273–8310.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

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

Title and Form Number: Agent Orange Registry Code Sheet, VA Form 10–9009.

OMB Control Number: 2900–0376.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: The Agent Orange Registry Code Sheet is used to obtain information from veterans during an interview with the examining physician and Agent Orange coordinator or other designated personnel. The information obtained is encoded onto the code sheet and entered into a computerized Agent Orange Registry. The registry provides a mechanism to catalogue prominent symptoms, reproductive health, diagnoses and enables VA to communicate with Agent Orange veterans through newsletters. The newsletter informs veterans of any increased health risks resulting from exposure to dioxin or other toxic agents, research finding or new compensation policies.

Affected Public: Individuals or Households.

Estimated Total Annual Burden: 1,833 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,500.

Dated: April 27, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–12233 Filed 5–15–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0013]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 15, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0013.''

SUPPLEMENTAL INFORMATION:

Title: Application for United States Flag for Burial Purposes, VA Form 21–2008.

OMB Control Number: 2900–0013.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: VA Form 21–2008 is used to gather the necessary information to determine eligibility for issuance of a burial flag to a family member or friend of a veteran.

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 **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 2, 1999 at pages 67629–67630.

Affected Public: Individuals or households, and State, Local or Tribal Government.

Estimated Annual Burden: 162,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 650,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0013'' in any correspondence.

Dated: April 27, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–12234 Filed 5–15–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0227]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 15, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0227.''

SUPPLEMENTARY INFORMATION:

Title: Nation-wide Customer Satisfaction Surveys.

OMB Control Number: 2900–0227.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: Executive Order 12862, Setting Customer Service Standards, requires Federal agencies and Departments to identify and survey its customers to determine the kind and quality of services they want and their level of satisfaction with existing services. VHA uses customer satisfaction surveys to gauge customer perceptions of VA services as well as customer expectations and desires. The results of these information collections lead to improvements in the quality of VHA service delivery by helping to shape the direction and focus of specific programs and services.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on December 2, 1999 at pages 67627–67629.

Affected Public: Individuals or households.

Prosthetic Patient Satisfaction Survey, VA Form 10–0142B

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	27,000	24	10,800	Occasion
2001	27,000	24	10,800	Occasion
2002	27,000	24	10,800	Occasion

Prosthetics Blind Aid Phone Survey, VA Form 10–0142C

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	1,900	30	950	Occasion
2001	1,900	30	950	Occasion
2002	1,900	30	950	Occasion

Inpatient Satisfaction Survey—Mental Health Insert Included, VA Form 10–1465–1

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	33,600	22.5	12,600	Occasion
2001	33,600	22.5	12,600	Occasion
2002	33,600	22.5	12,600	Occasion

General Outpatient Satisfaction Survey, VA Form 10–1465–3

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	48,000	15	12,000	Occasion
2001	48,000	15	12,000	Occasion
2002	48,000	15	12,000	Occasion

General Outpatient Satisfaction Survey, VA Form 10–1465–3.

In addition to the above, VA Form 10–1465–3 will be sent to a selection of Gulf Era Outpatients.

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	23,400	15	5,850	Occasion
2001	23,400	15	5,850	Occasion
2002	23,400	15	5,850	Occasion

Spinal Cord Injury Satisfaction Survey, VA Form 10–1465–7

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden	Frequency of response
2000	2,686	30	1,343	Occasion
2001	2,686	30	1,343	Occasion
2002	2,686	30	1,343	Occasion

Home Based Primary Care Satisfaction Survey, VA Form 10–1465–9

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden (hours)	Frequency of response
2000	3,876	15	969	Occasion
2001	3,876	15	969	Occasion
2002	3,876	15	969	Occasion

Nutrition Analysis Satisfaction Survey, VA Form 10–5387

Year	Number of respondents	Estimated burden hour (minutes)	Estimated annual burden (hours)	Frequency of response
2000	137,600	2	4,587	Occasion
2001	137,600	2	4,587	Occasion
2002	137,600	2	4,587	Occasion

Most customer satisfaction surveys will be recurring so that VHA can create ongoing measures of performance and to determine how well the agency meets customer service standards. Each collection of information will consist of the minimum amount of information necessary to determine customer needs and to evaluate VHA's performance. VHA expects a total annual burden of approximately 49,099 hours in 2000, 2001, and 2002.

The areas of concern to VHA and its customers may change over time, and it is important to have the ability to evaluate customer concerns quickly. OMB will be requested to grant generic clearance approval for a 3-year period to conduct customer satisfaction surveys and focus groups. Participation in the surveys will be voluntary and the generic clearance will not be used to collect information required to obtain or maintain eligibility for a VA program or benefit. In order to maximize the voluntary response rates, the information collection will be designed to make participation convenient, simple, and free of unnecessary barriers. Baseline data obtained through these information collections will be used to improve customer service standards. VHA will consult with OMB regarding each specific information collection during this approval period.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0227'' in any correspondence.

Dated: April 25, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–12235 Filed 5–15–00; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
May 16, 2000

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2000–7360; SFAR No. 87]

RIN 2120–98

Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action prohibits certain flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude by any United States air carrier or commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA unless that person is engaged in the operation of a U.S.-registered aircraft for a foreign air carrier, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. This action is deemed necessary to prevent an undue hazard to persons and aircraft engaged in flight operations in the referenced airspace because of the threat posed by the outbreak of hostilities between Ethiopia and Eritrea.

DATES: This action is effective May 12, 2000 and shall remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: For a copy of this amendment contact the Office of Rulemaking at (202) 267–9680. For technical questions, contact David Catey, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone: (202) 267–8166.

SUPPLEMENTARY INFORMATION:

Availability of This Action

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service ((703) 321–3339) or the Government Printing Office's (GPO) electronic bulletin board service ((202) 512–1661). Internet users may reach the FAA's web page at *http://www.faa.gov/avr/arm/nprm/nprm.htm* or the GPO web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Ave, SW, Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the notice number or docket number of this action.

Persons interested in being placed on the mailing list for future rules should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at *http://www.faa.gov/avr/arm/sbrefa.htm* and send electronic inquiries to the following Internet address: 9_AWA_SBREFA@faa.gov.

Background

The FAA is responsible for the safety of flight in the United States and for the safety of U.S.-registered aircraft and operators throughout the world. Section 40101(d)(1) of Title 49, United States Code (U.S.C.), declares, as a matter of policy, that the regulation of air commerce to promote safety is in the public interest. Section 44701(a) of Title 49, U.S.C., provides the FAA with broad authority to carry out this policy by prescribing regulations governing the practices, methods, and procedures necessary to ensure safety in air commerce.

Since the failure of April 30, 2000, peace talks sponsored by the Organization of African Unity (OAU) in Algiers, a border dispute between Ethiopia and Eritrea that began in May 1998 has escalated again to the point where open hostilities have begun. Armed forces of both countries, which include modern surface-to-air missile systems and interceptor aircraft capable of engaging aircraft at cruising altitudes, are now engaged in hostilities near their common border. Since war has broken out, civil aircraft operating in the region could be threatened.

Even in the event of a cease-fire, the heightened state of readiness maintained by the military forces of Ethiopia poses an imminent threat to civil aircraft operations in the area. Prior to the most recent mobilization, Ethiopian air defense forces had maintained an already high state of readiness during the cease-fire that threatened civil aircraft operating in the northern portion of Ethiopia. The August 29, 1999, downing by Ethiopian military forces of a U.S.-registered Learjet operating in the area is evidence of the seriousness of the threat. Ethiopia has issued temporary Notices to Airmen (NOTAM) closing certain routes in the Addis Ababa Flight Information Region. However, neither the Ethiopian CAA nor the Ethiopian military has issued formal warnings by NOTAM, in the Ethiopian Aeronautical Information Publication (AIP), or in some other forum, of the potentially catastrophic consequences of flying on routes temporarily removed from service. Further, Addis Ababa has rejected the FAA's recommendation to establish a true ''no fly'' or ''danger'' zone. Also, the FAA cannot assure that an adequate level of coordination exists between civil air traffic authorities and air defense commanders for civil aircraft overflight, including military rules of engagement, in the event an aircraft strays from its assigned route of flight. Any lack of coordination could put aircraft operating over northern Ethiopia at risk of being misidentified by military forces as a threat. Finally, there is no assurance that Ethiopia will follow international standards and recommended practices for the interception and identification of unidentified aircraft in its airspace.

Given the circumstances noted above, the FAA has determined that the safe overflight of the territory of Ethiopia north of 12 degrees north latitude cannot be guaranteed.

Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia

On the basis of the above information, and in furtherance of my responsibilities to promote the safety of flight of civil aircraft in air commerce, I have determined that action by the FAA is necessary to prevent the injury to U.S. operators or the loss of certain U.S.-registered aircraft and airmen conducting flights in portions of the territory and airspace of Ethiopia. I find that the continuing lack of adequate warnings to civil operators, the heightened state of military readiness by both Ethiopia and Eritrea, the renewal of hostilities, and the absence of proper civil aircraft identification procedures present an immediate hazard to civil aircraft operations in the referenced airspace. Accordingly, I am prohibiting all flight operations within the territory and airspace of Ethiopia north of 12

degrees north latitude by any United States air carrier or commercial operator, by any person exercising the privileges of an airman certificate issued by the FAA unless that person is engaged in the operation of a U.S.-registered aircraft for a foreign air carrier, or by an operator using an aircraft registered in the United States unless the operator of such aircraft is a foreign air carrier. This action will prevent an undue hazard to aircraft and would protect persons and property on board those aircraft. SFAR 87 will remain in effect until further notice.

Because the circumstances described herein warrant immediate action by the FAA to maintain the safety of flight by the aforementioned persons within portions of the territory and airspace of Ethiopia, I find that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further I find that good cause exists under 5 U.S.C. 553(d) for making this rule effective upon issuance. I also find that this action is fully consistent with the obligations under section 40105 of Title 49, United States Code, to ensure that I exercise my duties consistently with the obligations of the United States under international agreements.

International Trade Impact Assessment

There are currently no U.S. carriers that would be expected to conduct scheduled or codeshare operations in the airspace of Ethiopia north of 12 degrees north latitude. This amendment would not eliminate existing or create additional barriers to the sale of foreign aviation products in the United States or to the sale of U.S. aviation products and services in foreign countries.

Regulatory Analyses

This rulemaking action is taken under an emergency situation within the meaning of Section 6(a)(3)(d) of Executive Order 12866, Regulatory Planning and Review. It also is considered an emergency regulation under Paragraph 11g of the Department of Transportation (DOT) Regulatory Policies and Procedures. In addition, it is not a significant rule within the meaning of either the Executive Order or DOT's policies and procedures. Accordingly, no regulatory analysis or evaluation accompanies this amendment. The FAA certifies that this rule will not have a substantial impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. It also will have no impact on international trade and creates no unfunded mandate on any entity.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Ethiopia.

The Amendment

For the reasons set forth above, the Federal Aviation Administration amends 14 CFR Part 91 as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531; Articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

2. Special Federal Aviation Regulation (SFAR) No. 87 added to read as follows:

Special Federal Aviation Regulation No. 87—Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia

1. *Applicability*. This Special Federal Aviation Regulation (SFAR) No. 87 applies to all U.S. air carriers or commercial operators, all persons exercising the privileges of an airman certificate issued by the FAA unless that person is engaged in the operation of a U.S.-registered aircraft for a foreign air carrier, and all operators using aircraft registered in the United States except where the operator of such aircraft is a foreign air carrier.

2. *Flight prohibition*. Except as provided in paragraphs 3 and 4 of this SFAR, no person described in paragraph 1 may conduct flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude.

3. *Permitted operations*. This SFAR does not prohibit persons described in paragraph 1 from conducting flight operations within the territory and airspace of Ethiopia where such operations are authorized either by exemption issued by the Administrator or by an authorization issued by another agency of the United States Government with the approval of the FAA.

4. *Emergency situations*. In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this SFAR to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of 14 CFR 121.557, 121.559, or 135.19, each person who deviates from this rule shall, within ten (10) days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons therefor.

5. *Expiration*. This Special Federal Aviation Regulation shall remain in effect until further notice.

Issued in Washington, DC, on May 12, 2000.

Jane F. Garvey,

Administrator.

[FR Doc. 00–12369 Filed 5–12–00; 3:05 pm]

BILLING CODE 4910–13–P

Federal Register

Tuesday,
May 16, 2000

Part III

General Services Administration

41 CFR Parts 101–43 and 102–36

Disposition of Excess Personal Property; Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–43 and 102–36

[FPMR Amendment H–205]

RIN 3090–AF39

Disposition of Excess Personal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is revising the Federal Property Management Regulations (FPMR) by moving coverage on the disposition of excess personal property into the Federal Management Regulation (FMR). A cross-reference is added to the FPMR to direct readers to the coverage in the FMR. The FMR is written in plain language to provide agencies with updated regulatory material that is easy to read and understand.

EFFECTIVE DATE: May 30, 2000.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202–501–3828.

SUPPLEMENTARY INFORMATION:

A. Background

The purpose of this final rule is to update, streamline, and clarify FPMR part 101–43 and move the part into the Federal Management Regulation (FMR). The proposed rule is written in a plain language question and answer format. This style uses an active voice, shorter sentences, and pronouns. Unless otherwise indicated in the text, the pronouns ''we'', ''you'', and their variants refer to the agency. A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has removed the term ''Trust Territory of the Pacific Islands'' from the definition of ''foreign excess personal property'' because there are no longer any entities in the Trust Territory of the Pacific Islands. As of October 1, 1994, Palau, the last remaining entity in the Trust Territory, became a self-governing sovereign state in free association with the United States.

A proposed rule was published in the **Federal Register** on November 16, 1999 (64 FR 62146). All public comments received were considered in the formulation of the final rule.

B. Executive Order 12866

GSA has determined that this final rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 101–43 and 102–36

Government property management, Surplus Government property.

For the reasons set forth in the preamble, GSA amends 41 CFR chapters 101 and 102 as follows:

CHAPTER 101—[AMENDED]

1. Part 101–43 is revised to read as follows:

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

Authority: 40 U.S.C. 486(c); Sec. 205(c), 63 Stat. 390.

§ 101–43.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102–1 through 102–220).

For information on the disposition of excess personal property previously contained in this part, see FMR part 36 (41 CFR part 102–36).

CHAPTER 102—[AMENDED]

2. Part 102–36 is added to subchapter B to read as follows:

PART 102–36—DISPOSITION OF EXCESS PERSONAL PROPERTY

Subpart A—General Provisions

Sec.
102–36.5 What is the governing authority for this part?
102–36.10 What does this part cover?
102–36.15 Who must comply with the provisions of this part?
102–36.20 To whom do ''we'', ''you'', and their variants refer?
102–36.25 How do we request a deviation from these requirements and who can approve it?
102–36.30 When is personal property excess?
102–36.35 What is the typical process for disposing of excess personal property?

Definitions

102–36.40 What definitions apply to this part?

Responsibility

102–36.45 What are our responsibilities in the management of excess personal property?
102–36.50 May we use a contractor to perform the functions of excess personal property disposal?
102–36.55 What is GSA's role in the disposition of excess personal property?

Subpart B—Acquiring Excess Personal Property For Our Agency

Acquiring Excess

102–36.60 Who is eligible to acquire excess personal property as authorized by the Property Act?
102–36.65 Why must we use excess personal property instead of buying new property?
102–36.70 What must we consider when acquiring excess personal property?
102–36.75 Do we pay for excess personal property we acquire from another Federal agency under a transfer?
102–36.80 How much do we pay for excess personal property on a transfer with reimbursement?
102–36.85 Do we pay for personal property we acquire when it is disposed of by another agency under the exchange/sale authority, and how much do we pay?

Screening of Excess

102–36.90 How do we find out what personal property is available as excess?
102–36.95 How long is excess personal property available for screening?
102–36.100 When does the screening period start for excess personal property?
102–36.105 Who is authorized to screen and where do we go to screen excess personal property on-site?
102–36.110 Do we need authorization to screen excess personal property?
102–36.115 What information must we include in the authorization form for non-Federal persons to screen excess personal property?
102–36.120 What are our responsibilities in authorizing a non-Federal individual to screen excess personal property?

Processing Transfers

102–36.125 How do we process a Standard Form 122 (SF 122), Transfer Order Excess Personal Property, through GSA?
102–36.130 What are our responsibilities in processing transfer orders of excess personal property?
102–36.135 How much time do we have to pick up excess personal property that has been approved for transfer?
102–36.140 May we arrange to have the excess personal property shipped to its final destination?

Direct Transfers

102–36.145 May we obtain excess personal property directly from another Federal agency without GSA approval?

Subpart C—Acquiring Excess Personal Property for Non-Federal Recipients

102–36.150 For which non-Federal activities may we acquire excess personal property?
102–36.155 What are our responsibilities when acquiring excess personal property for use by a non-Federal recipient?
102–36.160 What additional information must we provide on the SF 122 when acquiring excess personal property for non-Federal recipients?

Nonappropriated Fund Activities

102–36.165 Do we retain title to excess personal property furnished to a nonappropriated fund activity within our agency?
102–36.170 May we transfer personal property owned by one of our nonappropriated fund activities?

Contractors

102–36.175 Are there restrictions to acquiring excess personal property for use by our contractors?

Cooperatives

102–36.180 Is there any limitation/condition to acquiring excess personal property for use by cooperatives?

Project Grantees

102–36.185 What are the requirements for acquiring excess personal property for use by our grantees?
102–36.190 Must we always pay 25 percent of the original acquisition cost when furnishing excess personal property to project grantees?
102–36.195 What type of excess personal property may we furnish to our project grantees?
102–36.200 May we acquire excess personal property for cannibalization purposes by the grantee?
102–36.205 Is there a limit to how much excess personal property we may furnish to our grantees?

Subpart D—Disposition of Excess Personal Property

102–36.210 Why must we report excess personal property to GSA?

Reporting Excess Personal Property

102–36.215 How do we report excess personal property?
102–36.220 Must we report all excess personal property to GSA?
102–36.225 Must we report excess related personal property?
102–36.230 Where do we send the reports of excess personal property?
102–36.235 What information do we provide when reporting excess personal property?
102–36.240 What are the disposal condition codes?

Disposing of Excess Personal Property

102–36.245 Are we accountable for the personal property that has been reported excess, and who is responsible for the care and handling costs?
102–36.250 Does GSA ever take physical custody of excess personal property?
102–36.255 What options do we have when unusual circumstances do not allow adequate time for disposal through GSA?
102–36.260 How do we promote the expeditious transfer of excess personal property?
102–36.265 What if there are competing requests for the same excess personal property?
102–36.270 What if a Federal agency requests personal property that is undergoing donation screening or in the sales process?
102–36.275 May we dispose of excess personal property without GSA approval?
102–36.280 May we withdraw from the disposal process excess personal property that we have reported to GSA?

Transfers With Reimbursement

102–36.285 May we charge for personal property transferred to another Federal agency?
102–36.290 How much do we charge for excess personal property on a transfer with reimbursement?

Report of Disposal Activity

102–36.295 Is there any reporting requirement on the disposition of excess personal property?
102–36.300 How do we report the furnishing of personal property to non-Federal recipients?

Abandonment/Destruction

102–36.305 May we abandon or destroy excess personal property without reporting it to GSA?
102–36.310 Who makes the determination to abandon or destroy excess personal property?
102–36.315 Are there any restrictions to the use of the abandonment/destruction authority?
102–36.320 May we transfer or donate excess personal property that has been determined appropriate for abandonment/destruction without GSA approval?
102–36.325 What must be done before the abandonment/destruction of excess personal property?
102–36.330 Are there occasions when public notice is not needed regarding abandonment/destruction of excess personal property?

Subpart E—Personal Property Whose Disposal Requires Special Handling

102–36.335 Are there certain types of excess personal property that must be disposed of differently from normal disposal procedures?

Aircraft and Aircraft Parts

102–36.340 What must we do when disposing of excess aircraft?
102–36.345 May we dispose of excess Flight Safety Critical Aircraft Parts (FSCAP)?
102–36.350 How do we identify a FSCAP?
102–36.355 What are the FSCAP Criticality Codes?
102–36.360 How do we dispose of aircraft parts that are life-limited but have no FSCAP designation?

Canines, Law Enforcement

102–36.365 May we transfer or donate canines that have been used in the performance of law enforcement duties?

Disaster Relief Property

102–36.370 Are there special requirements concerning the use of excess personal property for disaster relief?

Firearms

102–36.375 May we dispose of excess firearms?

Foreign Excess Personal Property

102–36.380 Who is responsible for disposing of foreign excess personal property?
102–36.385 What are our responsibilities in the disposal of foreign excess personal property?
102–36.390 How may we dispose of foreign excess personal property?
102–36.395 How may GSA assist us in disposing of foreign excess personal property?
102–36.400 Who pays for the transportation costs when foreign excess personal property is returned to the United States?

Gifts

102–36.405 May we keep gifts given to us from the public?
102–36.410 How do we dispose of a gift in the form of money or intangible personal property?
102–36.415 How do we dispose of gifts other than intangible personal property?
102–36.420 How do we dispose of gifts from foreign governments or entities?

Hazardous Personal Property

102–36.425 May we dispose of excess hazardous personal property?

Munitions List Items/Commerce Control List Items (MLIs/CCLIs)

102–36.430 May we dispose of excess Munitions List Items (MLIs)/Commerce Control List Items (CCLIs)?
102–36.435 How do we identify Munitions List Items (MLIs)/Commerce Control List Items (CCLIs) requiring demilitarization?

Printing Equipment and Supplies

102–36.440 Are there special procedures for reporting excess printing and binding equipment and supplies?

Red Cross Property

102–36.445 Do we report excess personal property originally acquired from or through the American National Red Cross?

Shelf-Life Items

102–36.450 Do we report excess shelf-life items?

102–36.455 How do we report excess shelf-life items?
102–36.460 Do we report excess medical shelf-life items held for national emergency purposes?
102–36.465 May we transfer or exchange excess medical shelf-life items with other Federal agencies?

Vessels

102–36.470 What must we do when disposing of excess vessels?

Subpart F—Miscellaneous Disposition

102–36.475 What is the authority for transfers under ''Computers for Learning''?

Authority: 40 U.S.C. 486(c).

Subpart A—General Provisions

§ 102–36.5 What is the governing authority for this part?

Section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (the Property Act) (40 U.S.C. 486), authorizes the Administrator of General Services to prescribe regulations as he deems necessary to carry out his functions under the Property Act. Section 202 of the Property Act (40 U.S.C. 483) authorizes the General Services Administration (GSA) to prescribe policies to promote the maximum use of excess Government personal property by executive agencies.

§ 102–36.10 What does this part cover?

This part covers the acquisition, transfer, and disposal, by executive agencies, of excess personal property located in the United States, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

§ 102–36.15 Who must comply with the provisions of this part?

All executive agencies must comply with the provisions of this part. The legislative and judicial branches are encouraged to report and transfer excess personal property and fill their personal property requirements from excess in accordance with these provisions.

§ 102–36.20 To whom do ''we'', ''you'', and their variants refer?

Use of pronouns ''we'', ''you'', and their variants throughout this part refer to the agency.

§ 102–36.25 How do we request a deviation from these requirements and who can approve it?

See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation from the requirements of this part.

§ 102–36.30 When is personal property excess?

Personal property is excess when it is no longer needed by the activities within your agency to carry out the functions of official programs, as determined by the agency head or designee.

§ 102–36.35 What is the typical process for disposing of excess personal property?

(a) You must ensure personal property not needed by your activity is offered for use elsewhere within your agency. If the property is no longer needed by any activity within your agency, your agency declares the property excess and reports it to GSA for possible transfer to eligible recipients, including Federal agencies for direct use or for use by their contractors, project grantees, or cooperative agreement recipients. All executive agencies must, to the maximum extent practicable, fill requirements for personal property by using existing agency property or by obtaining excess property from other Federal agencies in lieu of new procurements.

(b) If GSA determines that there are no Federal requirements for your excess personal property, it becomes surplus property and is available for donation to State and local public agencies and other eligible non-Federal activities. The Property Act requires that surplus personal property be distributed to eligible recipients by an agency established by each State for this purpose, the State Agency for Surplus Property.

(c) Surplus personal property not selected for donation is offered for sale to the public by competitive offerings such as sealed bid sales, spot bid sales or auctions. You may conduct or contract for the sale of your surplus personal property, or have GSA or another executive agency conduct the sale on behalf of your agency in accordance with part 101–45 of this title. You must inform GSA at the time the property is reported as excess if you do not want GSA to conduct the sale for you.

(d) If a written determination is made that the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale, you may dispose of the property by abandonment or destruction, or donate it to public bodies.

Definitions

§ 102–36.40 What definitions apply to this part?

The following definitions apply to this part:

Commerce Control List Items (CCLIs) are dual use (commercial/military) items that are subject to export control by the Bureau of Export Administration, Department of Commerce. These items have been identified in the U.S. Export Administration Regulations (15 CFR part 774) as export controlled for reasons of national security, crime control, technology transfer and scarcity of materials.

Cooperative means the organization or entity that has a cooperative agreement with a Federal agency.

Cooperative agreement means a legal instrument reflecting a relationship between a Federal agency and a non-Federal recipient, made in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), under any or all of the following circumstances:

(1) The purpose of the relationship is the transfer, between a Federal agency and a non-Federal entity, of money, property, services, or anything of value to accomplish a public purpose authorized by law, rather than by purchase, lease, or barter, for the direct benefit or use of the Federal Government.

(2) Substantial involvement is anticipated between the Federal agency and the cooperative during the performance of the agreed upon activity.

(3) The cooperative is a State or local government entity or any person or organization authorized to receive Federal assistance or procurement contracts.

Demilitarization means, as defined by the Department of Defense, the act of destroying the military capabilities inherent in certain types of equipment or material. Such destruction may include deep sea dumping, mutilation, cutting, crushing, scrapping, melting, burning, or alteration so as to prevent the further use of the item for its originally intended purpose.

Excess personal property means any personal property under the control of any Federal agency that is no longer required for that agency's needs, as determined by the agency head or designee.

Exchange/sale property means property not excess to the needs of the holding agency but eligible for replacement, which is exchanged or sold under the provisions of part 101–46 of this title in order to apply the exchange allowance or proceeds of sale in whole or part payment for replacement with a similar item.

Executive agency means any executive department or independent establishment in the executive branch of

the Government, including any wholly owned Government corporation.

Fair market value means the best estimate of the gross sales proceeds if the property were to be sold in a public sale.

Federal agency means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his/her direction).

Federal Disposal System (FEDS) is GSA's automated excess personal property system. For additional information on using FEDS, access http://pub.fss.gsa.gov/property/.

Flight Safety Critical Aircraft Part (FSCAP) is any aircraft part, assembly, or installation containing a critical characteristic whose failure, malfunction, or absence could cause a catastrophic failure resulting in engine shut-down or loss or serious damage to the aircraft resulting in an unsafe condition.

Foreign excess personal property is any U.S. owned excess personal property located outside the United States (U.S.), the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands.

Grant means a type of assistance award and a legal instrument which permits a Federal agency to transfer money, property, services or other things of value to a grantee when no substantial involvement is anticipated between the agency and the recipient during the performance of the contemplated activity.

Hazardous personal property means property that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901–6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601–2609).

Holding agency means the Federal agency having accountability for, and generally possession of, the property involved.

Intangible personal property means personal property in which the existence and value of the property is generally represented by a descriptive document rather than the property itself. Some examples are patents, patent rights, processes, techniques, inventions, copyrights, negotiable instruments, money orders, bonds, and shares of stock.

Life-limited aircraft part is an aircraft part that has a finite service life expressed in either total operating hours, total cycles, and/or calendar time.

Line item means a single line entry, on a reporting form or transfer order, for items of property of the same type having the same description, condition code, and unit cost.

Munitions List Items (MLIs) are commodities (usually defense articles/defense services) listed in the International Traffic in Arms Regulation (22 CFR part 121), published by the U.S. Department of State.

Nonappropriated fund activity means an activity or entity that is not funded by money appropriated from the general fund of the U.S. Treasury, such as post exchanges, ship stores, military officers' clubs, veterans' canteens, and similar activities. Such property is not Federal property.

Personal property means any property, except real property. For purposes of this part, the term excludes records of the Federal Government, and naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines.

Project grant means a grant made for a specific purpose and with a specific termination date.

Property Act means the Federal Property and Administrative Services Act of 1949 (63 Stat. 386), as amended.

Public agency means any State, political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multijurisdictional substate districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

Related personal property means any personal property that is an integral part of real property. It is:

(1) Related to, designed for, or specifically adapted to the functional capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property; or

(2) Determined by the Administrator of General Services to be related to the real property.

Salvage means property that has value greater than its basic material content but for which repair or rehabilitation is clearly impractical and/or uneconomical.

Scrap means property that has no value except for its basic material content.

Screening period means the period in which excess and surplus personal property are made available for excess transfer or surplus donation to eligible recipients.

Shelf-life item is any item that deteriorates over time or has unstable characteristics such that a storage period must be assigned to assure the item is issued within that period to provide satisfactory performance. Management of such items is governed by part 101–27, subpart 27.2, of this title and by DOD instructions, for executive agencies and DOD respectively.

Surplus personal property (surplus) means excess personal property no longer required by the Federal agencies as determined by GSA.

Surplus release date means the date when Federal screening has been completed and the excess property becomes surplus.

Transfer with reimbursement means a transfer of excess personal property between Federal agencies where the recipient is required to pay, i.e. reimburse the holding agency, for the property.

Unit cost means the original acquisition cost of a single item of property.

United States means all the 50 States and the District of Columbia.

Vessels means ships, boats and craft designed for navigation in and on the water, propelled by oars or paddles, sail, or power.

Responsibility

§ 102–36.45 What are our responsibilities in the management of excess personal property?

(a) Agency procurement policies should require consideration of excess personal property before authorizing procurement of new personal property.

(b) You are encouraged to designate national and regional property management officials to:

(1) Promote the use of available excess personal property to the maximum extent practicable by your agency.

(2) Review and approve the acquisition and disposal of excess personal property.

(3) Ensure that any agency implementing procedures comply with this part.

(c) When acquiring excess personal property, you must:

(1) Limit the quantity acquired to that which is needed to adequately perform the function necessary to support the mission of your agency.

(2) Establish controls over the processing of excess personal property transfer orders.

(3) Facilitate the timely pickup of acquired excess personal property from the holding agency.

(d) While excess personal property you have acquired is in your custody, or the custody of your non-Federal recipients and the Government retains title, you and/or the non-Federal recipient must do the following:

(1) Establish and maintain a system for property accountability.

(2) Protect the property against hazards including but not limited to fire, theft, vandalism, and weather.

(3) Perform the care and handling of personal property. ''Care and handling'' includes completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus personal property, and destroying or rendering innocuous property which is dangerous to public health or safety.

(4) Maintain appropriate inventory levels as set forth in part 101–27 of this title.

(5) Continuously monitor the personal property under your control to assure maximum use, and develop and maintain a system to prevent and detect nonuse, improper use, unauthorized disposal or destruction of personal property.

(e) When you no longer need personal property to carry out the mission of your program, you must:

(1) Offer the property for reassignment to other activities within your agency.

(2) Promptly report excess personal property to GSA when it is no longer needed by any activity within your agency for further reuse by eligible recipients.

(3) Continue the care and handling of excess personal property while it goes through the disposal process.

(4) Facilitate the timely transfer of excess personal property to other Federal agencies or authorized eligible recipients.

(5) Provide reasonable access to authorized personnel for inspection and removal of excess personal property.

(6) Ensure that final disposition complies with applicable environmental, health, safety and national security regulations.

§ 102–36.50 May we use a contractor to perform the functions of excess personal property disposal?

Yes, you may use service contracts to perform disposal functions that are not inherently Governmental, such as warehousing or custodial duties. You are responsible for ensuring that the contractor conforms with the requirements of the Property Act and the Federal Management Regulation (41 CFR chapter 102), and any other applicable statutes and regulations when performing these functions.

§ 102–36.55 What is GSA's role in the disposition of excess personal property?

In addition to developing and issuing regulations for the management of excess personal property, GSA:

(a) Screens and offers available excess personal property to Federal agencies and eligible non-Federal recipients.

(b) Approves and processes transfers of excess personal property to eligible activities.

(c) Determines the amount of reimbursement for transfers of excess personal property when appropriate.

(d) Conducts sales of surplus and exchange/sale personal property when requested by an agency.

(e) Maintains an automated system, FEDS, to facilitate the reporting and transferring of excess personal property.

Subpart B—Acquiring Excess Personal Property For Our Agency

Acquiring Excess

§ 102–36.60 Who is eligible to acquire excess personal property as authorized by the Property Act?

The following are eligible to acquire excess personal property:

(a) Federal agencies (for their own use or use by their authorized contractors, cooperatives, and project grantees).

(b) The Senate.

(c) The House of Representatives.

(d) The Architect of the Capitol and any activities under his direction.

(e) The DC Government.

(f) Mixed-ownership Government corporations as defined in 31 U.S.C. 9101.

§ 102–36.65 Why must we use excess personal property instead of buying new property?

Using excess personal property to the maximum extent practicable maximizes the return on Government dollars spent and minimizes expenditures for new procurement. Before purchasing new property, check with the appropriate regional GSA Personal Property Management office or access FEDS for any available excess personal property that may be suitable for your needs. You must use excess personal property unless it would cause serious hardship, be impractical, or impair your operations.

§ 102–36.70 What must we consider when acquiring excess personal property?

Consider the following when acquiring excess personal property:

(a) There must be an authorized requirement.

(b) The cost of acquiring and maintaining the excess personal property (including packing, shipping, pickup, and necessary repairs) does not exceed the cost of purchasing and maintaining new material.

(c) The sources of spare parts or repair/maintenance services to support the acquired item are readily accessible.

(d) The supply of excess parts acquired must not exceed the life expectancy of the equipment supported.

(e) The excess personal property will fulfill the required need with reasonable certainty without sacrificing mission or schedule.

(f) You must not acquire excess personal property with the intent to sell or trade for other assets.

§ 102–36.75 Do we pay for excess personal property we acquire from another Federal agency under a transfer?

(a) No, except for the situations listed in paragraph (b) of this section, you do not pay for the property. However, you are responsible for shipping and transportation costs. Where applicable, you may also be required to pay packing, loading, and any costs directly related to the dismantling of the property when required for the purpose of transporting the property.

(b) You may be required to reimburse the holding agency for excess personal property transferred to you (*i.e.,* transfer with reimbursement) when:

(1) Reimbursement is directed by GSA.

(2) The property was originally acquired with funds not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue and the holding agency requests reimbursement. It is executive branch policy that working capital fund property shall be transferred without reimbursement.

(3) The property was acquired with appropriated funds, but reimbursement is required or authorized by law.

(4) You or the holding agency is the U.S. Postal Service (USPS).

(5) You are acquiring excess personal property for use by a project grantee that is a public agency or a nonprofit organization and exempt from taxation under 26 U.S.C. 501.

(6) You or the holding agency is the DC Government.

(7) You or the holding agency is a wholly owned or mixed-ownership

Government corporation as defined in the Government Corporation Control Act (31 U.S.C. 9101–9110).

§ 102–36.80 How much do we pay for excess personal property on a transfer with reimbursement?

(a) You may be required to reimburse the holding agency the fair market value when the transfer involves any of the conditions in § 102–36.75(b)(1) through (b)(4).

(b) When acquiring excess personal property for your project grantees (§ 102–36.75(b)(5)), you are required to deposit into the miscellaneous receipts fund of the U.S. Treasury an amount equal to 25 percent of the original acquisition cost of the property, except for transfers under the conditions cited in § 102–36.190.

(c) When you or the holding agency is the DC Government or a wholly owned or mixed-ownership Government corporation (§ 102–36.75(b)(6) or (b)(7)), you are required to reimburse the holding agency using fair value reimbursement. Fair value reimbursement is 20 percent of the original acquisition cost for new or unused property (*i.e.,* condition code 1), and zero percent for other personal property. Where circumstances warrant, a higher fair value may be used if the agencies concerned agree. Due to special circumstances or the unusual nature of the property, the holding agency may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to the appropriate regional GSA Personal Property Management office.

§ 102–36.85 Do we pay for personal property we acquire when it is disposed of by another agency under the exchange/sale authority, and how much do we pay?

Yes, you must pay for personal property disposed of under the exchange/sale authority, in the amount required by the holding agency. The amount of reimbursement is normally the fair market value.

Screening of Excess

§ 102–36.90 How do we find out what personal property is available as excess?

You may use the following methods to find out what excess personal property is available:

(a) Check GSA's automated excess personal property system FEDS. For information on FEDS access http://pub.fss.gsa.gov/property/.

(b) Contact or submit want lists to regional GSA Personal Property Management offices.

(c) Check any available holding agency websites (see http://www.policyworks.gov/surplus for a list of Federal agency websites.).

(d) Conduct on-site screening at various Federal facilities.

§ 102–36.95 How long is excess personal property available for screening?

The screening period for excess personal property is normally 21 calendar days. GSA may extend or shorten the screening period in coordination with the holding agency. For screening timeframes for Government property in the possession of contractors see the Federal Acquisition Regulation (48 CFR part 45).

§ 102–36.100 When does the screening period start for excess personal property?

Screening starts when GSA receives the report of excess personal property (see § 102–36.230).

§ 102–36.105 Who is authorized to screen and where do we go to screen excess personal property on-site?

You may authorize your agency employees, contractors, or non-Federal recipients that you sponsor to screen excess personal property. You may visit Defense Reutilization and Marketing Offices (DRMOs) and DOD contractor facilities to screen excess personal property generated by the Department of Defense. You may also inspect excess personal property at various civilian agency facilities throughout the United States.

§ 102–36.110 Do we need authorization to screen excess personal property?

(a) Yes, when entering a Federal facility, Federal agency employees must present a valid Federal ID. Non-Federal individuals will need proof of authorization from their sponsoring Federal agency in addition to a valid picture identification.

(b) Entry on some Federal and contractor facilities may require special authorization from that facility. Persons wishing to screen excess personal property on such a facility must obtain approval from that agency. Contact your regional GSA Personal Property Management office for locations and accessibility.

§ 102–36.115 What information must we include in the authorization form for non-Federal persons to screen excess personal property?

(a) For non-Federal persons to screen excess personal property, you must provide on the authorization form:

(1) The individual's name and the organization he/she represents;

(2) The period of time and location(s) in which screening will be conducted; and

(3) The number and completion date of the applicable contract, cooperative agreement, or grant.

(b) An authorized official of your agency must sign the authorization form.

§ 102–36.120 What are our responsibilities in authorizing a non-Federal individual to screen excess personal property?

You must do the following:

(a) Ensure that the non-Federal screener certifies that any and all property requested will be used for authorized official purpose(s).

(b) Maintain a record of the authorized screeners under your authority, to include names, addresses and telephone numbers, and any additional identifying information such as driver's license or social security numbers.

(c) Retrieve any expired or invalid screener's authorization forms.

Processing Transfers

§ 102–36.125 How do we process a Standard Form 122 (SF 122), Transfer Order Excess Personal Property, through GSA?

(a) You must first contact the appropriate regional GSA Personal Property Management office to assure the property is available to you. Submit your request on a SF 122, Transfer Order Excess Personal Property, to the region in which the property is located. For the types of property listed in the table in paragraph (b) of this section, submit the SF 122 to the corresponding GSA regions. You may submit the SF 122 manually or transmit the required information by electronic media (FEDS) or any other transfer form specified and approved by GSA.

(b) For the following types of property, you must submit the SF 122 to the corresponding GSA regions:

Type of property	GSA region	Location
Aircraft	9 FBP	San Francisco, CA 94102.
Firearms	7 FP–8	Denver, CO 80225.
Foreign Gifts	FBP	Washington, DC 20406.
Forfeited Property	3 FP	Washington, DC 20407.

Type of property	GSA region	Location
Standard Forms	7 FMP	Ft. Worth, TX 76102.
Vessels, civilian	3 FPD	Philadelphia, PA 19107.
Vessels, DOD	4 FD	Atlanta, GA 30365.

§ 102–36.130 What are our responsibilities in processing transfer orders of excess personal property?

Whether the excess is for your use or for use by a non-Federal recipient that you sponsor, you must:

(a) Ensure that only authorized Federal officials of your agency sign the SF 122 prior to submission to GSA for approval.

(b) Ensure that excess personal property approved for transfer is used for authorized official purpose(s).

(c) Advise GSA of names of agency officials that are authorized to approve SF 122s, and notify GSA of any changes in signatory authority.

§ 102–36.135 How much time do we have to pick up excess personal property that has been approved for transfer?

When the holding agency notifies you that the property is ready for removal, you normally have 15 calendar days to pick up the property, unless otherwise coordinated with the holding agency.

§ 102–36.140 May we arrange to have the excess personal property shipped to its final destination?

Yes, when the holding agency agrees to provide assistance in preparing the property for shipping. You may be required to pay the holding agency any direct costs in preparing the property for shipment. You must provide shipping instructions and the appropriate fund code for billing purposes on the SF 122.

Direct Transfers

§ 102–36.145 May we obtain excess personal property directly from another Federal agency without GSA approval?

Yes, but only under the following situations:

(a) You may obtain excess personal property that has not yet been reported to GSA, provided the total acquisition cost of the excess property does not exceed $10,000 per line item. You must ensure that a SF 122 is completed for the direct transfer and that an authorized official of your agency signs the SF 122. You must provide a copy of the SF 122 to the appropriate regional GSA office within 10 workdays from the date of the transaction.

(b) You may obtain excess personal property exceeding the $10,000 per line item limitation, provided you first contact the appropriate regional GSA Personal Property Management office for verbal approval of a prearranged transfer. You must annotate the SF 122 with the name of the GSA approving official and the date of the verbal approval, and provide a copy of the SF 122 to GSA within 10 workdays from the date of transaction.

(c) You are subject to the requirement to pay reimbursement for the excess personal property under a direct transfer when any of the conditions in § 102–36.75(b) applies.

(d) You may obtain excess personal property directly from another Federal agency without GSA approval when that Federal agency has statutory authority to dispose of such excess personal property and you are an eligible recipient.

Subpart C—Acquiring Excess Personal Property for Non-Federal Recipients

§ 102–36.150 For which non-Federal activities may we acquire excess personal property?

Under the Property Act you may acquire and furnish excess personal property for use by your nonappropriated fund activities, contractors, cooperatives, and project grantees. You may acquire and furnish excess personal property for use by other eligible recipients only when you have specific statutory authority to do so.

§ 102–36.155 What are our responsibilities when acquiring excess personal property for use by a non-Federal recipient?

When acquiring excess personal property for use by a non-Federal recipient, your authorized agency official must:

(a) Ensure the use of excess personal property by the non-Federal recipient is authorized and complies with applicable Federal regulations and agency guidelines.

(b) Determine that the use of excess personal property will reduce the costs to the Government and/or that it is in the Government's best interest to furnish excess personal property.

(c) Review and approve transfer documents for excess personal property as the sponsoring Federal agency.

(d) Ensure the non-Federal recipient is aware of his obligations under the FMR and your agency regulations regarding the management of excess personal property.

(e) Ensure the non-Federal recipient does not stockpile the property but places the property into use within a reasonable period of time, and has a system to prevent nonuse, improper use, or unauthorized disposal or destruction of excess personal property furnished.

(f) Establish provisions and procedures for property accountability and disposition in situations when the Government retains title.

(g) Report annually to GSA excess personal property furnished to non-Federal recipients during the year (see § 102–36.295).

§ 102–36.160 What additional information must we provide on the SF 122 when acquiring excess personal property for non-Federal recipients?

Annotate on the SF 122, the name of the non-Federal recipient and the contract, grant or agreement number, when applicable, and the scheduled completion/expiration date of the contract, grant or agreement. If the remaining time prior to the expiration date is less than 60 calendar days, you must certify that the contract, grant or agreement will be extended or renewed or provide other written justification for the transfer.

Nonappropriated Fund Activities

§ 102–36.165 Do we retain title to excess personal property furnished to a nonappropriated fund activity within our agency?

Yes, title to excess personal property furnished to a nonappropriated fund activity remains with the Federal Government and you are accountable for establishing controls over the use of such excess property in accordance with § 102–36.45(d). When such property is no longer required by the nonappropriated fund activity, you must reuse or dispose of the property in accordance with this part.

§ 102–36.170 May we transfer personal property owned by one of our nonappropriated fund activities?

Property purchased by a nonappropriated fund activity is not Federal property. A nonappropriated fund activity has the option of making its privately owned personal property available for transfer to a Federal agency, usually with reimbursement. If such reimbursable personal property is not transferred to another Federal

agency, it may be offered for sale. Such property in not available for donation.

Contractors

§ 102–36.175 Are there restrictions to acquiring excess personal property for use by our contractors?

Yes, you may acquire and furnish excess personal property for use by your contractors subject to the criteria and restrictions in the Federal Acquisition Regulation (48 CFR part 45). When such property is no longer needed by your contractors or your agency, you must dispose of the excess personal property in accordance with the provisions of this part.

Cooperatives

§ 102–36.180 Is there any limitation/condition to acquiring excess personal property for use by cooperatives?

Yes, you must limit the total dollar amount of property transfers (in terms of original acquisition cost) to the dollar value of the cooperative agreement. For any transfers in excess of such amount, you must ensure that an official of your agency at a level higher than the officer administering the agreement approves the transfer. The Federal Government retains title to such property, except when provided by specific statutory authority.

Project Grantees

§ 102–36.185 What are the requirements for acquiring excess personal property for use by our grantees?

You may furnish excess personal property for use by your grantees only when:

(a) The grantee holds a Federally sponsored project grant;

(b) The grantee is a public agency or a nonprofit tax-exempt organization under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501);

(c) The property is for use in connection with the grant; and

(d) You pay 25 percent of the original acquisition cost of the excess personal property, such funds to be deposited into the miscellaneous receipts fund of the U.S. Treasury. Exceptions to paying this 25 percent are provided in § 102–36.190. Title to property vests in the grantee when your agency pays 25 percent of the original acquisition cost.

§ 102–36.190 Must we always pay 25 percent of the original acquisition cost when furnishing excess personal property to project grantees?

No, you may acquire excess personal property for use by a project grantee without paying the 25 percent fee when any of the following conditions apply:

(a) The personal property was originally acquired from excess sources by your agency and has been placed into official use by your agency for at least one year. The Federal Government retains title to such property.

(b) The property is furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a) through the U.S. Forest Service in connection with cooperative State forest fire control programs. The Federal Government retains title to such property.

(c) The property is furnished by the U.S. Department of Agriculture to State or county extension services or agricultural research cooperatives under 40 U.S.C. 483(d)(2)(E). The Federal Government retains title to such property.

(d) The property is not needed for donation under part 101–44 of this title, and is transferred under section 608 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2358). Title to such property transfers to the grantee. (You need not wait until after the donation screening period when furnishing excess personal property to recipients under the Agency for International Development (AID) Development Loan Program.)

(e) The property is scientific equipment transferred under section 11(e) of the National Science Foundation (NSF) Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will limit such transfers to property within Federal Supply Classification (FSC) groups 12, 14, 43, 48, 58, 59, 65, 66, 67, 68 and 70. GSA may approve transfers without reimbursement for property under other FSC groups when NSF certifies the item is a component of or related to a piece of scientific equipment or is a difficult-to-acquire item needed for scientific research. Regardless of FSC, GSA will not approve transfers of common-use or general-purpose items without reimbursement. Title to such property transfers to the grantee.

(f) The property is furnished in connection with grants to Indian tribes, as defined in section 3(c) of the Indian Financing Act (24 U.S.C. 1452(c)). Title passage is determined under the authorities of the administering agency.

§ 102–36.195 What type of excess personal property may we furnish to our project grantees?

You may furnish to your project grantees any property, except for consumable items, determined to be necessary and usable for the purpose of the grant. Consumable items are generally not transferable to project grantees. GSA may approve transfers of excess consumable items when adequate justification for the transfer accompanies such requests. For the purpose of this section ''consumable items'' are items which are intended for one-time use and are actually consumed in that one time; *e.g.*, drugs, medicines, surgical dressings, cleaning and preserving materials, and fuels.

§ 102–36.200 May we acquire excess personal property for cannibalization purposes by the grantees?

Yes, subject to GSA approval, you may acquire excess personal property for cannibalization purposes. You may be required to provide a supporting statement that indicates disassembly of the item for secondary use has greater benefit than utilization of the item in its existing form and cost savings to the Government will result.

§ 102–36.205 Is there a limit to how much excess personal property we may furnish to our grantees?

Yes, you must monitor transfers of excess personal property so the total dollar amount of property transferred (in original acquisition cost) does not exceed the dollar value of the grant. Any transfers above the grant amount must be approved by an official at an administrative level higher than the officer administering the grant.

Subpart D—Disposition of Excess Personal Property

§ 102–36.210 Why must we report excess personal property to GSA?

You must report excess personal property to promote reuse by the Government to enable Federal agencies to benefit from the continued use of property already paid for with taxpayers' money, thus minimizing new procurement costs. Reporting excess personal property to GSA helps assure that the information on available excess personal property is accessible and disseminated to the widest range of reuse customers.

Reporting Excess Personal Property

§ 102–36.215 How do we report excess personal property?

Report excess personal property as follows:

(a) Electronically submit the data elements required on the Standard Form 120 (SF 120), Report of Excess Personal Property, in a format specified and approved by GSA; or

(b) Submit a paper SF 120 to the regional GSA Personal Property Management office.

§ 102–36.220 Must we report all excess personal property to GSA?

(a) Generally yes, regardless of the condition code, except as authorized in § 102–36.145 for direct transfers or as exempted in paragraph (b) of this section. Report all excess personal property, including excess personal property to which the Government holds title but is in the custody of your contractors, cooperatives, or project grantees.

(b) You are not required to report the following types of excess personal property to GSA for screening:

(1) Property determined appropriate for abandonment/destruction (see § 102–36.305).

(2) Nonappropriated fund property (see § 102–36.165).

(3) Foreign excess personal property (see § 102–36.380).

(4) Scrap, except aircraft in scrap condition.

(5) Perishables, defined for the purposes of this section as any personal property subject to spoilage or decay.

(6) Trading stamps and bonus goods.

(7) Hazardous waste.

(8) Controlled substances.

(9) Nuclear Regulatory Commission-controlled materials.

(10) Property dangerous to public health and safety.

(11) Classified items or property determined to be sensitive for reasons of national security.

(c) Refer to part 101–42 of this title for additional guidance on the disposition of classes of property under paragraphs (b)(7) through (b)(11) of this section.

§ 102–36.225 Must we report excess related personal property?

Yes, you must report excess related personal property to the Office of Real Property, GSA, in accordance with part 101–47 of this title.

§ 102–36.230 Where do we send the reports of excess personal property?

(a) You must direct electronic submissions of excess personal property to the Federal Disposal System (FEDS) maintained by the Property Management Division (FBP), GSA, Washington, DC 20406.

(b) For paper submissions, you must send the SF 120 to the regional GSA Personal Property Management office for the region in which the property is located. For the categories of property listed in § 102–36.125(b), forward the SF 120 to the corresponding regions.

§ 102–36.235 What information do we provide when reporting excess personal property?

(a) You must provide the following data on excess personal property:

(1) The reporting agency and the property location.

(2) A report number (6-digit activity address code and 4-digit Julian date).

(3) 4-digit Federal Supply Class (use National Stock Number whenever available).

(4) Description of item, in sufficient detail.

(5) Quantity and unit of issue.

(6) Disposal Condition Code (see § 102–36.240).

(7) Original acquisition cost per unit and total cost (use estimate if original cost not available).

(8) Manufacturer, date of manufacture, part and serial number, when required by GSA.

(b) In addition, provide the following information on your report of excess, when applicable:

(1) Major parts/components that are missing.

(2) If repairs are needed, the type of repairs.

(3) Special requirements for handling, storage, or transportation.

(4) The required date of removal due to moving or space restrictions.

(5) If reimbursement is required, the authority under which the reimbursement is requested, the amount of reimbursement and the appropriate fund code to which money is to be deposited.

(6) If you will conduct the sale of personal property that is not transferred or donated.

§ 102–36.240 What are the disposal condition codes?

The disposal condition codes are contained in the following table:

Disposal condition code	Definition
1	New. Property which is in new condition or unused condition and can be used immediately without modifications or repairs.
4	Usable. Property which shows some wear, but can be used without significant repair.
7	Repairable. Property which is unusable in its current condition but can be economically repaired.
X	Salvage. Property which has value in excess of its basic material content, but repair or rehabilitation is impractical and/or uneconomical.
S	Scrap. Property which has no value except for its basic material content.

Disposing of Excess Personal Property

§ 102–36.245 Are we accountable for the personal property that has been reported excess, and who is responsible for the care and handling costs?

Yes, you are accountable for the excess personal property until the time it is picked up by the designated recipient or its agent. You are responsible for all care and handling charges while the excess personal property is going through the screening and disposal process.

§ 102–36.250 Does GSA ever take physical custody of excess personal property?

Generally you retain physical custody of the excess personal property prior to its final disposition. Very rarely GSA may consider accepting physical custody of excess personal property. Under special circumstances, GSA may take custody or may direct the transfer of partial or total custody to other executive agencies, with their consent.

§ 102–36.255 What options do we have when unusual circumstances do not allow adequate time for disposal through GSA?

Contact your regional GSA Personal Property Management office for any existing interagency agreements that would allow you to turn in excess personal property to a Federal facility. You are responsible for any turn-in costs and all costs related to transporting the excess personal property to these facilities.

§ 102–36.260 How do we promote the expeditious transfer of excess personal property?

For expeditious transfer of excess personal property you should:

(a) Provide complete and accurate property descriptions and condition codes on the report of excess to facilitate

the selection of usable property by potential users.

(b) Ensure that any available operating manual, parts list, diagram, maintenance log, or other instructional publication is made available with the property at the time of transfer.

(c) Advise the designated recipient of any special requirements for dismantling, shipping/transportation.

(d) When the excess personal property is located at a facility due to be closed, provide advance notice of the scheduled date of closing, and ensure there is sufficient time for screening and removal of property.

§ 102–36.265 What if there are competing requests for the same excess personal property?

(a) GSA will generally approve transfers on a first-come, first-served basis. When more than one Federal agency requests the same item, and the quantity available is not sufficient to meet the demand of all interested agencies, GSA will consider factors such as national defense requirements, emergency needs, avoiding the necessity of a new procurement, energy conservation, transportation costs, and retention of title in the Government. GSA will normally give preference to the agency that will retain title in the Government.

(b) Requests for property for the purpose of cannibalization will normally be subordinate to requests for use of the property in its existing form.

§ 102–36.270 What if a Federal agency requests personal property that is undergoing donation screening or in the sales process?

Prior to final disposition, GSA will consider requests from authorized Federal activities for excess personal property undergoing donation screening or in the sales process. Federal transfers may be authorized prior to removal of the property under a donation or sales action.

§ 102–36.275 May we dispose of excess personal property without GSA approval?

No, you may not dispose of excess personal property without GSA approval except under the following limited situations:

(a) You may transfer to another Federal agency excess personal property that has not yet been reported to GSA, under direct transfer procedures contained in § 102–36.145.

(b) You may dispose of excess personal property that is not required to be reported to GSA (see § 102–36.220(b)).

(c) You may dispose of excess personal property without going through GSA when such disposal is authorized by law.

§ 102–36.280 May we withdraw from the disposal process excess personal property that we have reported to GSA?

Yes, you may withdraw excess personal property from the disposal process, but only with the approval of GSA and to satisfy an internal agency requirement. Property that has been approved for transfer or donation or offered for sale by GSA may be returned to your control with proper justification.

Transfers With Reimbursement

§ 102–36.285 May we charge for personal property transferred to another Federal agency?

(a) When any one of the following conditions applies, you may require and retain reimbursement for the excess personal property from the recipient:

(1) Your agency has the statutory authority to require and retain reimbursement for the property.

(2) You are transferring the property under the exchange/sale authority.

(3) You had originally acquired the property with funds not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue. It is current executive branch policy that working capital fund property shall be transferred without reimbursement.

(4) You or the recipient is the U.S. Postal Service.

(5) You or the recipient is the DC Government.

(6) You or the recipient is a wholly owned or mixed-ownership Government corporation.

(b) You may charge for direct costs you incurred incident to the transfer, such as packing, loading and shipping of the property. The recipient is responsible for such charges unless you waive the amount involved.

(c) You may not charge for overhead or administrative expenses or the costs for care and handling of the property pending disposition.

§ 102–36.290 How much do we charge for excess personal property on a transfer with reimbursement?

(a) You may require reimbursement in an amount up to the fair market value of the property when the transfer involves property meeting conditions in § 102–36.285(a)(1) through (a)(4).

(b) When you or the recipient is the DC Government or a wholly owned or mixed-ownership Government corporation (§ 102–36.285(a)(5) and (a)(6)), you may only require fair value reimbursement. Fair value reimbursement is 20 percent of the original acquisition cost for new or unused property (*i.e.,* condition code 1), and zero percent for other personal property. A higher fair value may be used if you and the recipient agency agree. Due to special circumstances or the nature of the property, you may use other criteria for establishing fair value if approved or directed by GSA. You must refer any disagreements to the appropriate regional GSA Personal Property Management office.

Report of Disposal Activity

§ 102–36.295 Is there any reporting requirement on the disposition of excess personal property?

Yes, you must report annually to GSA personal property furnished in any manner in that year to any non-Federal recipients, with respect to property obtained as excess or as property determined to be no longer required for the purposes of the appropriation from which it was purchased. GSA will subsequently submit a summary of these Non-Federal Recipients Reports to Congress.

§ 102–36.300 How do we report the furnishing of personal property to non-Federal recipients?

(a) Submit your annual report of personal property furnished to non-Federal recipients, in letter form, to GSA, Personal Property Management Policy Division (MTP), 1800 F Street, NW, Washington, DC 20405, within 90 calendar days after the close of each fiscal year. The report must cover personal property disposed during the fiscal year in all areas within the United States, the U.S. Virgin Islands, American Samoa, Guam, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands. Negative reports are required.

(b) The report (interagency report control number 0154—GSA—AN) must reference this part and contain the following:

(1) Names of the non-Federal recipients.

(2) Status of the recipients (contractor, cooperative, project grantee, etc.).

(3) Total original acquisition cost of excess personal property furnished to each type of recipient, by type of property (two-digit FSC groups).

Abandonment/Destruction

§ 102–36.305 May we abandon or destroy excess personal property without reporting it to GSA?

Yes, you may abandon or destroy excess personal property when you have made a written determination that the property has no commercial value or the

estimated cost of its continued care and handling would exceed the estimated proceeds from its sale. An item has no commercial value when it has neither utility nor monetary value (either as an item or as scrap).

§ 102–36.310 Who makes the determination to abandon or destroy excess personal property?

To abandon or destroy excess personal property, an authorized official of your agency makes a written finding that must be approved by a reviewing official who is not directly accountable for the property.

§ 102–36.315 Are there any restrictions to the use of the abandonment/destruction authority?

Yes, the following restrictions apply:

(a) You must not abandon or destroy property in a manner which is detrimental or dangerous to public health or safety. Additional guidelines for the abandonment/destruction of hazardous materials are prescribed in part 101–42 of this title.

(b) If you become aware of an interest from an entity in purchasing the property, you must implement sales procedures in lieu of abandonment/destruction.

§ 102–36.320 May we transfer or donate excess personal property that has been determined appropriate for abandonment/destruction without GSA approval?

In lieu of abandonment/destruction, you may donate such excess personal property only to a public body without going through GSA. A public body is any department, agency, special purpose district, or other instrumentality of a State or local government; any Indian tribe; or any agency of the Federal Government. If you become aware of an interest from an eligible non-profit organization (see part 101–44 of this title) that is not a public body in acquiring the property, you must contact the regional GSA Personal Property Management office and implement donation procedures in accordance with part 101–44 of this title.

§ 102–36.325 What must be done before the abandonment/destruction of excess personal property?

Except as provided in § 102–36.330, you must provide public notice of intent to abandon or destroy excess personal property, in a format and timeframe specified by your agency regulations (such as publishing a notice in a local newspaper, posting of signs in common use facilities available to the public, or providing bulletins on your website through the internet). You must also include in the notice an offer to sell in accordance with part 101–45 of this title.

§ 102–36.330 Are there occasions when public notice is not needed regarding abandonment/destruction of excess personal property?

Yes, you are not required to provide public notice when:

(1) The value of the property is so little or the cost of its care and handling, pending abandonment/destruction, is so great that its retention for advertising for sale, even as scrap, is clearly not economical;

(2) Abandonment or destruction is required because of health, safety, or security reasons; or

(3) When the original acquisition cost of the item (estimated if unknown) is less than $500.

Subpart E—Personal Property Whose Disposal Requires Special Handling

§ 102–36.335 Are there certain types of excess personal property that must be disposed of differently from normal disposal procedures?

Yes, you must comply with the additional provisions in this subpart when disposing of the types of personal property listed in this subpart.

Aircraft and Aircraft Parts

§ 102–36.340 What must we do when disposing of excess aircraft?

(a) You must report to GSA all excess aircraft, regardless of condition or dollar value, and provide the following information on the SF 120:

(1) Manufacturer, date of manufacture, model, serial number.

(2) Major components missing from the aircraft (such as engines, electronics).

(3) Whether or not the:

(i) Aircraft is operational;

(ii) Dataplate is available;

(iii) Historical and maintenance records are available;

(iv) Aircraft has been previously certificated by the Federal Aviation Administration (FAA) and/or has been maintained to FAA airworthiness standards;

(v) Aircraft was previously used for non-flight purposes (*i.e.,* ground training or static display), and has been subjected to extensive disassembly and re-assembly procedures for ground training, or repeated burning for fire-fighting training purposes.

(4) For military aircraft, indicate Category A, B, or C as designated by DOD, as follows:

Category of aircraft	Description
A	Aircraft authorized for sale and exchange for commercial use.
B	Aircraft previously used for ground instruction and/or static display.
C	Aircraft that are combat configured as determined by DOD.

Note to § 102–36.340(a)(4): For additional information on military aircraft see Defense Materiel Disposition Manual, DOD 4160.21-M, accessible at *www.drms.dla.mil* under Publications.

(b) When the designated transfer or donation recipient's intended use is for non-flight purposes, you must remove and return the dataplate to GSA Property Management Branch, San Francisco, California prior to releasing the aircraft to the authorized recipient. GSA will forward the dataplates to FAA.

(c) You must also submit a report of the final disposition of the aircraft to the Federal Aviation Interactive Reporting System (FAIRS) maintained by the Aircraft Management Policy Division (MTA), GSA, 1800 F Street, NW, Washington, DC 20405. For additional instructions on reporting to FAIRS see part 101–37 of this title.

§ 102–36.345 May we dispose of excess Flight Safety Critical Aircraft Parts (FSCAP)?

Yes, you may dispose of excess FSCAP, but first you must determine whether the documentation available is adequate to allow transfer, donation, or sale of the part in accordance with part 101–37, subpart 101–37.6, of this title. Otherwise, you must mutilate undocumented FSCAP that has no traceability to its original equipment manufacturer and dispose of it as scrap. When reporting excess FSCAP, annotate

the manufacturer, date of manufacture, part number, serial number, and the appropriate Criticality Code on the SF 120, and ensure that all available historical and maintenance records accompany the part at the time of issue.

§ 102–36.350 How do we identify a FSCAP?

Any aircraft part designated as FSCAP is assigned an alpha Criticality Code, and the code is annotated on the original transfer document when you acquire the part. You must perpetuate the appropriate FSCAP Criticality Code on all personal property records. You may contact the Federal agency or Military service that originally owned the part for assistance in making this determination, or query DOD's Federal Logistics Information System (FLIS) using the National Stock Number (NSN) for the part. For assistance in subscribing to the FLIS service contact the FedLog Consumer Support Office, 800–351–4381.

§ 102–36.355 What are the FSCAP Criticality Codes?

The FSCAP Criticality Codes are contained in the following table:

FSCAP code	Description
E	FSCAP specially designed to be or selected as being nuclear hardened.
F	Flight Safety Critical Aircraft Part.

§ 102–36.360 How do we dispose of aircraft parts that are life-limited but have no FSCAP designation?

When disposing of life-limited aircraft parts that have no FSCAP designation, you must ensure that tags and labels, historical data and maintenance records accompany the part on any transfers, donations or sales. For additional information regarding the disposal of life-limited parts with or without tags or documentation refer to part 101–37 of this title.

Canines, Law Enforcement

§ 102–36.365 May we transfer or donate canines that have been used in the performance of law enforcement duties?

Yes, under Public Law 105–27 (111 Stat. 244), when the canine is no longer needed for law enforcement duties, you may donate the canine to an individual who has experience handling canines in the performance of those official duties.

Disaster Relief Property

§ 102–36.370 Are there special requirements concerning the use of excess personal property for disaster relief?

Yes, upon declaration by the President of an emergency or a major disaster, you may loan excess personal property to State and local governments, with or without compensation and prior to reporting it as excess to GSA, to alleviate suffering and damage resulting from any emergency or major disaster (Disaster Relief Act of 1974 (Public Law 93–288 (42 U.S.C. 5121)) and Executive Orders 11795 (3 CFR, 1971–1975 Comp., p. 887) and 12148 (3 CFR, 1979 Comp., p. 412), as amended). If the loan involves property that has already been reported excess to GSA, you may withdraw the item from the disposal process subject to approval by GSA. You may also withdraw excess personal property for use by your agency in providing assistance in disaster relief. You are still accountable for this property and your agency is responsible for developing agencywide procedures for recovery of such property.

Firearms

§ 102–36.375 May we dispose of excess firearms?

Yes, unless you have specific statutory authority to do otherwise, excess firearms may be transferred only to those Federal agencies authorized to acquire firearms for official use. GSA may donate certain classes of surplus firearms to State and local government activities whose primary function is the enforcement of applicable Federal, State, and/or local laws and whose compensated law enforcement officers have the authority to apprehend and arrest. Firearms not transferred or donated must be destroyed and sold as scrap. For additional guidance on the disposition of firearms refer to part 101–42 of this title.

Foreign Excess Personal Property

§ 102–36.380 Who is responsible for disposing of foreign excess personal property?

Your agency is responsible for disposing of your foreign excess personal property, as provided by title IV of the Property Act.

§ 102–36.385 What are our responsibilities in the disposal of foreign excess personal property?

When disposing of foreign excess personal property you must:

(a) Determine whether it is in the interest of the U.S. Government to return foreign excess personal property to the U.S. for further re-use or to dispose of the property overseas.

(b) Ensure that any disposal of property overseas conforms to the foreign policy of the United States and the terms and conditions of any applicable Host Nation Agreement.

(c) Ensure that, when foreign excess personal property is donated or sold overseas, donation/sales conditions include a requirement for compliance with U.S. Department of Commerce and Department of Agriculture regulations when transporting any personal property back to the U.S.

(d) Inform the U.S. State Department of any disposal of property to any foreign governments or entities.

§ 102–36.390 How may we dispose of foreign excess personal property?

To dispose of foreign excess personal property, you may:

(a) Offer the property for re-use by U.S. Federal agencies overseas;

(b) Return the property to the U.S. for re-use by eligible recipients;

(c) Sell, exchange, lease, or transfer such property for cash, credit, or other property;

(d) Donate medical materials or supplies to nonprofit medical or health organizations, including those qualified under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2174, 2357); or

(e) Abandon, destroy or donate such property when you determine that it has no commercial value or the estimated cost of care and handling would exceed the estimated proceeds from its sale, in accordance with sec. 402(a) of the Property Act. Abandonment, destruction or donation actions must also comply with the laws of the country in which the property is located.

§ 102–36.395 How may GSA assist us in disposing of foreign excess personal property?

You may request GSA's assistance in the screening of foreign excess personal property for possible re-use by eligible recipients within the U.S. GSA may, after consultation with you, designate property for return to the United States for transfer or donation purposes.

§ 102–36.400 Who pays for the transportation costs when foreign excess personal property is returned to the United States?

When foreign excess property is to be returned to the U.S. for the purpose of an approved transfer or donation under the provisions of Sections 202 and 203 of the Property Act, the receiving agency is responsible for all direct costs involved in the transfer, which include packing, handling, crating, and transportation.

Gifts

§ 102–36.405 May we keep gifts given to us from the public?

If your agency has gift retention authority, you may retain gifts from the public. Otherwise, you must report gifts you receive on a SF 120 to GSA. You must report gifts received from a foreign government in accordance with part 101–49 of this title.

§ 102–36.410 How do we dispose of a gift in the form of money or intangible personal property?

Report intangible personal property to GSA, Personal Property Management Division (FBP), Washington, D.C. 20406. You must not transfer or dispose of this property without prior approval of GSA. The Secretary of the Treasury will dispose of money and negotiable instruments such as bonds, notes, or other securities under the authority of 31 U.S.C. 324.

§ 102–36.415 How do we dispose of gifts other than intangible personal property?

(a) When the gift is offered with the condition that the property be sold and the proceeds used to reduce the public debt, report the gift to the regional GSA Personal Property Management office in which the property is located. GSA will convert the gift to money upon acceptance and deposit the proceeds into a special account of the U.S. Treasury.

(b) When the gift is offered with no conditions or restrictions, and your agency has gift retention authority, you may use the gift for an authorized official purpose without reporting to GSA. The property will then lose its identity as a gift and you must account for it in the same manner as Federal personal property acquired from authorized sources. When the property is no longer needed, you must report it as excess personal property to GSA.

(c) When the gift is offered with no conditions or restrictions, but your agency does not have gift retention authority, you must report it to the regional GSA Personal Property Management office. GSA will offer the property for screening for possible transfer to a Federal agency or convert the gift to money and deposit the funds with U.S. Treasury. If your agency is interested in keeping the gift for an official purpose, you must annotate your interest on the SF 120 and also submit a SF 122.

§ 102–36.420 How do we dispose of gifts from foreign governments or entities?

Report foreign gifts on a SF 120 to GSA, Personal Property Management Division (FBP), Washington, DC 20406, for possible use by your agency, or for transfer, donation or sale in accordance with the provisions of part 101–49 of this title.

Hazardous Personal Property

§ 102–36.425 May we dispose of excess hazardous personal property?

Yes, but only in accordance with part 101–42 of this title. When reporting excess hazardous property to GSA, certify on the SF 120 that the property has been packaged and labeled as required. Annotate any special requirements for handling, storage, or use, and provide a description of the actual or potential hazard.

Munitions List Items/Commerce Control List Items (MLIs/CCLIs)

§ 102–36.430 May we dispose of excess Munitions List Items (MLIs)/Commerce Control List Items (CCLIs)?

You may dispose of excess MLIs/CCLIs only when you comply with the additional disposal and demilitarization (DEMIL) requirements contained in part 101–42 of this title. MLIs may require demilitarization when issued to any non-DoD entity, and will require appropriate licensing when exported from the U.S. CCLIs usually require export licensing when transported from the U.S.

§ 102–36.435 How do we identify Munitions List Items (MLIs)/Commerce Control List Items (CCLIs) requiring demilitarization?

You identify MLIs/CCLIs requiring demilitarization by the demilitarization code that is assigned to each MLI or CCLI. The code indicates the type and scope of demilitarization and/or export controls that must be accomplished, when required, before issue to any non-DOD activity. For a listing of the codes and additional guidance on DEMIL procedures see DOD Demilitarization and Trade Security Control Manual, DOD 4160.21–M–1.

Printing Equipment and Supplies

§ 102–36.440 Are there special procedures for reporting excess printing and binding equipment and supplies?

Yes, in accordance with 44 U.S.C. 312, you must submit reports of excess printing and binding machinery, equipment, materials, and supplies to the Public Printer, Government Printing Office (GPO), Customer Service Manager, North Capitol and H Streets, NW, Washington, DC 20401. If GPO has no requirement for the property, you must then submit the report to GSA.

Red Cross Property

§ 102–36.445 Do we report excess personal property originally acquired from or through the American National Red Cross?

Yes, when reporting excess personal property which was processed, produced, or donated by the American National Red Cross, note ''RED CROSS PROPERTY'' on the SF 120 or report document. GSA will offer to return this property to the Red Cross if no other Federal agency has a need for it. If the Red Cross has no requirement the property continues in the disposal process and is available for donation.

Shelf-Life Items

§ 102–36.450 Do we report excess shelf-life items?

(a) When there are quantities on hand that would not be utilized by the expiration date and cannot be returned to the vendor for credit, you must report such expected overage as excess for possible transfer and disposal to ensure maximum use prior to deterioration.

(b) You need not report expired shelf-life items. You may dispose of property with expired shelf-life by abandonment/destruction in accordance with § 102–36.305 and in compliance with Federal, State, and local waste disposal and air and water pollution control standards.

§ 102–36.455 How do we report excess shelf-life items?

You must identify the property as shelf-life items by ''SL'', indicate the expiration date, whether the date is the original or an extended date, and if the date is further extendable. GSA may adjust the screening period based on re-use potential and the remaining useful shelf life.

§ 102–36.460 Do we report excess medical shelf-life items held for national emergency purposes?

When the remaining shelf life of any medical materials or supplies held for national emergency purposes is of too short a period to justify their continued retention, you should report such

property excess for possible transfer and disposal. You must make such excess determinations at such time as to ensure that sufficient time remains to permit their use before their shelf life expires and the items are unfit for human use. You must identify such items with ''MSL'' and the expiration date, and indicate any specialized storage requirements.

§ 102–36.465 May we transfer or exchange excess medical shelf-life items with other Federal agencies?

Yes, you may transfer or exchange excess medical shelf-life items held for national emergency purposes with any other Federal agency for other medical materials or supplies, without GSA approval and without regard to part 101–46 of this title. You and the transferee agency will agree to the terms and prices. You may credit any proceeds derived from such transactions to your agency's current applicable appropriation and use the funds only for the purchase of medical materials or supplies for national emergency purposes.

Vessels

§ 102–36.470 What must we do when disposing of excess vessels?

(a) When you dispose of excess vessels you must indicate on the SF 120 the following information:

(1) Whether the vessel has been inspected by the Coast Guard.

(2) Whether testing for hazardous materials has been done. And if so, the result of the testing, specifically the presence or absence of PCB's and asbestos and level of contamination.

(3) Whether hazardous materials clean-up is required, and when it will be accomplished by your agency.

(b) In accordance with section 203(i) of the Property Act, the Federal Maritime Administration (FMA), Department of Transportation, is responsible for disposing of surplus vessels determined to be merchant vessels or capable of conversion to merchant use and weighing 1,500 gross tons or more. The SF 120 for such vessels shall be forwarded to GSA for submission to FMA.

(c) Disposal instructions regarding vessels in this part do not apply to battleships, cruisers, aircraft carriers, destroyers, and submarines.

Subpart F—Miscellaneous Disposition

§ 102–36.475 What is the authority for transfers under ''Computers for Learning''?

(a) The Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3710(i)), authorizes Federal agencies to transfer excess education-related Federal equipment to educational institutions or nonprofit organizations for educational and research activities. Executive Order 12999 (3 CFR, 1996 Comp., p. 180) requires, to the extent permitted by law and where appropriate, the transfer of computer equipment for use by schools or non-profit organizations.

(b) Each Federal agency is required to identify a point of contact within the agency to assist eligible recipients, and to publicize the availability of such property to eligible communities. Excess education-related equipment may be transferred directly under established agency procedures, or reported to GSA as excess for subsequent transfer to potential eligible recipients as appropriate. You must include transfers under this authority in the annual Non-Federal Recipients Report (See § 102–36.295) to GSA.

(c) The ''Computers for Learning'' website has been developed to streamline the transfer of excess and surplus Federal computer equipment to schools and nonprofit educational organizations. For additional information about this program access the ''Computers for Learning'' website, http://www.computers.fed.gov.

Dated: April 28, 2000.

David J. Barram,

Administrator of General Services.

[FR Doc. 00–11921 Filed 5–15–00; 8:45 am]

BILLING CODE 6820–24–P

Federal Register

Tuesday,
May 16, 2000

Part IV

Department of the Interior

Bureau of Land Management

43 CFR Part 2930 et al.

Permits for Recreation on Public Lands; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2930, 3800, 8340, 8370, 8560 and 9260

[WO–250–1220–PA–24 1A]

RIN 1004–AD25

Permits for Recreation on Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would update the regulations of the Bureau of Land Management (BLM) that tell how to obtain recreation permits for commercial recreational operations, competitive events and activities, organized group activities and events, and individual recreational use of special areas. It would establish a new system for determining costs for reimbursement to BLM, helping to ensure a fair return to the public for special uses of the public lands. It would add new regulations on how to obtain Recreation Use Permits for fee areas, such as campgrounds, certain day use areas, and recreation-related services.

The BLM also intends the rule to meet the policy goal of reorganizing the regulations in a more systematic way. The proposal would relocate the regulations to the subchapter dealing with other land use authorizations, reorganize them into an order that flows more logically, and simplify the language.

The proposed rule is needed for several reasons. First, it is needed to emphasize and highlight the cost recovery requirements for issuing recreation permits. Second, it is necessary to update BLM regulations to reflect changes over the last 15 years in recreational activities and large-scale events. Third, it is needed to provide guidance and standards for use of developed recreation sites.

DATES: You should submit your comments by July 17, 2000. BLM will not necessarily consider comments postmarked or received by messenger or electronic mail after the above date in the decisionmaking process on the proposed rule.

ADDRESSES: *Mail:* Director (630), Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, DC 20240.

Personal or messenger delivery: Room 401, 1620 L Street, NW, Washington, DC 20036.

Internet e-mail: WOComment@blm.gov. (Include ''Attn: AD25''.)

FOR FURTHER INFORMATION CONTACT: Lee Larson at (202) 452–5168 as to the substance of the proposed rule, or Ted Hudson at (202) 452–5042 as to procedural matters. Persons who use a telecommunications device for the deaf (TDD) may contact either individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion of Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

A. How Do I Comment on the Proposed Rule?

If you wish to comment, you may submit your comments by any one of several methods.

- You may mail comments to Director (630), Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, DC 20240.
- You may deliver comments to Room 401, 1620 L Street, NW, Washington, DC 20036.
- You may also comment via the Internet to WOComment@blm.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: AD25'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact us directly at (202) 452–5030.

Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under **ADDRESSES:** Personal or messenger delivery during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Individual respondents may request confidentiality, which we will honor to the extent allowable by law. If you wish to withhold your name or address, except for the city or town, you must state this prominently at the beginning of your comment. 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.

II. Background

BLM published the regulations at 43 CFR part 8370 on September 12, 1978 (43 FR 40738). These regulations covered only Special Recreation Permits for use of lands other than developed recreation sites. BLM has reserved a separate subpart 8371 on use of fee areas and developed sites at least since 1978. BLM amended subpart 8372 on August 29, 1984 (49 FR 34337), by defining ''actual expenses,'' by revising the section on ''Enforcement,'' by adding a section on exceptions to the Special Recreation Permit requirements, and by revising the section on ''Fees.'' They were amended again on March 31, 1988 (53 FR 10394), by adding a section on ''Appeals'' that allows appeals but places decisions in full force and effect pending appeal unless the Secretary of the Interior decides otherwise.

The regulations are in need of updating to reflect changes over the last 15 years in recreational activities and large-scale events, and to strengthen and clarify the provisions on cost recovery. Finally, the public needs information in the CFR on use of developed recreation sites, for which BLM has reserved a subpart for many years.

III. Discussion of Proposed Rule

The regulations in this proposed rule are divided into three subparts. The first of these contains general information pertaining to all kinds of recreational authorizations. The second describes the Special Recreation Permit process: what activities require permits, how to get them, what privileges they allow, and how BLM administers them. It also contains definitions of terms used in the subpart. The third subpart covers the Recreation Use Permit, its use, and how it is obtained.

This table should help the reader locate provisions from the current regulations in the proposed rule.

SECTION CONVERSION TABLE

Old section	New section
Part 8370	Part 2930
Note	§ 2931.9
Subpart 8371 [Reserved].	Subpart 2933
Subpart 8372	Subparts 2931 and 2932
§ 8372.0–1	§ 2931.1
§ 8372.0–2	§ 2931.2
§ 8372.0–3	§ 2931.3
§ 8372.0–5	§ 2932.5
§ 8372.0–7	§ § 2932.54(b) and 2933.32(b)
§ 8372.1	§ 2932.10
§ 8372.1–1	§ 2932.11
§ 8372.1–2	§ 2932.11(b)(1) and (b)(3)(iii), and 2932.13
§ 8372.1–3	§ 2932.12
§ 8372.2	§ 2932.20
§ 8372.2(a)	§ 2932.22(a), and (c)(1) and (2)
§ 8372.2(b)	§ 2932.24(c)
§ 8372.2(c)	§ 2932.22(b) and 2932.23
§ 8372.2(c)(2)	§ 2932.25
§ 8372.3	§ 2932.26
§ 8372.4	§ 2932.30
§ 8372.4(a)	§ 2932.31
§ 8372.4(b)	§ 2932.32
§ 8372.4(b)(3)	§ 2932.33
§ 8372.4(c)(1)	§ 2932.14
§ 8372.4(c)(2)–(3)	§ 2932.34
§ 8372.5(a)(1)	§ 2932.54(a), 2933.32
§ 8372.5(a)(2)	§ 2932.42
§ 8372.5(a)(3) (removed).	None
§ 8372.5(a)(4)	§ 2932.53
§ 8372.5(b)	§ 2932.41
§ 8372.5(c)	§ 2932.44
§ 8372.5(d)	§ 2932.43
§ 8372.5(e) (removed).	None
§ 8372.5(f)	§ 2932.54(b)(2)
§ 8372.6	§ 2931.8
None	§ 2932.50 through 2932.52 (new)

The following discussion of the proposed rule concentrates on those portions of the regulations that this rule would amend other than by reorganization and renumbering.

Subpart 2931—Recreation Use Authorizations; General

This subpart would serve as a general introduction to the subject of authorizations for recreational use of the public lands, where they are needed. No permit is needed for most non-commercial recreational use of the public lands. The function of the subpart is to summarize the purposes of and authorities for the regulations. It would also reaffirm the provision in the existing regulations that all permit decisions that BLM makes would remain in full force and effect pending appeal, unless stayed in accordance with Department of the Interior hearings and appeals regulations.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Group Events, and Recreation Use in Special Areas

This subpart includes the regulations covering BLM's issuance of permits for—

- Outfitters and guides (hunting, fishing, rafting, boating, vehicle touring, and other recreational companies),
- Persons engaged in commercial recreational use of the public lands,
- Persons providing services to recreational visitors to the public lands,
- Competitive events such as motorcycle races and time trials,
- Organized group activities or events on the public lands, and
- Noncommercial recreational use of special areas where access may be limited for environmental protection and other reasons.

Subpart 2932 would do the following:

- Contain specific conditions for when you need a Special Recreation Permit and when BLM may waive this requirement;
- Require you to submit applications for Special Recreation Permits 180 days before your intended use begins;
- Provide for cost reimbursement based on administrative time required to issue the permit;
- Specifically require most Special Recreation Permit holders to have and submit liability insurance;
- Allow transfers of Special Recreation Permit privileges, but only as a part of business transactions involving sales of all or part of the business itself; and
- Allow renewal of Special Recreation Permits.

The provisions for transfers and renewals are new in this proposed rule, but we are merely codifying existing policy. Also, the cost reimbursement calculation provisions and the lead time for submitting applications represent changes from the current regulations.

Section 2932.5 Definitions

The only terms defined in this rule pertain to Special Recreation Permits, as opposed to Recreation Use Permits for fee areas. Therefore, we have placed the definition section in the subpart on Special Recreation Permits rather than in the general subpart. We eliminated definitions for terms whose common meaning is clear, and definitions of terms that appear but once in the regulations: ''event,'' ''education,'' ''off-road vehicle, ''operator,'' and ''user day.'' Where there is need, we explained the term in the context in which it appears. We also added definitions for ''vending'' and ''organized group.''

Section 2932.10 When Special Recreation Permits Are Needed

The first four sections would tell recreationists when they need a Special Recreation Permit to use public lands, when BLM may waive permit requirements, and what activities do not need a permit.

Section 2932.11 When Do I Need a Special Recreation Permit?

This section would explain that Special Recreation Permits are necessary for commercial recreational use and competitive events, and vending, and may be needed for recreational use of some special areas, organized group activities and events, and research under limited circumstances. The changes in this provision, adding permit requirements for vending and some research activities, recognize the growing use of the public lands for recreational and related purposes, and the need in some locations to monitor and control these uses.

Section 2932.12 When May BLM Waive the Requirement To Obtain a Permit?

This section, which is based on section 8372.1–3 of the current regulations, would explain that BLM has discretion to waive permit requirements if the event or activity affects less than a mile of public land or shoreline, and poses no threat of appreciable damage to public land or water resources. BLM may also waive the requirement if the activity or event is sponsored at least in part by BLM, or if it is a noncommercial competitive event that poses no appreciable risk of damage to natural resources, whose sponsor does not publicly advertise or offer cash prizes, and which requires no monitoring. These criteria are not substantively changed from the existing regulations. However, the rule does remove the 50 vehicle upper limit for events as to which BLM may waive permit and fee requirements. This number is unnecessarily arbitrary. We would eliminate this numerical limit because we believe that it is more useful to consider the effects of an activity or event on a particular parcel of land. Thus, we would determine whether an activity poses a threat of appreciable damage to the land or water resources present, a criterion carried over from the existing regulation.

Section 2932.14 Do I Need a Special Recreation Permit To Hunt, Trap, or Fish?

This section would make it clear that hunters, trappers, and fishermen do not need Special Recreation Permits to use public lands for these activities, unless they would require a permit under section 2932.11 because the activity is commercial or competitive or takes place in a special area. Likewise, the Special Recreation Permit does not in and of itself authorize you to hunt, trap, or fish. You must obtain the proper license from the State game and fish department with jurisdiction. The regulation would require outfitters and guides who serve hunters, fishermen, and trappers to have a Special Recreation Permit. Except for clarification, and being moved to a more visible location in the regulations with a separate heading, this provision is not substantively changed from the current regulations.

Section 2932.20 Special Recreation Permit Applications

This heading leads into a series of sections introducing you to the recreation permit process. These provisions are based on sections 8372.2 and 8372.3 of the existing regulations.

Section 2932.21 Why Should I Contact BLM Before Submitting an Application?

This section, which is new in the proposed rule, would urge you to contact BLM before you submit an application, especially in light of the requirement that applications be submitted 180 days in advance. Early consultation will familiarize you with the process, and the terms and conditions that may be required in a Special Recreation Permit.

Section 2932.22 When Do I Apply for a Special Recreation Permit?

This section would require persons seeking Special Recreation Permits for commercial and competitive recreational uses, organized group activities or events, or for vending on public lands, to apply 180 days before they expect the use to begin. This would be an increase of 60 days over the provision in the current regulations, reflecting increased demand for such use and more intensive review of applications required by law. The section would also allow local BLM management to provide for shorter review periods for certain applications, and for applications for individual use of special areas. BLM would then notify you (see section 2932.25) if we cannot reach a decision on issuing the Special Recreation Permit before your desired use date. This might happen, for example, if BLM cannot complete the environmental assessments or consultations with other agencies within 180 days. The proposed rule does not impose a time limit for BLM to notify applicants of such delays. This kind of requirement on BLM itself is more appropriate for internal guidance. However, we recognize our obligation to keep our customers informed, especially as to such time-sensitive matters as scheduling recreation events.

The next three sections—2932.23, 2932.24, and 2932.25—are self-explanatory in setting forth the application process in detail.

Section 2932.26 How Will BLM Decide Whether To Issue a Special Recreation Permit?

This section repeats the statement in the current regulations that permit issuance is discretionary with BLM. It expands on the current regulations, however, by stating the criteria that BLM would apply. We would base our decision on the public interest served, public safety, conflicts with other uses, resource protection, and conformance with laws and land use plans. We would also weigh the applicant's past performance with BLM and other agencies. You can use these criteria as indicators of whether your application is likely to be approved.

Section 2932.30 Fees for Special Recreation Permits

The next several sections would deal with the establishment and administration of a fee system for cost recovery in the administration of Special Recreation Permits.

Section 2932.31 How Does BLM Establish Fees for Special Recreation Permits?

This section would explain how BLM sets fees for Special Recreation Permits. The Director establishes fees for these permits for commercial, organized group activities or events, and competitive events. The Director may adjust the fees when necessary to reflect changes in costs and the market, considering the direct and indirect cost to the government; the types of services or facilities provided; and comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and private industry. The fee schedule for competitive and organized group activities or events was published in the **Federal Register** on July 29, 1999 (64 FR 41133), effective October 1, 1999. BLM would adjust these fees periodically based on the Implicit Price Deflator Index. The fee schedule for commercial outfitters, guides, and vendors was published on October 19, 1989 (54 FR 42998). We expect to publish the next regular update of this schedule in March 2002. Local fees for other uses would be posted or published in local newspapers by BLM.

The State Director with jurisdiction establishes fees for other Special Recreation Permits. This information will generally be available in field offices, but may be made available in newspapers, Internet websites, or other appropriate public notice.

The proposed rule would change the threshold for charging actual costs (which may replace or be in addition to the scheduled fees discussed in the previous paragraph) from a fixed cost in dollars ($5,000)—which may become obsolete due to changes in currency values—to an amount of administrative work that would be required. The section would provide that if a permit requires more than 50 hours of BLM administrative or staff time to process and monitor, BLM may require the applicant to pay actual administrative costs, in addition to the fees set by the fee schedule. If the time to process your application exceeds the 50-hour threshold, BLM would require you to pay costs from the first hour of administrative work. This provision will most often apply to short-term, high intensity uses, such as a large one-day motorcycle race. The proposed rule would require BLM to notify you in the event you need to pay actual costs.

Section 2932.32 When Must I Pay the Fees?

This section would require payment of fees in advance of the authorized use by the deadline BLM establishes. It would allow payment in installments for commercial use. BLM will not process your application until you have paid cost recovery fees, if any, as they are required. This approach is somewhat different from that in the current section 8372.4(b), which merely provides for payment at the time of permit issuance. The proposed rule allows the applicant more flexibility in making payments, but provides BLM with more assurance that our costs will be covered as we incur them.

Section 2932.33 When Are Fees Refundable?

This section would describe what happens if your advance payment against BLM costs turns out to exceed those actual costs. For commercial multi-year permits, such as outfitter permits, when your actual fees due are

less than the estimated fees you paid in advance, the rule would direct BLM to credit overpayments to the following year or season. For other permits, BLM would issue refunds or credit overpayments to future permits, whichever you prefer. However, if you have applied for recreational access to a limited use area and your trip is undersubscribed, and you do not give BLM sufficient opportunity to authorize use by others to make up for the use you forgo, BLM will not issue refunds or credits. BLM will determine whether you have given us sufficient opportunity. We will base our determination on the type of permit, the location, and the frequency of use.

We have tried in this section to simplify the explanation of how we handle refunds in cases of undersubscribed events or trips, and to provide more flexibility in how permittees may have their refunds paid.

Section 2932.34 When May BLM Waive Special Recreation Permit Fees?

This section would allow BLM to waive permit fees for Special Recreation Permits on a case-by-case basis. Waiver would be a possibility for scientific, research, therapeutic, or administrative use. However, the proposed rule would remove the waiver for educational/recreational trips found in section 8372.4(c)(2) of the existing regulations. This waiver has been prone to abuse by groups seeking to avoid fees by characterizing purely recreational outings as educational. However, the language in the rule would allow BLM sufficient discretion to waive fees for truly educational outings. The rule also would remove the disclaimer that the regulations do not pertain to commercial or other non-recreational activities. Such activities may be permitted under 43 CFR part 2920 or other regulations, but it is not necessary to state this in the text of the recreation regulations.

Section 2932.40 Permit Stipulations and Terms

The next several sections deal with permit terms, insurance requirements, and bonding requirements. These sections are all based on paragraphs in existing section 8372.5, and do not contain substantive changes. However, there are no equivalents of paragraphs 8372.5(a)(3) and (e) in the proposed rule. The first, limiting the size of the area for which a permit can be issued, is a matter for internal BLM guidance. The second, requiring indemnification of the United States by the permittee against liability for damage to persons or property occurring during or as a result of the authorized use, is unnecessary in light of the insurance requirements contained in section 2932.43.

Section 2932.50 Administration of Special Recreation Permits

This heading leads into a series of sections describing how BLM administers recreation permits, and the requirements that BLM imposes on permittees. These provisions are new in this proposed rule. We add them to codify existing policy or, in some cases, to simplify current procedures. For example, the proposed rule will allow Special Recreation Permits, such as those held by outfitters and guides, to be renewed. BLM currently renews outfitter and guide permits, although there is no regulatory provision that specifically addresses permit renewal. This rule fills this gap.

Section 2932.54 When May I Transfer My Special Recreation Permit to Other Individuals, Companies, or Entities?

The proposed rule also allows permit assignments and transfers, but only in very limited circumstances. The rule in general does not allow sale of permit privileges. However, we will allow a transfer in cases where the permittee is selling his business or a portion of it to the transferee, so long as both parties meet certain requirements. Thus, multi-year commercial Special Recreation Permits—generally held by outfitters, guides, and river-running concerns—would only be transferable in cases of actual sales of businesses or a substantial part of the business. You would be required to apply to BLM to transfer a permit to a prospective buyer of your business, and the buyer would have to pay the standard application fees and cost reimbursement, if any. BLM would evaluate the proposed business sale and transfer permit privileges to a qualified buyer, if—

(1) The transfer is consistent with planning decisions, and

(2) The proposed sale includes tangible property necessary to conduct the activities authorized.

BLM would not allow transfer of the permit privilege alone, without transfer of at least a substantial portion of the equipment or stock necessary to continue the activity. Again, in this case, the proposed rule would codify current policy. In the absence of BLM approval of your proposed transfer, the transferee would have to compete with other applicants for a Special Recreation Permit.

Section 2932.56 When Will BLM Amend, Suspend, or Cancel My Permit?

Paragraph (a) of this section would allow BLM to amend, suspend, or cancel a Special Recreation Permit if we find it necessary to protect public health, public safety, or the environment. In the case of a suspension, the terms of the permit would continue during the suspension. This paragraph is derived from paragraph 8372.5(a)(1) of the existing regulations, and is not substantively changed.

Paragraph (b) of this section would serve the same purpose as sections 8372.0–7 and 8372.5(f) of the existing regulations. It would allow BLM to suspend or cancel a Special Recreation Permit if the permittee violates permit stipulations, or is convicted of violating any Federal or State law or regulation on natural resources and environmental conservation and protection, endangered species or antiquities preservation while acting under a Special Recreation Permit.

Paragraph (c) would make it clear that, while a Special Recreation Permit is suspended, its holder's responsibilities and the permit's prohibitions continue in force.

Section 2932.57 Prohibited Acts and Penalties

The proposed rule makes no substantive changes in this section on prohibited acts and penalties. The penalties the rule provides for are taken from Section 303(a) and (b) of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1733).

Subpart 2933—Recreation Use Permits for Fee Areas

This subpart codifies a permit system pertaining to ''fee areas'' on public lands managed by BLM. Fee areas are sites that provide specialized facilities, equipment, or services related to outdoor recreation. These include areas that are developed by BLM, receive regular maintenance, may have on-site staffing, and are supported by Federal funding. Not all fee areas necessarily have all of these attributes. Examples of fee areas are campgrounds that include improvements such as picnic tables, toilet facilities, tent or trailer sites, and drinking water; and specialized sites such as swimming pools, boat launch facilities, guided tours, hunting blinds, and so forth. The provisions in these regulations are codifications of existing procedures and policies. They are designed to allow the most efficient administration possible of the permit system, and the easiest access by the public.

We believe that the regulations in this subpart are sufficiently self-explanatory and straightforward that we do not need to discuss them piecemeal or offer their rationale. If there are questions raised during the public comment period as to these provisions, we will discuss them in detail in the preamble of the final rule.

Cross-references

Finally, the proposed rule would change cross-references in other parts of Title 43 from subpart 8372 to part 2930.

IV. Procedural Matters

The principal author of this proposed rule is Lee Larson of the Recreation Group, Washington Office, BLM, assisted by Ted Hudson of the Regulatory Affairs Group, Washington Office, BLM.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

During fiscal year 1996, BLM issued over 116,000 Recreation Use Permits for use of fee sites, with revenues totaling about $600,000. During fiscal year 1997, BLM issued about 184,000 Recreation Use Permits for use of fee sites, with revenues totaling about $705,000. During fiscal year 1998, BLM issued about 280,000 Recreation Use Permits for use of fee sites, with revenues totaling about $1.3 million. The cost of such a permit averaged just over $5.00 for 1996, just under $5.50 for 1997, and a little over $4.60 for 1998. The proposed rule would allow BLM to charge fees based on the types of services or facilities provided at the fee site, the cost of providing them, and fees charged by public and private entities at similar sites nearby. Changes caused by this rule are not quantifiable in this document, but will not result in charges greater than fair market value. Any increase in prices for these users would have to have economic consequences of hundreds of dollars per permit for the effect on the economy to total $100 million, the threshold for a major rule in the Executive Order.

During fiscal year 1996, BLM issued just over 21,000 Special Recreation Permits, with revenues totaling a little over $1.5 million deposited into the Land and Water Conservation Fund (LWCF). During fiscal year 1997, BLM issued just over 32,000 Special Recreation Permits, with revenues totaling about $2.9 million, of which nearly $1.9 million was deposited into the LWCF with the balance attributed to the Fee Demonstration Project and other miscellaneous accounts. During fiscal year 1998, BLM issued just over 37,500 such permits, and collected just over $4.8 million in fees, of which nearly $1.6 million was deposited into the LWCF, with the balance attributed to the Fee Demonstration Project and other miscellaneous accounts. (These numbers are derived from the Public Land Statistics; the variety of laws directing the revenues to numerous funds accounts for different average fees from year to year. We give these numbers to illustrate that the revenues charged under BLM's recreation program are minuscule compared with those realized by the overall national recreation industry.) Special Recreation Permits are generally obtained by commercial outfitters and guides (about 2,500), river running companies (about 800), sponsors of competitive events (about 1,000), ''snow bird'' seasonal mobile home campers who use BLM's long term visitor areas (about 14,000), and private individuals and groups using certain special areas. Under current regulations, use fees are to be collected according to a schedule established by the Director, BLM, and published periodically in the **Federal Register**. BLM may charge actual costs if they exceed the fee on the schedule. The schedule is based on 3 percent of the gross annual receipts of the permittee or an $80 flat annual fee, whichever is greater. Snow birds pay a flat seasonal fee of $100. The flat annual fee for commercial outfitters and guides is adjusted periodically in line with the Implicit Price Deflator. The proposed rule would provide for use fees to equal fair market value, which can be determined through comparative market analysis, competitive bidding, or other means. The State of Colorado charges river outfitters 5 percent of gross receipts to run trips on the Arkansas River, which features the Royal Gorge. This might be an indication of the type of fee increase that might be phased in under the proposed rule. BLM will determine fair market values for outfitter permits on a local or regional level, based on comparative market analyses and considering public input.

Regulatory Flexibility Act

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). According to the president of the American Recreation Coalition, outdoor recreation is a $350 billion industry made up of small businesses. As stated in the previous section, BLM fees collected for Special Recreation Permits in fiscal year 1997 were about $2.9 million. BLM revenues collected thus amounted in that year to less than 1/1,000 of 1 percent of the gross industrial revenues, and not all of the BLM revenues were collected from commercial recreationists. The results in other years are similar. BLM considers that increases in these fees to fair market value could not create a significant impact on the outdoor recreation industry. However, BLM recognizes that most commercial recreation enterprises—outfitters, guides, river-running companies, local retail outlets—are small businesses, and that about 3,500 of them annually hold BLM commercial or competitive permits. For these reasons, any changes in fees to fair market value will be phased in, and fees will be set locally and only after opportunity for public participation leading to decisions on fair market value.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act.

This rule—

Does not have an annual effect on the economy of $100 million or more. See the discussion under Regulatory Planning and Review, above.

Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The rule will have no effect on the 3 percent basic use fee required of outfitters (set by policy, not regulations). The rule imposes cost recovery requirements provided for in section 304 of FLPMA (43 U.S.C. 1734), and in the Land and Water Conservation Fund Act (16 U.S.C. 460*l et seq., 460l*–5), and Office of Management and Budget Circular No. A–25. The cost increases under this rule would be de

minimus in the context of the entire outdoor recreation industry, and even in the context of the small proportion of it that uses public lands managed by BLM. See the discussion above under Regulatory Flexibility Act.

Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. The adjustment of user fees to fair market value and the implementation of cost recovery should not affect the ability of mostly small businesses evenly treated to compete with one another. Recreationists are not likely to be driven to foreign recreation markets by finding an increase in user fees in the western part of this country, due to the insignificance of such increases compared to the costs of travel to comparable foreign recreation destinations. Much recreation equipment is manufactured in foreign countries, but it is sold by small business retailers in this country. The adjustment of user fees to fair market value should not affect buyers' choice of foreign versus domestic made equipment.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. The rule has no effect on governmental or tribal entities. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with Executive Order 12630, the rule does not have significant takings implications. While the proposed rule would provide for permits to be canceled under certain circumstances, including violations of law or regulations, or failure to comply with permit stipulations, and while for some commercial permittees a Special Recreation Permit may be essential to the exercise of property rights in a business, the rule would not allow such a forfeiture without due process of law. A takings implications assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. The rule does 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. The rule does not preempt State law.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This regulation requires information collection from 10 or more parties and a submission under the Paperwork Reduction Act is required by 44 U.S.C. 3501 *et seq.* An OMB form 83-I has been reviewed by the Department and sent to OMB for approval. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

National Environmental Policy Act

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 is not required.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this proposed rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed rule clearly stated?

(2) Does the proposed rule contain technical language or jargon that interferes with its clarity?

(3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§ '' and a numbered heading; for example, § 2932.22 When do I apply for a Special Recreation Permit?)

(5) Is the description of the proposed rule in the ''supplementary information'' section of this preamble helpful in understanding the proposed rule? What else could we do to make the proposed rule easier to understand?

If you have any comments that concern how we could make this proposed rule easier to understand, in addition to sending the original to the address shown in **ADDRESSES**, above, please send a copy to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street NW, Washington, DC 20240. You may also e-mail the comments to this address: Execsec@ios.doi.gov.

List of Subjects

43 CFR Part 2930

Penalties; Public lands; Recreation and recreation areas; Reporting and recordkeeping requirements; Surety bonds.

43 CFR Part 3800

Administrative practice and procedure, Environmental protection, Intergovernmental relations, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds, Wilderness areas.

43 CFR Part 8340

Public lands, Recreation and recreation areas, Traffic regulations.

43 CFR Part 8370

Penalties; Public lands; Recreation and recreation areas; Reporting and recordkeeping requirements; Surety bonds.

43 CFR Part 8560

Penalties, Public lands, Reporting and recordkeeping requirements, Wilderness areas.

43 CFR Part 9260

Continental shelf, Forests and forest products, Law enforcement, Penalties, Public lands, Range management, Recreation and recreation areas, Wildlife.

For the reasons explained in the preamble, and under the authority of 43 U.S.C. 1740, chapter II, subtitle B of title 43 of the Code of Federal Regulations is proposed to be amended as follows:

1. Part 2930 is added to read as follows:

PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS

Subpart 2931—Permits for Recreation; General

Sec.

2931.1 What are the purposes of these regulations?
2931.2 What kinds of permits does BLM issue for recreation-related uses of public lands?

2931.3 What are the authorities for these regulations?
2931.8 Appeals.
2931.9 Information collection.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas

2932.5 Definitions.
2932.10 When Special Recreation Permits are needed.
2932.11 When do I need a Special Recreation Permit?
2932.12 When may BLM waive the requirement to obtain a permit?
2932.13 How will I know if individual use of a special area requires a Special Recreation Permit?
2932.14 Do I need a Special Recreation Permit to hunt, trap, or fish?
2932.20 Special Recreation Permit applications.
2932.21 Why should I contact BLM before submitting an application?
2932.22 When do I apply for a Special Recreation Permit?
2932.23 Where do I apply for a Special Recreation Permit?
2932.24 What information must I submit with my application?
2932.25 What will BLM do when I apply for a Special Recreation Permit?
2932.26 How will BLM decide whether to issue a Special Recreation Permit?
2932.30 Fees for Special Recreation Permits.
2932.31 How does BLM establish fees for Special Recreation Permits?
2932.32 When must I pay the fees?
2932.33 When are fees refundable?
2932.34 When may BLM waive Special Recreation Permit fees?
2932.40 Permit stipulations and terms.
2932.41 What stipulations must I follow?
2932.42 How long is my Special Recreation Permit valid?
2932.43 What insurance requirements pertain to Special Recreation Permits?
2932.44 What bonds does BLM require for a Special Recreation Permit?
2932.50 Administration of Special Recreation Permits.
2932.51 When can I renew my Special Recreation Permit?
2932.52 How do I apply for a renewal?
2932.53 What will be the term of my renewal?
2932.54 When may I transfer my Special Recreation Permit to other individuals, companies, or entities?
2932.55 When must I allow BLM to examine my permit records?
2932.56 When will BLM amend, suspend, or cancel my permit?
2932.57 Prohibited acts and penalties.

Subpart 2933—Recreation Use Permits for Fee Areas

2933.10 Obtaining Recreation Use Permits.
2933.11 When must I obtain a Recreation Use Permit?
2933.12 Where can I obtain a Recreation Use Permit?
2933.13 When do I need a reservation to use a fee site?
2933.14 For what time may BLM issue a Recreation Use Permit?
2933.20 Fees for Recreation Use Permits.
2933.21 When are fees charged for Recreation Use Permits?
2933.22 How does BLM establish Recreation Use Permit fees?
2933.23 When must I pay the fees?
2933.24 When can I get a refund of Recreation Use Permit fees?
2933.30 Rules of conduct.
2933.31 What rules must I follow at fee areas?
2933.32 When will BLM suspend or revoke my permit?

Authority: 43 U.S.C. 1740; 16 U.S.C. 460l–6a.

PART 2930—PERMITS FOR RECREATION ON PUBLIC LANDS

Subpart 2931—Permits for Recreation; General

§ 2931.1 What are the purposes of these regulations?

The regulations in this part—

(a) State when you need a permit to use public lands and waters for recreation, including recreation-related business;

(b) Tell you how to obtain the permit; and

(c) State the fees you must pay to obtain the permit.

§ 2931.2 What kinds of permits does BLM issue for recreation-related uses of public lands?

The regulations in this part establish permit and fee systems for:

(a) Special Recreation Permits for commercial use, organized group activities or events, competitive use, and for use of special areas; and (b) Recreation use permits for use of fee areas such as campgrounds and day use areas.

§ 2931.3 What are the authorities for these regulations?

(a) The statutory authorities underlying the regulations in this part are the Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and the Land and Water Conservation Fund Act, as amended, 16 U.S.C. 460*l*–6a.

(1) The Federal Land Policy and Management Act contains BLM's general land use management authority over the public lands, and establishes outdoor recreation as one of the principal uses of those lands (43 U.S.C. 1701(a)(8)).

(2) The Land and Water Conservation Fund (LWCF) Act, as amended, authorizes BLM to collect fees for recreational use (16 U.S.C. 460*l*–6a(a), (c)), and to issue special recreation permits for group activities and recreation events, and limits the services for which we may collect fees (16 U.S.C. 460*l*–6a(a), (b), (g)).

(b) The regulations at 36 CFR part 71 require all Department of the Interior agencies to use the criteria in that part in setting recreation fees. These criteria are based on the LWCF Act and stated in §§ 71.9 and 71.10 of that part.

§ 2931.8 Appeals.

(a) If you are adversely affected by a decision under this part, you may appeal the decision under parts 4 and 1840 of this title.

(b) All decisions BLM makes under this part will go into effect immediately and will remain in effect while appeals are pending unless a stay is granted under § 4.21(b) of this title.

§ 2931.9 Information collection.

The information collection requirements in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004–0119. The information will be used to determine whether applicants for Special Recreation Permits on public lands should be granted such permits. A response to requests for information is required to obtain a benefit.

Subpart 2932—Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas

§ 2932.5 Definitions.

Actual expenses means money spent directly on the permitted activity. These may include costs of such items as food, rentals of group equipment, transportation, and permit or use fees. Actual expenses do not include the rental or purchase of personal equipment, amortization of equipment, salaries or other payments to participants, insurance premiums, or profit.

Commercial use means recreational use of the public lands and related waters for business or financial gain.

(1) The activity, service, or use is commercial if—

(i) Any person, group, or organization makes or attempts to make a profit, receive money, amortize equipment, or obtain goods or services, as compensation from participants in recreational activities occurring on public lands;

(ii) Anyone collects a fee or receives other compensation that is not strictly a sharing of actual expenses, or exceeds actual expenses, incurred for the purposes of the activity, service, or use;

(iii) There is public advertising to seek participants; or

(iv) Participants pay for a duty of care or an expectation of safety.

(2) Profit-making organizations and organizations seeking to make a profit are automatically classified as commercial, even if that part of their activity covered by the permit is not profit-making or the business as a whole is not profitable.

(3) Use of the public lands by scientific, educational, and therapeutic institutions or non-profit organizations is commercial and subject to a permit requirement when it meets any of the threshold criteria in paragraphs (1) and (2) of this definition. The non-profit status of any group or organization does not alone determine that an event or activity arranged by such a group or organization is noncommercial.

Competitive use means—

(1) Any organized, sanctioned, or structured use, event, or activity on public land in which 2 or more contestants compete and either or both of the following elements apply:

(i) Participants register, enter, or complete an application for the event; or

(ii) A predetermined course or area is designated; or

(2) One or more individuals contesting an established record such as for speed or endurance.

Organized group activity means a structured, ordered, consolidated, or scheduled meeting on or occupation of the public lands for the purpose of recreational or other use that is not commercial or competitive.

Special area means:

(1) An area officially designated by statute or Secretarial order;

(2) An area for which BLM determines that the resources require special management and control measures for their protection; or

(3) An area covered by joint agreement between BLM and a State under Title II of the Sikes Act (16 U.S.C. 670a *et seq.*)

Vending means the sale of goods or services, not from a permanent structure, associated with recreation on the public lands or related waters, such as food, beverages, clothing, firewood, souvenirs, photographs or film (video or still), or equipment repairs.

§ 2932.10 When Special Recreation Permits are needed.

§ 2932.11 When do I need a Special Recreation Permit?

(a) Except as provided in § 2932.1, you must obtain a Special Recreation Permit for:

(1) Commercial use, including vending associated with recreational use; or

(2) Competitive use.

(b) BLM may require you to obtain a Special Recreation Permit for:

(1) Recreational use of special areas;

(2) Noncommercial, noncompetitive, organized group activities or events; or

(3) Academic, educational, scientific, or research uses that involve:

(i) Means of access or activities normally associated with recreation;

(ii) Use of areas where recreation use is allocated; or

(iii) Use of special areas.

§ 2932.12 When may BLM waive the requirement to obtain a permit?

We may waive the requirement to obtain a permit if:

(a) The use or event begins and ends on non-public lands or related waters, traverses less than 1 mile of public lands or 1 shoreline mile, and poses no threat of appreciable damage to public land or water resource values;

(b) The use is sponsored or co-sponsored by the Bureau of Land Management, that is, an activity or event that BLM is involved in organizing and hosting, or sharing responsibility for, arranged through authorizing letters or written agreements; or

(c) The use is a competitive event that—

(1) Is not commercial;

(2) Does not award cash prizes;

(3) Is not publicly advertised;

(4) Poses no appreciable risk for damage to public land or related water resource values; and

(5) Requires no monitoring.

§ 2932.13 How will I know if individual use of a special area requires a Special Recreation Permit?

BLM will publish notification of the requirement to obtain a Special Recreation Permit to enter a special area in the **Federal Register** and local and regional news media. We will post permit requirements at major access points for the special area and provide information at the local BLM office.

§ 2932.14 Do I need a Special Recreation Permit to hunt, trap, or fish?

(a) You do not need a Special Recreation Permit to hunt, trap, or fish, unless you are using a special area. You must comply with State license requirements for these activities. BLM Special Recreation Permits do not alone authorize you to hunt, trap, or fish.

(b) Outfitters and guides providing services to hunters, trappers, or anglers must obtain Special Recreation Permits from BLM.

§ 2932.20 Special Recreation Permit applications.

§ 2932.21 Why should I contact BLM before submitting an application?

If you wish to apply for a Special Recreation Permit, we strongly urge you to contact the appropriate BLM office before submitting your application. You may need early consultation to become familiar with BLM practices and responsibilities, and the terms and conditions that may be required in a Special Recreation Permit. Because of the lead time involved in processing Special Recreation Permit applications (see § 2932.22(a)), you should contact BLM in sufficient time to complete a permit application ahead of the 180 day requirement.

§ 2932.22 When do I apply for a Special Recreation Permit?

(a) For all uses that require a Special Recreation Permit (see § 2932.11) except individual use of special areas, you must apply to the local BLM office at least 180 days before you intend your use to begin. This enables BLM to conduct environmental analyses and meet other legal requirements. We may process and issue your permit in less time.

(b) BLM field offices will establish application procedures for individual use of special areas, including when to apply. You should call the field office with jurisdiction as you begin to plan your use.

§ 2932.23 Where do I apply for a Special Recreation Permit?

You must apply to the local BLM office with jurisdiction over the land you wish to use.

§ 2932.24 What information must I submit with my application?

(a) Your application for a Special Recreation Permit for all uses, except individual and noncommercial group use of special areas, must include:

(1) A completed BLM Special Recreation Application and Permit form;

(2) A map or maps of sufficient scale and detail to allow identification of the proposed use area, unless waived by BLM; and

(3) Other information requested by BLM in sufficient detail to allow us to evaluate the nature and impact of the proposed activity, including measures you would take to mitigate adverse impacts.

(b) If you are an individual or noncommercial group wishing to use a special area, contact the local office with jurisdiction to find out the requirements, if any.

§ 2932.25 What will BLM do when I apply for a Special Recreation Permit?

It is BLM's intent to notify you at least 30 days before your desired use date if a decision on issuing the Special Recreation Permit cannot be made in a timely manner. An example of when this could happen is if we cannot complete the environmental assessments or consultations with other agencies within 180 days.

§ 2932.26 How will BLM decide whether to issue a Special Recreation Permit?

BLM has discretion whether or not to issue a Special Recreation Permit. We will base our decision on the public interest served, public safety, conflicts with other uses, resource protection, conformance with laws and land use plans, and your past performance with BLM and other agencies.

§ 2932.30 Fees for Special Recreation Permits.

§ 2932.31 How does BLM establish fees for Special Recreation Permits?

(a) The Director establishes fees, including minimum annual fees, for commercial, organized group activity or event, and competitive Special Recreation Permits.

(b) The Director may adjust the fees as necessary, using a **Federal Register** notice, to reflect changes in costs and the market, using the following types of data:

(1) The direct and indirect cost to the government;

(2) The types of services or facilities provided; and

(3) The comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and the private sector located within the service area.

(c) The State Director with jurisdiction—

(1) Will set fees for other Special Recreation Permits (such as for private use of special areas),

(2) May adjust the fees when he or she finds it necessary,

(3) May provide information in field offices, and

(4) May provide newspaper or other appropriate public notice.

(d) In addition to the fees listed in the schedule or set by the State Director, if BLM needs more than 50 hours of staff time to process a Special Recreation Permit, we may charge a fee for recovery of our administrative costs. Processing charges may include, but are not limited to, the cost of environmental analysis, consultation with other agencies, and conducting public participation. Processing costs may also include, but are not limited to, the costs of monitoring, use supervision, permit compliance, and post-use reports and close-out.

(e) We will notify you in writing if you need to pay actual costs.

§ 2932.32 When must I pay the fees?

You must pay the required fees in advance of your authorized use and by the deadline or deadlines that BLM will establish in each case. We may allow you to make periodic payments for commercial use. We will not process or continue processing your application until you have paid the required fees or installments.

§ 2932.33 When are fees refundable?

For multi-year commercial permits, if your actual fees due are less than the estimated fees you paid in advance, BLM will credit overpayments to the following year or season. For other permits, we will issue refunds or credit overpayments to future permits, less processing costs. We will generally not make refunds for use of the areas allocated to you in your permit if your actual use is less than your intended use. We may consider a refund if there is sufficient time to authorize use by others and we are able to award such use. Application fees and minimum annual commercial use fees (those on BLM's published fee schedule) are not refundable.

§ 2932.34 When may BLM waive Special Recreation Permit fees?

BLM may waive Special Recreation Permit fees on a case-by-case basis for approved academic, scientific, research, therapeutic, or administrative uses.

§ 2932.40 Permit stipulations and terms.

§ 2932.41 What stipulations must I follow?

You must follow all stipulations contained in your Special Recreation Permit. BLM may impose stipulations and conditions to meet management goals and objectives and protect lands and resources and the public interest.

§ 2932.42 How long is my Special Recreation Permit valid?

You may request a permit for a day, season of use, or other time period, up to a maximum of 5 years. BLM will determine the appropriate term in each case.

§ 2932.43 What insurance requirements pertain to Special Recreation Permits?

All commercial and competitive applicants for Special Recreation Permits, except vendors, must obtain a property damage, personal injury, and public liability insurance policy that BLM judges sufficient to protect the public and the United States. Your policy must name the U.S. Government as additionally insured or co-insured and stipulate that you or your insurer notify BLM 30 days in advance of termination or modification of the policy. We may also require vendors and other applicants, such as organized groups, to obtain and submit such a policy.

§ 2932.44 What bonds does BLM require for a Special Recreation Permit?

BLM may require you to submit a payment bond, a cash or surety deposit, or other financial guarantee in an amount sufficient to cover your fees or defray the costs of restoration and rehabilitation of the lands affected by the permitted use. We will return the bonds and financial guarantees when you have complied with all permit stipulations.

§ 2932.50 Administration of Special Recreation Permits.

§ 2932.51 When can I renew my Special Recreation Permit?

We will renew your Special Recreation Permit at the end of its term only if it is in good standing and consistent with BLM management plans and policies, and if you and all of your affiliates have a satisfactory record of performance.

§ 2932.52 How do I apply for a renewal?

(a) You must submit an application for renewal in the same form as for a new permit.

(b) BLM will establish and publish deadlines for submitting renewal applications.

§ 2932.53 What will be the term of my renewal?

Renewals will generally be for the same term as the previous permit.

§ 2932.54 When may I transfer my Special Recreation Permit to other individuals, companies, or entities?

(a) BLM may transfer a commercial Special Recreation Permit in the case of an actual sale of a business or a substantial part of the business. Only BLM can approve the transfer or assignment of permit privileges to another person or entity.

(b) The approved transferee must complete the standard permit application as provided in §§ 2932.20 through 2932.26. Once the transferee pays the required fees, BLM will issue a Special Recreation Permit.

§ 2932.55 When must I allow BLM to examine my permit records?

(a) BLM may examine any books, documents, papers, or records pertaining to your Special Recreation Permit or transactions relating to it,

whether in your possession, or that of your employees, business affiliates, or agents.

(b) You must make these materials available upon request by BLM. BLM will not ask to inspect any of this material later than 3 years after your permit expires.

§ 2932.56 When will BLM amend, suspend, or cancel my permit?

(a) BLM may amend, suspend, or cancel your Special Recreation Permit if necessary to protect public health, public safety, or the environment.

(b) BLM may suspend or cancel your Special Recreation Permit if you—

(1) Violate permit stipulations, or

(2) Are convicted of violating any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species, or antiquities while exercising your privileges under your Special Recreation Permit.

(c) If we suspend your permit, your responsibilities under the permit will continue during the suspension.

§ 2932.57 Prohibited acts and penalties.

(a) *Prohibited acts.* You must not—

(1) Fail to obtain a Special Recreation Permit and pay the fees required by this subpart;

(2) Violate the stipulations or conditions of a permit issued under this subpart;

(3) Knowingly participate in an event or activity subject to the permit requirements of this subpart where BLM has not issued a permit;

(4) Fail to post a copy of any commercial or competitive permit where all participants may read it;

(5) Fail to show a copy of your Special Recreation Permit upon request by a BLM employee or a participant in your activity.

(b) *Penalties.* (1) Any person convicted of committing any prohibited act in paragraph (a) of this section, or of violating any regulation in this subpart or any condition or stipulation of a Special Recreation Permit, may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

(2) You may also be subject to civil action for unauthorized use of the public lands or related waters and their resources, for violations of permit terms, conditions, or stipulations, or for uses beyond those allowed by the permit.

Subpart 2933—Recreation Use Permits for Fee Areas

§ 2933.10 Obtaining Recreation Use Permits.

§ 2933.11 When must I obtain a Recreation Use Permit?

You must obtain a Recreation Use Permit for individual or group use of fee areas. These are sites where we provide or administer specialized facilities, equipment, or services related to outdoor recreation. You may visit these areas for uses and time periods BLM specifies. We will post these uses and limits at the entrance to the area or site, and provide this information in the local BLM office with jurisdiction over the area or site. You may contact this office for permit information when planning your visit.

§ 2933.12 Where can I obtain a Recreation Use Permit?

You may obtain a permit at self-service pay stations, from personnel at the site, or at other specified locations. Because these locations may vary from site to site, you should contact the local BLM office with jurisdiction over the area or site in advance for permit information.

§ 2933.13 When do I need a reservation to use a fee site?

Most sites are available on a first come/first serve basis. However, you may need a reservation to use some sites. You should contact the local BLM office with jurisdiction over the site or area to learn whether a reservation is required.

§ 2933.14 For what time may BLM issue a Recreation Use Permit?

You may obtain a permit for a day, season of use, year, or any other time period that we deem appropriate for the particular use. We will post this information on site or make it available at the local BLM office with jurisdiction over the area or site.

§ 2933.20 Fees for Recreation Use Permits.

§ 2933.21 When are fees charged for Recreation Use Permits?

You must pay a fee for individual or group recreational use if the area is posted to that effect. You may also find fee information at BLM field offices or BLM Internet websites.

§ 2933.22 How does BLM establish Recreation Use Permit fees?

BLM sets recreation use fees and adjusts them from time to time to reflect changes in costs and the market, using the following types of data:

(a) The direct and indirect cost to the government;

(b) The types of services or facilities provided; and

(c) The comparable recreation fees charged by other Federal agencies, non-Federal public agencies, and the private sector located within the service area.

§ 2933.23 When must I pay the fees?

You must pay the required fees upon occupying a designated recreation use facility, when you receive services, or as the BLM's reservation system may require. These practices vary from site to site. You may contact the local BLM office with jurisdiction over the area or site for fee information.

§ 2933.24 When can I get a refund of Recreation Use Permit fees?

If we close the fee site for administrative or emergency reasons, on your request, we will refund the unused portion of your permit fee.

§ 2933.30 Rules of conduct.

§ 2933.31 What rules must I follow at fee areas?

You must comply with all rules that BLM posts in the area. Any such site-specific rules supplement the general rules of conduct contained in subpart 8365 of this chapter relating to public safety, resource protection, and visitor comfort.

§ 2933.32 When will BLM suspend or revoke my permit?

(a) We may suspend your permit to protect public health, public safety, the environment, or you.

(b) We may revoke your permit if you commit any of the acts prohibited in subpart 8365 of this chapter, or violate any of the stipulations attached to your permit, or any site-specific rules posted in the area.

PART 3800—[AMENDED]

2. The authority citation for part 3800 continues to read as follows:

Authority: 5 U.S.C. 552; 16 U.S.C. 1131–1136, 1271–1287, 1901; 25 U.S.C. 463; 30 U.S.C. 21 *et seq.*, 21a, 22 *et seq.*, 1601; 43 U.S.C. 2, 154, 299, 687b–687b–4, 1068 *et seq.*, 1201, 1701 *et seq.*; 62 Stat. 162.

§ 3802.1–1 [Amended]

3. Section 3802.1–1(d) is amended by removing the phrase ''subpart 8372 of this title'' and adding in its place the phrase ''part 2930 of this chapter.''

PART 8340—[AMENDED]

4. The authority citation for part 8340 is corrected to read as follows:

Authority: 43 U.S.C. 1201, 43 U.S.C. 315a, 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 460*l*–6a, 16

U.S.C. 1241 *et seq.*, and 43 U.S.C. 1701 *et seq.*

§ 8344.1 [Amended]

5. Section 8344.1 is amended by revising the cross-reference ''subpart 8372'' to read ''part 2930.''

PART 8370—[REMOVED]

6. Part 8370 is removed.

7. The authority citation for part 8560 continues to read as follows:

Authority: 43 U.S.C. 1701 *et seq.*, 16 U.S.C. 1131 *et seq.*

§ 8560.1–1 [Amended]

8. Section 8560.1–1(e) is amended by removing the phrase ''43 CFR part 8372'' and adding in its place the phrase ''part 2930 of this chapter.''

PART 9260—[AMENDED]

9. The authority citation for part 9260 continues to read as follows:

Authority: 16 U.S.C. 433; 16 U.S.C. 460*l*-6a; 16 U.S.C. 670j; 16 U.S.C. 1246(i); 16 U.S.C. 1338; 18 U.S.C. 1851–1861; 18 U.S.C. 3551 *et seq.*; 43 U.S.C. 315(a); 43 U.S.C. 1061, 1063; 43 U.S.C. 1733.

§ 9268.3 [Amended]

10. Section 9268.3 is amended by removing from the first sentence of paragraph (e)(1) the phrase ''subpart 8372 of this title'' and adding in its place the phrase ''part 2930 of this chapter.''

Dated: April 28, 2000.

Sylvia V. Baca,

Assistant Secretary of the Interior.

[FR Doc. 00–12124 Filed 5–15–00; 8:45 am]

BILLING CODE 4310–84–P

Reader Aids

Federal Register

Vol. 65, No. 95

Tuesday, May 16, 2000

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@www.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, MAY

25233–25434 1
25435–25622 2
25623–25828 3
25829–26116 4
26117–26480 5
26481–26730 8
26731–26940 9
29941–30334 10
30335–30520 11
30521–30828 12
30829–31072 15
31073–31244 16

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7297 25821
7298 25823
7299 25825
7300 25827
7301 26113
7302 26117
7303 26481
7304 30335
7305 30827
7306 30829
7307 31071

Executive Orders:
January 19, 1917 (Revoked by PL07444) 30429
10977 (See EO 13154) 26479
11478 (Amended by EO 13152) 26115
12985 (See EO 13154) 26479
13151 25619
13152 26115
13153 26475
13154 26479
13155 30521

5 CFR

351 25623
532 .....26119, 26120, 30821
630 26483
1201 25623

7 CFR

47 29941
210 26904
220 26904
301 .....26487, 30337
400 29941
945 25625
959 29942
993 29945
981 25233
985 30341
989 30525
1205 25236
1220 30832
1436 30345

Proposed Rules:
319 30365
958 30920
1220 30922
1240 30924

9 CFR

Proposed Rules:
77 25292
590 26148

10 CFR

72 25241
420 25265
810 26278
Ch. XVIII 30833

Proposed Rules:
32 26148
50 30550
76 30018
Ch. 1 26772
431 30929

11 CFR

Proposed Rules:
104 25672

12 CFR

563 30527
563c 30527
563g 30527
614 26278
790 25266
900 25267
917 25267
940 25267
1735 26731

Proposed Rules:
611 26776
900 .....25676, 26518
917 26518
926 26518
940 25676
944 26518
950 .....25676, 26518
952 26518
955 25676
956 25676
961 26518
980 26518

13 CFR

121 30836

14 CFR

25 25435
39 .....25278, 25280, 25281, 25437, 25627, 25829, 25833, 26121, 26122, 26124, 26735, 26738, 30527, 30529, 30532, 30534, 30536, 30538, 30539, 30863, 30865, 30874
71 .....25439, 25440, 26126, 26128, 30541, 30876, 30877, 30878, 30879
91 31214
95 26740
97 .....25838, 25842
121 26128

Proposed Rules:
23, ...30936
39 .....25694, 25696, 25892, 26149, 26152, 26781, 26783, 30019, 30021, 30023, 30025, 30028, 30031, 30033, 30553, 31109, 31113

71 .....25455, 25456, 25457, 26154, 26155, 26156, 26157, 26158, 26160, 26785, 26786, 26787, 26788, 30036, 30678

15 CFR

Proposed Rules:
301.....30555

16 CFR

305.....30351
Proposed Rules:
307.....26534
310.....26161

17 CFR

4.....25980
231.....25843
241.....25843
270.....25630
271.....25843
Proposed Rules:
240.....26534

20 CFR

Proposed Rules:
217.....30366
335.....26161
403.....30037

21 CFR

10.....25440
13.....25440
14.....25440
15.....25440
25.....30352
177.....26744
178.....26129, 26746
203.....25639
205.....25639
510.....25641
522.....26747
1301.....30541
Proposed Rules:
2.....26789
16.....26162
25.....30366
900.....26162

22 CFR

Proposed Rules:
706.....30369

23 CFR

668.....25441

24 CFR

84.....30498
583.....30822
905.....25445

25 CFR

Proposed Rules:
38.....26728

26 CFR

1.....31073, 31078
48.....26488
Proposed Rules:
1 .....26542, 31115, 31118

27

275.....31079

29 CFR

4022.....30880
4044.....30880

30 CFR

250.....25284
917.....29949
948.....26130

31 CFR

560.....25642
Proposed Rules:
10.....30375

32 CFR

Ch. XXIX.....30542
727.....26748
767.....31079

33 CFR

100 .....25446, 25644, 31083, 31086
110 .....31083, 31086, 31091
117 .....25446, 25645, 25646, 29954, 30881
165 .....26489, 26750, 29954, 30883, 30884, 31086, 31091
Proposed Rules:
117.....30043, 30938
165 .....25458, 25980, 30376

34 CFR

674.....26136
Proposed Rules:
100.....26464
104.....26464
106.....26464
110.....26464
300.....30314

36 CFR

327.....26136
Proposed Rules:
1253.....26542
294.....30276, 30288

37 CFR

Proposed Rules:
201.....25894
202.....26162

39 CFR

20.....29955
111.....26750
Proposed Rules:
111.....26792, 31118

40 CFR

9.....25982, 26491
22.....30885
52 .....29956, 29959, 30355, 30358, 31093
62.....25447
63.....26491
81.....29959
117.....30885
122.....30885
123.....30885
124.....30885
125.....30885
141.....25982
142.....25982
143.....25982
144.....30885
261.....31096
180 .....25647, 25652, 25655, 25660, 25857, 15860, 29963, 30543
228.....30545
270.....39885
271 .....26750, 26755, 29973, 29981
300.....30482
721.....30912
Proposed Rules:
52 .....26792, 30045, 30387, 31120
61.....26932
62.....25460
63.....26544
81.....30045
141.....25894, 30194
142.....25894, 30194
239.....26544
271.....26802, 30046
300 .....25292, 26803, 30489
403.....26550
430.....31120

41 CFR

101–43.....31218
102–36.....31218
Proposed Rules:
60–1.....26088
60–2.....26088

42 CFR

414.....25664
Proposed Rules:
9.....25894
405.....31124
412.....26282
413.....26282
485.....26282
1003.....25460

43 CFR

4.....25449
Proposed Rules:
2930.....31234
3800.....31234
8340.....31234
8370.....31234
8560.....31234
9260.....31234

44 CFR

64.....30545
Proposed Rules:
206.....31129

46 CFR

515.....26506
520.....26506
530.....26506
535.....26506
Proposed Rules
520.....31130

47 CFR

1.....29985
11.....29985
22.....25451
24.....25452
54.....25864, 26513
73 .....25450, 25453, 25669, 25865, 29985, 30547, 31100, 31101
74.....29985
79.....26757
Proposed Rules:
73 .....25463, 25697, 25865, 30046, 30047, 30558, 31130, 31131

48 CFR

219.....30191
1804.....31101
1806.....31101
1815.....30012, 31101
1819.....30012
1823.....31101
1832.....31101
1845.....31101
1852.....30012
Proposed Rules:
2.....30311
11.....30311
15.....30311
23.....30311
32.....25614
42.....30311
52.....25614
1503.....25899
1552.....25899
5433.....31131
5452.....31131

49 CFR

173.....30914
178.....30914
391.....25285
552.....30680
571.....30680, 30915
585.....30680
595.....30680
Proposed Rules:
350.....26166
359.....25540
390.....25540, 26166
394.....25540, 26166
395.....25540, 26166
398.....25540, 26166
538.....26805

50 CFR

17 .....25867, 26438, 26762
21.....30918
32.....30772
222.....25670
223.....25670
300.....30014
600.....25881
622.....30362, 30547
648.....25887, 30548
660.....25881, 26138
679 .....25290, 25671, 30549, 31103, 31104, 31105, 31107
Proposed Rules:
10.....26664
13.....26664
17 .....26664, 30048, 30941, 30951
23.....26664
224.....26167
622.....31132
635.....26876
679.....30559
697.....25698

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MAY 15, 2000

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Tobacco inspection:

Flue-cured tobacco—

Elimination of interference, distraction, and outside influence on tobacco grading; published 4-13-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:

General and plastic surgery devices—

Stainless steel suture; reclassification; published 4-13-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Migratory bird permits:

Falconry, raptor propagation, and scientific collecting permits; published 5-15-00

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:

Polish and Hungarian parolees; status adjustment; published 4-14-00

JUSTICE DEPARTMENT

Parole Commission

Federal prisoners; paroling and releasing, etc.:

District of Columbia Code—

Prisoners serving sentences; published 4-13-00

NORTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

Party to Compact; State eligibility delcaration; published 5-15-00

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:

Evidence required for payment; published 4-13-00

STATE DEPARTMENT

Consular services; fee schedule

Financing and accounting, passports, and visas; published 3-16-00

TRANSPORTATION DEPARTMENT

Coast Guard

Anchorage regulations:

California; published 4-14-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; published 4-10-00

Learjet; published 4-28-00

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Kiwifruit grown in—

California; comments due by 5-24-00; published 4-24-00

Nectarines and peaches grown in—

California; comments due by 5-22-00; published 3-22-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Atlantic highly migratory species—

Atlantic bluefin tuna; comments due by 5-25-00; published 4-10-00

West Coast States and Western Pacific fisheries—

West Coast salmon fisheries; comments due by 5-22-00; published 5-5-00

COMMERCE DEPARTMENT

Patent and Trademark Office

Patent cases:

Patent applications, pending; eighteen-month publication; implementation; comments due by 5-22-00; published 4-5-00

EDUCATION DEPARTMENT

Postsecondary education:

Developing Hispanic-Serving Institutions Program; Strengthening Institutions Program; Strengthening Historically Black Colleges and Universities Program; comments due by 5-22-00; published 3-21-00

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Connecticut; comments due by 5-22-00; published 4-21-00

Idaho; comments due by 5-22-00; published 4-21-00

Oregon; comments due by 5-22-00; published 4-21-00

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 5-22-00; published 4-21-00

Indiana; comments due by 5-22-00; published 4-21-00

Missouri; comments due by 5-24-00; published 4-24-00

Virginia; comments due by 5-22-00; published 4-21-00

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:

Alabama; comments due by 5-22-00; published 4-18-00

California; comments due by 5-22-00; published 4-18-00

Television broadcasting:

Cable television systems—

Consumer electronics equipment and cable systems; compatibility; comments due by 5-24-00; published 4-27-00

FEDERAL DEPOSIT INSURANCE CORPORATION

Insured State banks; activities and investments; comments due by 5-22-00; published 3-23-00

FEDERAL RESERVE SYSTEM

Bank holding companies and change in bank control (Regulation Y):

Merchant banking investments; comments due by 5-22-00; published 3-28-00

Nonfinancial company investments; capital treatment guidelines; comments due by 5-22-00; published 3-28-00

INTERIOR DEPARTMENT

Minerals Management Service

Outer Continental Shelf; oil, gas, and sulphur operations:

International Organization for Standardization; documents incorporated by reference; update; comments due by 5-24-00; published 2-24-00

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Alabama; comments due by 5-26-00; published 4-26-00

West Virginia; comments due by 5-25-00; published 4-25-00

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

NARA facilities:

Public use; miscellaneous amendments; comments due by 5-22-00; published 3-23-00

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:

Regulatory flexibility and exemption program; comments due by 5-22-00; published 3-22-00

PERSONNEL MANAGEMENT OFFICE

Pay administration:

Locality-based comparability payments; comments due by 5-23-00; published 3-24-00

SECURITIES AND EXCHANGE COMMISSION

Securities:

International accounting standards; globally accepted, high quality financial reporting framework; comments due by 5-23-00; published 2-23-00

TRANSPORTATION DEPARTMENT

Coast Guard

Boating safety:

Ground tackle on recreational vessels; Federal requirements for carrying; comments due by 5-22-00; published 11-22-99

Drawbridge operations:

Michigan; comments due by 5-22-00; published 3-22-00

Ports and waterways safety:

New York annual fireworks displays; comments due by 5-26-00; published 4-26-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 5-22-00; published 4-20-00

Boeing; comments due by 5-22-00; published 4-5-00

Dassault; comments due by 5-24-00; published 4-24-00

Eurocopter France; comments due by 5-23-00; published 3-24-00

McDonnell Douglas; comments due by 5-22-00; published 4-5-00

Saab; comments due by 5-24-00; published 4-24-00

Sikorsky; comments due by 5-22-00; published 3-22-00

Airworthiness standards:

Special conditions—

Airbus A-300 Model B2-1A, B2-1C, B4-2C, B2K-3C, B4-103, B2-203, B4-203 airplanes; comments due by 5-26-00; published 4-11-00

Class E airspace; comments due by 5-22-00; published 4-12-00

Class E airspace; correction; comments due by 5-22-00; published 5-12-00

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad safety:

Locomotive horns use at highway-rail grade crossings; requirement for sounding; comments due by 5-26-00; published 1-13-00

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Pipeline safety:

Safety regulations; periodic updates; comments due by 5-22-00; published 3-22-00

TREASURY DEPARTMENT

Bank holding companies and change in bank control:

Merchant banking investments; comments due by 5-22-00; published 3-28-00

Privacy Act; implementation

Internal Revenue Service; comments due by 5-22-00; published 4-20-00

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

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)

Last List May 5, 2000

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to www.gsa.gov/archives/publaws-l.html or send E-mail to **listserv@www.gsa.gov** with the following text message:

SUBSCRIBE PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.