AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

5–17–00 Wednesday
Vol. 65 No. 96 May 17, 2000
Pages 31245–31426

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.

Printed on recycled paper.

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

Contents

Federal Register

Vol. 65, No. 96

Wednesday, May 17, 2000

Agency for Toxic Substances and Disease Registry
NOTICES
Grants and cooperative agreements; availability, etc.:
Communities living around hazardous waste sites; determining prevalence of multiple sclerosis; applied research and development, 31325–31327

Agriculture Department
See Animal and Plant Health Inspection Service
See Cooperative State Research, Education, and Extension Service
See Farm Service Agency
See Food and Nutrition Service
See Rural Business-Cooperative Service
See Rural Utilities Service
RULES
Organization, functions, and authority delegations:
Agency Administrators
Correction, 31245

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Asian longhorned beetle, 31245–31246
PROPOSED RULES
Exportation and importation of animals and animal products:
Bovine spongiform encephalopathy; disease status change—
Denmark, 31290–31291
Noxious weed regulations:
Update, 31289

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31327–31328
Submission for OMB review; comment request, 31328–31329
Grant and cooperative agreement awards:
Montana Tech University, 31329–31330
Grants and cooperative agreements; availability, etc.:
Emerging infectious diseases treatment; new medications; development and testing, 31330–31332
Mind/Body Research Program, 31332–31335

Children and Families Administration
NOTICES
Adoption and foster care analysis and reporting system; State penalty appeals, 31335–31337
Grants and cooperative agreements; availability, etc.:
Head Start—
Higher Education Hispanic Service Partnerships, 31338–31343

Coast Guard
PROPOSED RULES
Ports and waterways safety:
OPSAIL 2000, New York Harbor, NY; safety zones, 31293–31297

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

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 31303

Cooperative State Research, Education, and Extension Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Community Food Projects Program, 31373–31383

Customs Service
RULES
Air commerce:
User fee airports; revised list, 31263–31265
Customs bonded warehouses:
Duty-free stores; permissible locations, 31260–31261
Financial and accounting procedures:
Customs duties, taxes, fees, and interest; underpayments and overpayments interest, 31261–31262
Organization and functions; field organization, ports of entry, etc.:
Puget Sound, WA; port limits extension, 31262–31263

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Elementary and secondary education—
Smaller Learning Communities Program, 31385–31414
Special education and rehabilitative services—
Individuals with disabilities; various programs; correction, 31303–31304
Meetings:
School-to-Work Opportunities Advisory Council, 31304

Employment and Training Administration
NOTICES
Environmental statements; availability, etc.:
Carville, LA; new Job Corps Center at former Gillis W. Long Hansen's Disease Center, 31349

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Environmental Management Site-Specific Advisory Board—
Hanford Site, WA, 31305
Oak Ridge Reservation, TN, 31304–31305

Energy Information Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31305–31306

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 31267–31270
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
California, 31297–31298
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 31307–31309
Integrated risk information system:
Health effects of chronic exposure to chemical substances; information request, 31309–31310
Meetings:
FIFRA Scientific Advisory Panel, 31310–31311
Ozone Transport Commission, 31311–31312
Pesticides; emergency exemptions, etc.:
Buprofezin, 31312–31313
Reports and guidance documents; availability, etc.:
Pesticide registrants; mandatory and advisory labeling statements, 31313–31315
Superfund; response and remedial actions, proposed settlements, etc.:
North Penn Area 1 Site, PA, 31315
Tri-County/Elgin Landfill Site, IL, 31315–31316

Farm Service Agency
RULES
Program regulations:
Servicing and collection—
Disaster set-aside program, 31248–31250

Federal Aviation Administration
RULES
Airworthiness directives:
Eurocopter Deutschland GmbH, 31255–31256
Eurocopter France, 31256–31259
McDonnell Douglas, 31253–31255
MD Helicopters Inc., 31259–31260
PROPOSED RULES
Airworthiness directives:
Bell, 31291–31293
NOTICES
Passenger facility charges; applications, etc.:
Mid Delta Regional Airport, MS, 31369–31370

Federal Communications Commission
RULES
Practice and procedure:
Pole attachments; maximum just and reasonable rates, 31270–31283
NOTICES
Rulemaking proceedings; petitions filed, granted, denied, etc., 31316

Federal Deposit Insurance Corporation
RULES
Minority and women outreach program-contracting:
Contracting benefits to small disadvantaged businesses, 31250–31253

Federal Energy Regulatory Commission
NOTICES
Hydroelectric applications, 31306–31307
Applications, hearings, determinations, etc.:
Southern Company Services, Inc., 31306

Federal Maritime Commission
NOTICES
Agreements filed, etc., 31316–31317
Ocean transportation intermediary licenses:
D&W Millennium Freight Systems, Inc., et al., 31317

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 31317
Formations, acquisitions, and mergers, 31317–31318
Permissible nonbanking activities, 31318
Meetings; Sunshine Act, 31318–31319

Federal Trade Commission
NOTICES
Prohibited trade practices:
BMG Music et al., 31319–31321
Efamol Nutraceuticals, Inc., 31322
J&R Research Corp. et al., 31322–31324

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
Colorado butterfly plant, 31298–31299
NOTICES
Endangered and threatened species permit applications, 31343

Food and Nutrition Service
RULES
Child nutrition program:
National school lunch program and school breakfast program—
Meun planning alternatives; correction, 31371

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Texas
Phillips Petroleum Co.; oil refinery complex, 31301

General Accounting Office
NOTICES
Federal Accounting Standards Advisory Board; accounting for direct loans and loan guarantees; exposure draft; comment request, 31324
Meetings:
Federal Accounting Standards Advisory Board, 31324

Geological Survey
NOTICES
Federal Geographic Data Committee:
National Hydrographic Data Content Standard for Coastal and Inland Waterways; public review; comment request, 31343–31345

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Children and Families Administration
See Health Resources and Services Administration

Health Resources and Services Administration
NOTICES
Meetings:
Infant Mortality Advisory Committee, 31343

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Land Management Bureau
See National Park Service

International Trade Administration
NOTICES
Antidumping:
Porcelain-on-steel cooking ware from—
China, 31301–31302
Stainless steel wire rod from—
India, 31302–31303

International Trade Commission
NOTICES
Import investigations:
Cold-rolled steel products from—
Turkey and Venezuela, 31348
Electrolytic manganese dioxide from—
Greece and Japan, 31348

Justice Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 31348–31349

Labor Department
See Employment and Training Administration
See Labor Statistics Bureau
See Pension and Welfare Benefits Administration
NOTICES
Meetings:
School-to-Work Opportunities Advisory Council, 31304

Labor Statistics Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31349–31350

Land Management Bureau
NOTICES
Realty actions; sales, leases, etc.:
Oregon, 31345–31346
Wyoming, 31346

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 31352

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Gulf of Alaska deep-water species, 31288
West Coast States and Western Pacific fisheries—
Pacific Coast groundfish, 31283–31288
NOTICES
Permits:
Exempted fishing; correction, 31303

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 31346–31348

National Telecommunications and Information Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Technology Opportunities Program, 31415–31425

Nuclear Regulatory Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 31352
Meetings; Sunshine Act, 31353–31354
Operating licenses, amendments; no significant hazards considerations; weekly notices, 31354–31368
Applications, hearings, determinations, etc.:
Consumers Energy Co., 31352–31353

Pension and Welfare Benefits Administration
NOTICES
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 31350–31352

Postal Rate Commission
NOTICES
Post office closings; petitions for appeal:
Roanoke, WV, 31368

Postal Service
RULES
Practice and procedure:
Administrative subpoenas; issuance procedures in investigations of false representations and lotteries, 31265–31266

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Health Resources and Services Administration

Rural Business-Cooperative Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31300

Rural Utilities Service
RULES
Electric loans:
Insured and guaranteed loans; general and pre-loan policies and procedures, 31246–31248
PROPOSED RULES
Electric loans:
Insured and guaranteed loans; general and pre-loan policies and procedures, 31289
NOTICES
Environmental statements; notice of intent:
Arkansas Electric Cooperative Corp., 31300–31301

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 31368–31369

State Department
NOTICES
Meetings:
Overseas Security Advisory Council, 31369

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Coast Guard
See Federal Aviation Administration

Treasury Department
See Customs Service

Veterans Affairs Department
NOTICES
Privacy Act:
Systems of records; correction, 31370

Separate Parts In This Issue

Part II
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 31373–31383

Part III
Department of Education, 31385–31414

Part IV
Department of Commerce, National Telecommunications and Information Administration, 31415–31425

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.

7 CFR
2.....31245
210.....31371
301.....31245
1710.....31246
1951.....31248

Proposed Rules:
360.....31289
1710.....31289

9 CFR

Proposed Rules:
94.....31290

12 CFR
361.....31250

14 CFR
39 (4 documents) 31253, 31255, 31256, 31259

Proposed Rules:
39.....31291

19 CFR
19.....31260
24.....31261
101.....31262
122.....31263
159.....31261
174.....31261

33 CFR

Proposed Rules:
165.....31293

39 CFR
913.....31265

40 CFR
52.....31267

Proposed Rules:
52.....31297

47 CFR
1.....31270

50 CFR
600.....31283
660.....31283
679.....31288

Proposed Rules:
17.....31298

Rules and Regulations

Federal Register
Vol. 65, No. 96
Wednesday, May 17, 2000

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority; Correction

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule; correction.

SUMMARY: The Department of Agriculture published in the **Federal Register** of February 4, 2000, a document of revising 7 CFR Part 2, Revision of Delegations of Authority. This document corrects the amendatory instructions in that document. The revisions to the delegations of authority were made to reflect passage of the Agricultural Research, Extension, and Education Reform Act of 1998.

EFFECTIVE DATE: Effective February 4, 2000.

FOR FURTHER INFORMATION CONTACT: Philip Schwab, Science Advisor and Legislation Affairs, Cooperative State Research, Education, and Extension Service, USDA, Room 305–A, Jamie L. Whitten Federal Bldg., Washington, DC 20250, telephone 202–720–4423.

SUPPLEMENTARY INFORMATION: The Department of Agriculture published in the **Federal Register** of February 4, 2000, (65 FR 5414) a revision to the delegations of authority found at 7 CFR Part 2. Paragraph number (a)(1)(xx) was inadvertently omitted from amendatory instruction 2.d. This correction revises amendatory instruction 2.d. to include that paragraph number.

In FR Doc. 00–2396 published on February 4, 2000 (65 FR 5414) made the following correction. On page 5414, in the third column, amendatory instruction 2.d. to 2.21 is corrected to read as follows:

§ 2.21 [Corrected]

2. * * *

d. Revise paragraphs (a)(1)(x), (a)(1)(xx), (a)(1)(xliv), (a)(1)(l), (a)(1)(liii), (a)(1)(lvii), (a)(1)(lix), (a)(1)(lxxix), and (b)(1)(i) and add paragraphs (a)(1)(liv), (a)(1)(lxxx), (a)(1)(lxxxi), and (a)(1)(lxxxvii) to read as follows:

Done at Washington, DC on this 11th day of May, 2000.

Dan Glickman,

Secretary of Agriculture.

[FR Doc. 00–12439 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–004–2]

Asian Longhorned Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the Asian longhorned beetle regulations by expanding the quarantined area in the city of Chicago, IL, and adding two new areas in Cook County, IL. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary on an emergency basis to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

EFFECTIVE DATE: The interim rule became effective on January 27, 2000.

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

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective January 27, 2000, and published in the **Federal Register** on February 2, 2000 (65 FR 4865–4866, Docket No. 00–004–1), we amended the Asian longhorned beetle regulations contained in § 301.51–1 through § 301.51–9 by expanding the quarantined area in the city of Chicago, IL, and adding two new areas in Cook County, IL, in § 301.51–3. That action restricted the interstate movement of regulated articles from those areas.

Comments on the interim rule were required to be received on or before April 3, 2000. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

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

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

Regulatory Flexibility Act

This rule affirms an interim rule that amended the Asian longhorned beetle regulations by expanding the quarantined area in the city of Chicago, IL, and adding two new areas in Cook County, IL. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary on an emergency basis to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

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

The quarantine and restrictions on the interstate movement of certain articles from the quarantined areas has been determined to be the most effective means of preventing the artificial spread of the pest outside the State of Illinois. Biological controls and pesticides do not currently appear to be effective alternatives.

Nonetheless, the interim rule will have no economic effect on businesses, large or small, since none are located in the newly quarantined 216 acres. The newly quarantined areas consist of a residential area, a cemetery, and a forest preserve.

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

List of Subjects in 7 CFR Part 301

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

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 65 FR 4865–4866 on February 2, 2000.

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

Done in Washington, DC, this 12th day of May 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–12437 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB52

General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Rural Utilities Service (RUS) is amending its regulations to allow flexibility in determining whether a borrower needs to solicit bids from all sources for new or replacement generation. It is also deleting the requirement that borrowers seek bids if RUS financial assistance is requested from all sources for generation projects of 10 megawatts or more or for modifications to existing plants if it results in an increase in capacity of 10 percent. RUS will review each project on a case by case basis and determine whether there is a need for a borrower to seek bids from all sources for the project.

DATES: This rule will become effective July 3, 2000 unless we receive written adverse comments or written notice of intent to submit adverse comments on or before June 16, 2000. If we receive such comments or notice, we will publish a timely document in the **Federal Register** withdrawing the rule. Comments received will be considered under the proposed rule published in this edition of the **Federal Register** in the proposed rule section. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

ADDRESSES: Submit adverse comments or notice of intent to submit adverse comments to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Stop 1522, 1400 Independence Avenue, SW, Washington, DC 20250–1522. Telephone: (202) 720–9550. RUS requires a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Wei M. Moy, Chief, Power Resources & Planning Branch, Power Supply Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1568, 1400 Independence Avenue, SW, Washington, DC 20250–1568. Telephone: (202) 720–1438. FAX (202) 720–1401. E-mail: wmoy@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to this rule, and in accordance with § 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 USC 6912(e)) administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

RUS has determined that this rule will not have a significant impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS electric program provides loan and loan guarantees to borrowers at interest rates and terms that are more favorable than those generally available from the private sector. Small entities are not subjected to any requirements which are not applied equally to large entities. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

This rule contains no additional information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the United States Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State, local and tribal governments or the private sector. See the final rule related notice entitled ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Unfunded Mandates

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

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Background

Section 1710.254 provides that RUS will consider providing financial assistance to borrowers for the construction of generation facilities and the modification of existing generation facilities only if certain conditions are met. The requirements also apply to financial assistance for all new generation facilities of 10 megawatts or more and for modifications to existing

generation facilities that would result in an increase of generation capacity of 10 percent or more. This section provides that all loan requests for any type of addition of generation capacity, including replacement and modification of existing capacity, will be accepted by RUS only when the applicant has satisfactorily completed the investigation of possible alternative sources of power. The applicant is required to search out and attempt to utilize capacity available from RUS borrowers and other organizations before developing plans for additional generation capacity. The applicant must solicit power and energy purchase proposals from all reasonable potential sources of power by the issuance of a formal Request for Proposals (RFP) to all sources. The applicant is also required to evaluate all alternative proposals received on an economic, present value basis, giving consideration to cost-effectiveness, reliability of service, the short and long-term financial viability of the supplier, and the financial risk to the borrower and its creditors. After evaluating all proposals, the applicant is to negotiate final proposals with entities submitting the best acceptable offers. This entire process is required to determine if there are other entities that could supply the additional power and energy needs of the applicant without RUS financial assistance.

This process is very time consuming, costly and, in many cases, is not needed. The entire process can take more than a year in some cases. At the conclusion of the process, the business opportunities and the best approach to meet the applicant's specific need may no longer be available or no longer available at the projected cost.

The electric energy industry in the United States is experiencing ongoing deregulation. This has increased competition in the industry and the need for RUS borrowers to be able to meet the power needs of their members and the power needs of the rural consumers in a timely, cost effective manner. Presently, there is an abundance of public information and reports assessing market conditions of various regions of the country, utility market trends, market forecasts, and projected projects for various markets. As such, in certain cases, an RFP is not needed nor is the expense and time involved in the solicitation useful or justified.

The rapidly changing and increasingly competitive environment of the electric utility industry requires borrowers to make certain decisions regarding the need for generation facilities and the type of facilities needed in a very short time frame to enable them to meet their power supply needs in the most reliable and economical manner. The borrower's intended use of the generation facilities is critical to any determination as to need and cost. An example of this is the installation of peaking generation facilities to meet peak loads. Due to reliability problems, growing demand and the high cost of power and energy experienced by some electric utilities during peak demand periods in recent years, there is an increasing need for peaking generation units. The gas turbine manufacturers are unable to keep up with the demand. As a result, RUS borrowers must be able to take full advantage of any business opportunities in order to maintain their competitiveness and be able to obtain peaking units to meet their peak loads. Due to the time consuming process required by the existing requirements of § 1710.254, this can and has been an impediment to the borrowers obtaining capacity to meet peaking requirements in a reliable and economical manner.

Another concern of the borrowers and RUS is that the process required by § 1710.254 is expensive, especially when the sole reason to issue an RFP is to meet the requirements of this regulation. To meet these requirements, some borrowers have had to hire consultants to assist them in the RFP and evaluation process. This has added to the time necessary to complete the process and added to the cost. For projects such as upgrades or modifications to existing generation facilities, which result in an increase in generation capacity, the economics and the actual need are generally clear, hence, the RFP requirement contained in § 1710.254 and the associated costs are an unnecessary expense in most cases.

List of Subjects in 7 CFR 1710

Electric power, Electric utilities, Loan programs-energy, Reporting and recordkeeping requirements, Rural areas.

Accordingly, 7 CFR chapter XVII is amended as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1710 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, and 6941 *et seq.*

2. Amend § 1710.254 by revising paragraphs (a)(2), (b), (c), (d), and (e) to read as follows:

§ 1710.254 Alternative sources of power.

(a) * * *

(2) If a borrower already owns and operates the types of facilities included in a loan request, then a loan for the purposes contained in paragraph (a)(1) of this section, as well as for the construction of transmission facilities by a distribution borrower, will be considered and evaluated by RUS in terms of whether the proposed facilities constitute an effective and economical means of meeting the power requirements of the consumers. A borrower shall contact RUS as soon as practicable in order for RUS to review information submitted by the borrower and advise the borrower, in writing, whether there is a need for the borrower to investigate and seek alternative sources of power. RUS will determine, based on information provided by the borrower or otherwise available, whether there is a need to investigate alternative sources of power or whether RUS will require information or other methods of determining the need for the generation capacity. RUS will base its determination on whether RUS is able to conclude that the project is needed, the borrower would incur delays and costs in pursuing an RFP, or that an RFP is not likely to produce new alternatives to the project.

(b) Loan requests for the addition of generation capacity, including replacement of existing capacity, will be accepted by RUS when the applicant has completed the requirements established by RUS, in a manner satisfactory to RUS. The investigations of alternative sources of power must be coordinated in advance with RUS. This section applies to RUS financed generation capacity whether owned solely by the borrower, owned on an undivided ownership basis with other utilities or substantially controlled by the borrower.

(c) The applicant may be required to seek and utilize capacity available from RUS borrowers and other organizations before developing plans for additional generation capacity. RUS may require, on a case by case basis, that the applicant, among other things:

(1) Solicit power and energy purchase proposals from all reasonable potential sources of power, such as other electric cooperatives, investor-owned utilities, municipal utility organizations, and Federal and state power authorities.

(2) Solicit proposals from independent power producers, including co-generators, to determine

the terms and conditions under which these producers can supply the additional power and energy needs of the applicant, without RUS financial assistance. Such solicitations should be placed in at least three national newspapers or trade publications, and they meet all planning, coordination or other requirements imposed by state authorities, as well as the environmental requirements of RUS.

(d) When solicitations are received in accordance with paragraph (c) of this section, the applicant will evaluate all alternative proposals on an economic, present-value basis, giving consideration to cost-effectiveness, reliability of service, the short-term and long-term financial viability of the supplier, and the financial risk to the borrower and its creditors. The applicant will keep RUS fully informed on these evaluations and provide supporting information and analysis as requested by RUS.

(e) After evaluation of all proposals received in accordance with paragraph (c) of this section, and having informed RUS of the results, the applicant may be required to negotiate final proposals with the entities submitting the best acceptable offers. Contracts requiring RUS approval will either be approved in advance by the Administrator or contain a provision that the contract is not valid until approved, in writing, by the Administrator. The Administrator will approve the contracts in a timely manner provided that the borrower has met all applicable requirements, including, among other matters, evidence that the alternative source of power selected is an economical and effective alternative.

* * * * *

Dated: May 5, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–11986 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 1951

RIN 0560–AF91

Disaster Set-Aside Program—Second Installment Set-Aside

AGENCY: Farm Service Agency, USDA.

ACTION: Interim rule.

SUMMARY: The Farm Service Agency (FSA) is amending the disaster set-aside program requirement to allow FSA to set aside portions of loan installments that could not be made as scheduled due to a natural disaster, as declared by the President or Secretary of Agriculture, or because of low commodity prices received during the 1999 crop year. In addition, disaster set-aside eligibility requirements are amended to require borrowers to develop a positive cash flow projection which will at least permit the borrower to pay all operating and family living expenses and meet scheduled payments on all debts for the next business accounting year. These provisions will allow the agency to service the loans of farmers who have experienced losses due to a natural disaster or low commodity prices in an efficient and timely manner while ensuring the future viability of the operation.

DATES: The effective date for this rule is May 17, 2000. Comments on this rule must be submitted by July 17, 2000 to be assured consideration.

ADDRESSES: Submit written comments to Director, Farm Loan Programs, Loan Servicing and Property Management Division, United States Department of Agriculture, Farm Service Agency, STOP 0523, 1400 Independence Avenue, SW, Washington, DC 20250–0523.

FOR FURTHER INFORMATION CONTACT: Michael Cumpton, telephone (202) 690-4014; electronic mail: mike—cumpton@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact a substantial number of small entities to a greater extent than large entities. Large entities are subject to these rules to the same extent as small entities. Therefore, a regulatory flexibility analysis was not performed.

Environmental Impact Statement

It is the determination of FSA that this action is not a major Federal action significantly affecting the environment. Therefore, in accordance with the National Environmental Policy Act of 1969, and 7 CFR part 1940, subpart G, an Environmental Impact Statement is not required.

Executive Order 13132

The policies contained in this rule do not have any substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. In accordance with this rule: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings in accordance with 7 CFR part 11, and 7 CFR part 780 if the decision is made by the FSA county committee or personnel subordinate to the county committee, must be exhausted before bringing suit in court challenging action taken under this rule.

Executive Order 12372

For reasons contained in the notice related to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), the programs to which this rule pertains are excluded from the scope of E.O. 12372, requiring intergovernmental consultation with State and local officials.

The Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, requires Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments or the private sector of $100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of the UMRA requires FSA to prepare a written statement, including a cost benefit assessment, for proposed and final rules with ''Federal mandates'' that may result in such expenditures for State, local, or tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates, as defined under title II of the UMRA, for State, local, and tribal governments or the private sector. Thus,

this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Paperwork Reduction Act of 1995

The amendments to 7 CFR part 1951 contained in this rule require no revisions to the information collection requirements (0560–0164) that were previously submitted to OMB on October 12, 1999.

Federal Assistance Programs

These changes affect the following FSA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans

Discussion of the Interim Rule

The Farm Service Agency (FSA) publishes these amendments to subpart T of part 1951 without prior notice and comment because of the emergency nature of the program and the eligibility requirements involved. Publication as a proposed rule for notice and comment is impractical and contrary to the public interest as discussed below.

The Disaster Set-Aside (DSA) program was first made available to FSA Farm Loan Programs (FLP) borrowers beginning October 21, 1994, because of the heavy flooding in the Midwest and extreme drought in the South. Since that time almost 20,000 borrowers have received DSA assistance. The overall success of the program can be attributed to the relatively small amount of paperwork required in applying for and processing DSA requests. DSA gives FLP borrowers a chance to recover from their losses without having to incur additional debt to pay creditors or liquidate essential assets.

Because many delinquent borrowers received a previous writedown of debt under subpart S of 7 CFR part 1951, they are ineligible for additional debt forgiveness and most farm loans under § 373 of the Consolidated Farm and Rural Development Act. As stated in the interim rule designed to assist borrowers for the 1998 crop year, published at 64 FR 392 (January 5, 1999), an estimated 11,424 borrowers would suffer to irreparable financial harm without the interim rule taking immediate effect. Since low commodity prices continued to exist for the 1999 crop year, as well as the occurrence of several natural disasters, the Agency estimates that a similar number of borrowers were affected in the 1999 crop year and became delinquent in repayment of their FSA, FLP loan installments due to these adverse effects. Therefore, this rule will take effect immediately without prior notice and comment. There is justification for the rule to become effective immediately after publication; nevertheless, FSA will accept public comments on this interim rule for 60 days after the rule becomes effective.

Section 7 CFR 1951.954 generally provides that each loan can only have one set-aside installment outstanding (7 CFR 1951.954(b)(2)(i)). A borrower could receive DSA again only if the existing set-aside installment were paid in full, or canceled through restructuring under subpart S of 7 CFR part 1951. This rule will allow borrowers who were affected by low commodity prices or by a natural disaster in a county declared a disaster by the President or Secretary to receive a second installment set aside without the first set-aside installment being paid in full or canceled. Because widespread disasters have occurred and low commodity prices continued to exist in the 1999 crop year, the Agency is offering second installment DSAs for the 1999 crop year to borrowers who have previously received DSA. Applications must be filed by August 31, 2000, for DSA due to low commodity prices. For DSAs due to natural disasters, borrowers in counties designated as disaster areas and borrowers farming in contiguous counties must file DSA applications within 8 months of the disaster designation.

FSA records show that 25 percent of borrowers who receive DSA become immediately become delinquent the year following the set-aside. This is a much higher percentage than borrowers who have their debt restructured under subpart S of 7 CFR part 1951. In order to ensure the future viability of the farming operation, save borrower equity and reduce government losses, eligibility requirements for DSA have been amended to require borrowers to develop a cash flow projection for the next business accounting year. The cash flow projection must show that the borrower will at least be able to pay all operating expenses and taxes, provide for essential family living expenses and meet scheduled payments on all debts. The positive cash flow projection must be prepared in accordance with 7 CFR 1924.56(b).

This rule will allow such borrowers to receive immediate financial relief from their FLP obligations in a more expedient manner than under subpart S of 7 CFR part 1951. When the borrower pays any portion of the set-aside installments in the future, the payment will be applied to the oldest installment set-aside.

List of Subjects in 7 CFR Part 1951

Accounting, Credit, Disaster assistance, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing.

Accordingly, 7 CFR part 1951 is amended as follows:

PART 1951—SERVICING AND COLLECTIONS

1. The authority citation for part 1951 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 31 U.S.C. 3716; 42 U.S.C. 1480.

Subpart T—Disaster Set-Aside Program

2. Amend § 1951.951 by revising the second sentence to read as follows:

§ 1951.951 Purpose

* * * The DSA program is available to Farm Loan Program (FLP) borrowers, as defined in subpart S of this part, who suffered losses as a result of a natural disaster or low commodity prices in 1999. * * *

3. Amend § 1951.952 by revising the second sentence to read as follows:

§ 1951.952 General

* * * The intent of this program is to relieve some of the borrower's immediate financial stress caused by a disaster or low commodity prices and avoid foreclosure by the Government. * * *

4. Amend § 1951.953 by revising paragraph (b) to read as follows:

§ 1951.953 Notification and request for DSA.

(a) * * *

(b) *Deadline to apply.* All FLP borrowers liable for the debt must request DSA within 8 months from the date the disaster was designated, in accordance with 7 CFR part 1945, subpart A. Applications due to low commodity prices in 1999 must be received on or before August 31, 2000.

* * * * *

5. Amend § 1951.954 as follows:

a. Revise paragraphs (a)(1)(ii), (a)(1)(iii), (a)(5), and (b)(2)(i);

b. Redesignate paragraphs (a)(6) and (a)(7) as (a)(7) and (a)(8), respectively, and add new paragraph (a)(6).

The revisions and additions read as follows:

§ 1951.954 Eligibility and loan limitation requirements.

(a) * * *

(1) * * *

(ii) If the borrower is applying for a second installment to be set aside based

on a declared disaster, the borrower must have operated in a county declared a major disaster by the President or the Secretary, or in a county contiguous to such a county, and the Agency must have determined that second set-asides can be processed and approved for declared disasters in the specified year. The first set aside must have been provided for a previous crop year.

(iii) All FLP borrowers may apply for an installment to be set aside based on low commodity prices during 1999. If the borrower is applying for a second installment to be set aside based on low commodity prices, the first set-aside must have been provided for a previous crop year. County location, or proximity to a disaster declared county is not a consideration when the DSA is justified by low commodity prices.

* * * * *

(5) As a direct result of the declared disaster or the 1999 low commodity prices, both pursuant to paragraph (a)(1) of this section, the borrower does not have sufficient income available to pay all family living and operating expenses, other creditors, and FSA. This determination will be based on the borrower's actual production, income and expense records for the disaster or affected year and any other records required by the servicing official. Compensation received for losses shall be considered as well as increased expenses incurred because of a disaster. Consideration will also be given to insufficient income for the next production and marketing period following the affected year if the borrower establishes that production will be reduced or expenses increased as a result of the disaster or the 1999 low commodity prices.

(6) For the next business accounting year, the borrower must develop a positive cash flow projection showing that the borrower will at least be able to pay all operating expenses and taxes due during the year, essential family living expenses and meet scheduled payments on all debts. The cash flow projection must be prepared in accordance with 7 CFR 1924.56. The borrower will provide any documentation required to support the cash flow projection.

* * * * *

(b) * * *

(2) * * *

(i) Except as provided in paragraph (a) of this section, only one unpaid installment for each FLP loan may be set-aside.

* * * * *

6. In subpart T of part 1951, revise all references to ''FC'' to read ''FLP''.

Signed in Washington, DC, on May 8, 2000.

August Schumacher, Jr.,

Under Secretary for Farm and Foreign Agricultural Services.

[FR Doc. 00–12335 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–05–P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 361

RIN 3064–AB12

Minority and Women Outreach Program—Contracting

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Board of Directors of the Federal Deposit Insurance Corporation (FDIC) is amending its regulation establishing an outreach program for minority- and women-owned businesses and announcing its policy to utilize that portion of the Federal Affirmative Action Contracting Program, set forth in the Federal Acquisition Regulations, providing contracting benefits to Small Disadvantaged Businesses. The FDIC will no longer grant a price incentive based solely on race and gender criteria. The FDIC will, however, continue its outreach programs for minorities and women, and entities owned by them.

EFFECTIVE DATE: May 10, 2000.

FOR FURTHER INFORMATION CONTACT: Martin Blumenthal, Counsel, Legal Division, Corporate Operations Branch, Corporate Legal Issues Section, Contracting Law Unit (202) 736–0756; David McDermott, Chief, Policy and Compliance Unit, Acquisition and Corporate Services Branch, Division of Administration, (202) 942–3434; Rita Wiles Ross, Counsel, Legal Division, Corporate Operations Branch, Legal Operations Section, Legal Services Unit, (202) 736–3072; or Judith M. Wood, Chief, Diversity Branch, Office of Diversity and Economic Opportunity, (202) 416–2456.

SUPPLEMENTARY INFORMATION:

I. Background

In 1989, with enactment of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), Congress mandated that the FDIC augment its program for contracting activities by prescribing

''regulations to establish and oversee minority outreach program [s] * * * to ensure inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and women * * * in all contracts entered into by the agency * * *'' 12 U.S.C. 1833e(c).

In response, the FDIC adopted a regulation that obligates and requires the Corporation to engage in outreach efforts to identify and register minority- and women-owned businesses (MWOBs) that can provide the goods and services utilized by the FDIC. 12 CFR 361.6(b); Minority and Women Outreach Program—Contracting, 57 FR 15004 (April 24, 1992). In addition, to ensure that MWOBs are ''being included in each solicitation, the solicitation process will include: * * * (3) Allowing qualified MWOBs a 3% price incentive and additional technical consideration for competitively bid services; * * *'' 12 CFR 361.8(b)(3).

However, the Supreme Court has held that all such racial classifications, whether imposed by federal, state, or local governments, must be analyzed by a reviewing court under strict scrutiny. *Adarand Constructors, Inc.* v. *Pena,* 515 U.S. 200, 227; 115 S.Ct. 2097, 2113 (1995). Thereafter, in 1996, the Department of Justice invited public comments on a system designed to reform affirmative action in federal procurement in response to *Adarand.* 61 FR 26042, May 23, 1996. Continuing in that vein, in 1998, the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration published a revision to the Federal Acquisition Regulations (FAR) implementing a new program of affirmative action in federal procurement. 63 FR 52426, September 30, 1998.

In this program, each year, the Department of Commerce makes a determination as to which industries demonstrate the results of past discrimination and are thereby eligible for a benefit in federal contracting. The Department of Commerce also determines the size of a price evaluation adjustment, not to exceed 10%, to be available in those industries. In the first year of the program, eligible industries that are generally used by the FDIC include accounting firms, asset managers, information technology contractors, office services, and building services. The amount of the price evaluation adjustment for 1999 is 10%.

The price evaluation adjustment is available to firms certified as Small Disadvantaged Businesses (SDBs) by the Small Business Administration (SBA). An SDB is a small business firm that is at least 51% owned by individuals who are both socially and economically disadvantaged. Socially disadvantaged individuals include Black Americans,

Hispanic Americans, Asian Pacific Americans, Subcontinent Asian Americans, and Native Americans as a class, as well as other groups that the SBA may from time to time designate, and individuals that can prove by a preponderance of the evidence previous discrimination on a case-by-case basis. Economically disadvantaged individuals have an individual net worth of less than $750,000.[1] The standard for determining whether a firm qualifies as ''small'' varies between industry classifications and may be based on revenue or number of employees.

In lieu of a price incentive, an SDB may take advantage of an SDB participation factor, if the contracting agency includes such a factor in the procurement. A non-SDB may take advantage of the factor by proposing to partner with an SDB or to use SDB subcontractors. An SDB can also take advantage of this factor as the prime contractor. However, the SDB would only be eligible for the participation factor if it first waives the price evaluation adjustment. Utilization of SDBs as subcontractors may also be encouraged, at the discretion of the contracting agency, by offering prime contractors a financial incentive to exceed the proposed SDB subcontracting. An additional payment can be authorized where the prime contractor promises a particular monetary target of SDB subcontracting and its actual performance exceeds that promise. The monetary incentive can be up to 10% of the SDB subcontracting dollars in excess of the target amount.

II. Utilization of SDB Program

The FDIC has determined that it was unlikely that the FDIC MWOB price incentive, as implemented, would pass the Constitutional tests enunciated by the Supreme Court in *Adarand.* Accordingly, although the FDIC is not subject to the FAR, it believes that the FAR's affirmative action contracting program provides a constitutionally sustainable means of enhancing the opportunities for SDBs in FDIC contracting. The FDIC will, therefore, voluntarily utilize that program in lieu of the constitutionally questionable price incentive based on race and gender that has been awarded in the past. 64 FR 42862 (August 6, 1999). No comments were filed in response to that Notice.

The program, to be included in the FDIC Acquisition Policy Manual (APM), will provide that, for goods and services acquired under Formal Contracting Procedures, as defined in the APM, generally involving expenditures of $100,000 or more, a price evaluation adjustment will be available to technically qualified SDB bidders in the following circumstances: (a) The bidder has been certified as an SDB by the SBA under procedures set forth in 13 CFR part 124; and (b) the Standard Industrial Classification (SIC) code for the prime contract is one in which the Department of Commerce has authorized the use of a preference. The eligible SICs and amount of the price evaluation adjustment is established annually by the Department of Commerce pursuant to 48 CFR 19.201(b).

Moreover, solicitations issued under the Formal Contracting Procedures involving awards of $500,000 or more ($1,000,000 for construction contracts) may also include an evaluation factor for SDB participation in the performance of the contract. The value to be assigned this factor, if any, is determined by the contracting officer on a contract-by-contract basis. The prime contract need not be in a SIC code identified as authorized by the Department of Commerce for the use of preferences, but only SDB participation in authorized SIC codes would be considered in the evaluation of the participation factor. SDB participation may be in the form of subcontracts, joint ventures or teaming partners.[2] Where the SDB is bidding as a prime contractor in response to a solicitation that includes an SDB participation factor, the SDB will not be eligible for the participation factor unless it first waives its price evaluation adjustment.[3]

Utilization of SDBs as subcontractors may also be encouraged, at the FDIC's discretion, by offering prime contractors a financial incentive to exceed the proposed SDB subcontracting. An additional payment can be authorized where the prime contractor promises a particular monetary target of SDB subcontracting and its actual performance exceeds that promise. The monetary incentive can be up to 10% of the SDB subcontracting dollars in excess of the target amount.

The FDIC will not certify SDBs. That process will be carried out by the SBA under procedures established in the SBA's regulations, 13 CFR part 124. SDBs responding to FDIC solicitations are responsible for identifying themselves and certifying their current status as an SDB. An SDB that has applied for, but not yet received, SBA certification may be entitled to treatment as an SDB where certification can be obtained before the contract is awarded. It is the intention of the FDIC to establish procedures whereby the SBA will treat FDIC contractors seeking SDB certification in the same manner as contractors with FAR agencies that are similarly situated. However, if certification cannot be obtained in a timely manner, the contract may be awarded to another bidder.[4]

III. Final Rule

To facilitate the implementation of the policy enunciated above, we have repealed the provisions of part 361 that confer a price incentive, 12 CFR 361.8(b)(3), as well as made other conforming amendments to the regulations. The FDIC Office of Diversity and Economic Opportunity (ODEO) will continue to have overall responsibility for providing the FDIC with technical assistance and guidance to facilitate the identification, registration and solicitation of MWOBs. ODEO is also responsible for the Corporation's outreach efforts, such as:

(1) Identifying MWOBs that can provide legal or other services to FDIC;

(2) Conducting seminars, meetings, workshops and other various functions to promote the identification of MWOBs; and

(3) Participating in conventions, seminars, meetings, workshops and other functions to promote the identification and inclusion of MWOBs.

Moreover, ODEO has specific responsibility for the Outreach Program with respect to providers of non-legal services, and in addition to the functions noted above, it will distribute information concerning the FDIC program for outreach to MWOBs. Generally, ODEO will work with contracting officials to ensure that

[1] The $750,000 excludes individual equity in a primary residence and the value of the individual's ownership interest in the firm seeking SDB status.

[2] Any joint venture in which an SDB undertakes to perform a portion of the work could qualify for consideration under the SDB participation factor. The technical value assigned to such joint venture under the SDB participation factor would, of course, depend on the proportion of the work to be performed by the SDB joint venture. In other circumstances, a joint venture may itself qualify as an SDB under SBA regulations. Generally, for a joint venture to qualify, the SDB participant must have at least a 51% ownership share, perform 51% of the work, and the managing partner must be from the SDB participant.

[3] In evaluating this factor, the contracting officer may consider the specificity of the proposal, the enforceability of the commitments, the complexity and variety of the work to be performed by SDBs, the realism of the proposal, and the contractor's past performance in complying with SDB participation goals.

[4] The FDIC will communicate with the SBA to ensure that FDIC contractors seeking certificaiton as SDBs are given the same consideration as other contractors seeking similar certification.

MWOBs are included on FDIC solicitation lists. [5]

ODEO will also collect information from each FDIC office and division that performs contracting or outreach activities, on a quarterly basis or upon request, including statistical information on contract awards and solicitations by designated demographic categories and related outreach activities. The FDIC will request and maintain information on firms that have represented themselves as minority- or women-owned for purposes of outreach efforts and statistical reporting.

The Legal Division will perform outreach efforts targeted at providers of legal services. Generally, in addition to the functions listed above, the Legal Division's National Outreach Coordinator will require, at a minimum, quarterly submissions of statistical information on legal fees and expenses paid to outside counsel by designated demographic categories. FDIC will also encourage use of minority and women lawyers within other firms and partnering of firms with MWOBs. Moreover, specific procedures and activities will be detailed in the Legal Division's Outside Counsel Deskbook as well as the FDIC's web site at: *www.fdic.gov.*

Final Rule Changes

In addition to a general editorial updating and simplification of the rule, the FDIC has amended § 361.3 to remove unnecessary definitions and to conform the definition of a minority to the SBA definition. Section 361.4 remains essentially unchanged.

The FDIC has removed §§ 361.7–361.10 because the FDIC will no longer grant a price incentive based on race and gender criteria. Statistics based on self-certification of minorities and women and entities owned by them will be used in conjunction with survey efforts solely for monitoring the FDIC's outreach efforts.

The FDIC is presenting this final rule in a question-and-answer format in an effort to make the regulation easier to use. This change does not, however, affect the substance of the regulation.

IV. Matters of Regulatory Procedure

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the FDIC 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 (OMB) control number. Public comment and OMB approval has previously been obtained for an FDIC collection of information titled ''Acquisition Services Information Requirements'' which includes questions regarding contractors' minority status. This information collection, approved under OMB control number 3064–0072, will not be changed by this final rule.

Regulatory Flexibility Act

The FDIC has determined that this final rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 604, *et seq.*, because the amendment repeals the 3% incentive that FDIC rules had provided to MWOBs, including small businesses. We invited comments on the proposal and our initial regulatory flexibility analysis, but none were filed. Accordingly, this final regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604.

In *Adarand Constructors, Inc.* v. *Pena,* 115 S.Ct. 2097 (1995), the Supreme Court applied strict judicial scrutiny to federal affirmative action programs that use racial or ethnic criteria as a basis for decision making. The FDIC has determined that its price incentive for MWOBs may not pass the Constitutional tests enunciated by the Supreme Court in *Adarand.* Therefore, in this final rule, the FDIC is amending its regulation to repeal that part of the regulation which provides a 3% incentive to MWOBs that bid on FDIC contracts. The FDIC believes that this approach is the only readily apparent solution, because providing any price incentive without meeting the criteria of the Court would be constitutionally suspect.

The Federal Acquisition Regulations (FAR), 63 FR 52426 (September 30, 1998), Reform of Affirmative Action in Federal Procurement, provide a constitutionally sustainable means of enhancing opportunities for SDBs. The FDIC will voluntarily utilize the FAR's affirmative action program.

The objective of this final rule is to implement an outreach and affirmative action procurement program consistent the Supreme Court's decision in *Adarand.*

The 3% price incentive being repealed was available to MWOBs without regard to whether such firms were also ''small'' businesses. 12 CFR 361.8(b)(3). In 1999, the FDIC awarded 2,778 contracts, including 626 (22.5%) to MWOBs. However, the overwhelming majority of those contracts were awarded without reference to the price incentive because the contract was for less than the $50,000 threshold in the rule, or the purchase was made off the Federal Supply Schedule. Of the 278 awards that were subject to the price incentive, 54 (19.4%) went to MWOBs. Based on a self-certification, the majority of those firms (about 60%) identified themselves as small business concerns. The FDIC anticipates that there will be no significant change in its contracting activity for 2000. Thus, there may be some adverse effect on small entities that enjoyed the price incentive under the regulation, principally small, women-owned firms. However, given the FDIC's record of contract awards where the price incentive was not applicable as well as the benefits being conferred on SDBs under the federal affirmative action contracting program, it is anticipated that the economic impact on small businesses may be substantially attenuated.

Repeal of regulations establishing a 3% incentive will not impose any new paperwork burden. Public comment and Office of Management and Budget approval has previously been obtained for an FDIC collection of information titled ''Acquisition Services Information Requirements'' which includes questions regarding contractors' minority- and/or women-owned status. This information collection, approved under OMB control number 3064–0072, will not be changed by this final rule. This rule does not duplicate, overlap, or conflict with any other federal rules.

Because the 3% price incentive for MWOBs would likely fail the constitutionally mandated strict scrutiny test established in the *Adarand* case, the only readily apparent alternative is to repeal the regulation.

Assessment of Impact of Federal Regulation on Families

The FDIC has determined that this amendment will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act of 1999 (Public Law 105–277).

Small Business Regulatory Enforcement and Fairness Act

Pursuant to the congressional review provisions of the Contract with America Advancement Act of 1996, 5 U.S.C. 801 *et seq.*, the FDIC must report certain final rules to Congress. The Office of Management and Budget has determined that this rule is not a ''major rule'' within the meaning of the relevant

[5] In July 1999, the Board withdrew its proposal to amend 12 CFR part 361 that would have, *inter alia,* established an outreach program for individuals with disabilities. Nevertheless, the FDIC will continue its outreach program for individuals with disabilities and entities owned by them as a matter of policy.

section of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 801, *et seq.* As required by SBREFA, the FDIC will file the appropriate reports with Congress and the General Accounting Office.

List of Subjects in 12 CFR Part 361

Government contracts, Lawyers, Legal services, Minority businesses, Reporting and recordkeeping requirements, Women businesses.

For the reasons set forth above, the Board of Directors of the Federal Deposit Insurance Corporation revises part 361 of chapter III of title 12 of the Code of Federal Regulations as follows:

PART 361—MINORITY AND WOMEN OUTREACH PROGRAM CONTRACTING

Sec.

361.1 Why do minority- and women-owned businesses need this outreach regulation?
361.2 Why does the FDIC have this outreach program?
361.3 Who may participate in this outreach program?
361.4 What contracts are eligible for this outreach program?
361.5 What are the FDIC's oversight and monitoring responsibilities in administering this program?
361.6 What outreach efforts are included in this program?

Authority: 12 U.S.C. 1833e.

§ 361.1 Why do minority- and women-owned businesses need this outreach regulation?

The purpose of the FDIC Minority and Women Outreach Program (MWOP) is to ensure that minority- and women-owned businesses (MWOBs) are given the opportunity to participate fully in all contracts entered into by the FDIC.

§ 361.2 Why does the FDIC have this outreach program?

It is the policy of the FDIC that minorities and women, and businesses owned by them have the maximum practicable opportunity to participate in contracts awarded by the FDIC.

§ 361.3 Who may participate in this outreach program?

For purposes of this part:

(a) *Minority* has the same meaning as defined by the Small Business Administration at 13 CFR 124.103(b).

(b) *Legal Services* means all services provided by attorneys or law firms (including services of support staff).

§ 361.4 What contracts are eligible for this outreach program?

The FDIC outreach program applies to all contracts entered into by the FDIC. The outreach program is incorporated into FDIC policies and guidelines governing contracting and the retention of legal services.

§ 361.5 What are the FDIC's oversight and monitoring responsibilities in administering this program?

(a) The FDIC Office of Diversity and Economic Opportunity (ODEO) has overall responsibility for nationwide outreach oversight, which includes, but is not limited to, the monitoring, review and interpretation of relevant regulations. In addition, the ODEO is responsible for providing the FDIC with technical assistance and guidance to facilitate the identification, registration, and solicitation of MWOBs.

(b) Each FDIC office that performs contracting or outreach activities will submit information to the ODEO on a quarterly basis, or upon request. Quarterly submissions will include, at a minimum, statistical information on contract awards and solicitations by designated demographic categories.

§ 361.6 What outreach efforts are included in this program?

(a) Each office engaged in contracting with the private sector will designate one or more MWOP coordinators. The coordinators will perform outreach activities for MWOP and act as liaison between the FDIC and the public on MWOP issues. On a quarterly basis, or as requested by the ODEO, the coordinators will report to the ODEO on their implementation of the outreach program.

(b) Outreach includes the identification and registration of MWOBs who can provide goods and services utilized by the FDIC. This includes distributing information concerning the MWOP.

(c) The identification of MWOBs for the provision of legal and non-legal services will primarily be accomplished by:

(1) Obtaining various lists and directories of MWOBs maintained by other federal, state, and local governmental agencies;

(2) Participating in conventions, seminars and professional meetings comprised of, or attended predominately by, MWOBs;

(3) Conducting seminars, meetings, workshops and other various functions to promote the identification and registration of MWOBs;

(4) Placing MWOP promotional advertisements indicating opportunities with the FDIC in minority- and women-owned media; and

(5) Monitoring to assure that FDIC staff interfacing with the contracting community are knowledgeable of, and actively promoting, the MWOP.

By Order of the Board of Directors.

Dated at Washington, DC, this 10th day of May 2000.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 00–12408 Filed 5–16–00; 8:45 am]

BILLING CODE 6714–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–213–AD; Amendment 39–11727; AD 2000–10–03]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC–10 series airplanes, that requires a one-time detailed visual inspection to determine if wire segments of the wire bundle routed through the feed through on the aft side of the flight engineer's station are damaged or chafed, and corrective actions, if necessary. This amendment is prompted by a report of smoke coming out of the flight engineer's upper right circuit breaker panel, which was followed by circuit breakers popping and the panel lights going out. The actions specified by this AD are intended to prevent chafing of the wire bundle located behind the flight engineer's panel caused by the wire bundle coming in contact with the lower edge of the feed through and consequent electrical arcing, which could result in smoke and fire in the cockpit.

DATES: Effective June 21, 2000.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 21, 2000.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA),

Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Natalie Phan-Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5343; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all McDonnell Douglas Model DC–10 series airplanes was published in the **Federal Register** on January 26, 2000 (65 FR 4186). That action proposed to require a one-time detailed visual inspection to determine if wire segments of the wire bundle routed through the feed through on the aft side of the flight engineer's station are damaged or chafed, and corrective actions, if necessary.

Comments

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

One commenter supports the proposed rule. Another commenter supports the proposed rule and indicates that it is in the process of accomplishing the subject inspection. A third commenter supports the proposed rule and indicates that it has completed the subject inspection.

Explanation of Change Made

Paragraph (a) of this AD has been changed to correct a typographical error that resulted in a reference to an incorrect alert service bulletin revision date. That paragraph references ''McDonnell Douglas Alert Service Bulletin DC10–24A149, Revision 01, dated May 6, 1999,'' as the appropriate source of service information for accomplishment of the inspection required by paragraph (a) of the proposed AD. This AD references the appropriate alert service bulletin as ''McDonnell Douglas Alert Service Bulletin DC10–24A149, Revision 01, dated July 28, 1999.''

Conclusion

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

Cost Impact

There are approximately 412 airplanes of the affected design in the worldwide fleet. The FAA estimates that 300 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $18,000, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–10–03 McDonnell Douglas: Amendment 39–11727. Docket 99–NM–213–AD.

Applicability: All Model DC–10 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 (b) 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 chafing of the wire bundle located behind the flight engineer's panel caused by the wire bundle coming in contact with the lower edge of the feed through and consequent electrical arcing, which could result in smoke and fire in the cockpit, accomplish the following:

Inspection

(a) Within 1 year after the effective date of this AD, perform a one-time detailed visual inspection to determine if the wire segments of the wire bundle routed through the feed through on the aft side of the flight engineer's station are damaged or chafed, in accordance with McDonnell Douglas Alert Service Bulletin DC10–24A149, Revision 01, dated July 28, 1999.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.''

Corrective Actions

(1) For airplanes identified as Group 1 in the alert service bulletin: Accomplish paragraph (a)(1)(i) or (a)(1)(ii) of this AD, as applicable.

(i) If no damaged or chafed wire is found, no further action is required by this AD.

(ii) If any damaged or chafed wire is found, prior to further flight, repair in accordance with the alert service bulletin.

(2) For airplanes identified as Group 2 in the alert service bulletin: Accomplish paragraph (a)(2)(i) or (a)(2)(ii) of this AD, as applicable.

(i) If no damaged or chafed wire is found, within 1 year after the effective date of this AD, revise the wire bundle support clamp installation at the flight engineer's station in accordance with the alert service bulletin.

(ii) If any damaged or chafed wire is found, prior to further flight, repair the wiring, and revise the wire bundle support clamp installation at the flight engineer's station, in accordance with the alert service bulletin.

Alternative Methods of Compliance

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

Note 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 Permits

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

Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC10–24A149, Revision 01, dated July 28, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 21, 2000.

Issued in Renton, Washington, on May 8, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–11950 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–05–AD; Amendment 39–11731; AD 2000–10–07]

RIN 2120–AA64

Airworthiness Directives; Eurocopter Deutschland GmbH (Eurocopter) Model EC 135 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Eurocopter Model EC 135 helicopters. This AD requires replacing a certain oil cooler fan splined drive shaft (shaft) with a different airworthy shaft and re-identifying the part numbers on the oil cooler fans. This amendment is prompted by two incidents in which the shaft broke. The actions specified by this AD are intended to prevent failure of the shaft, loss of oil cooling, and a subsequent engine shutdown during flight.

EFFECTIVE DATE: June 21, 2000.

FOR FURTHER INFORMATION CONTACT: Paul Madej, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5125, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that applies to Eurocopter Model EC 135 helicopters was published in the **Federal Register** on February 11, 2000 (65 FR 6925). That action proposed to require replacing a certain shaft with a different airworthy shaft and re-identifying the part numbers on the oil cooler fans.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 9 helicopters of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per helicopter to replace and re-identify the affected parts and record these actions in the gearbox history card or equivalent record, and that the average labor rate is $60 per work hour. The manufacturer has stated in Alert Service Bulletin EC 135–79A–001, dated January 23, 1998, that required parts will be provided at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,160.

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

For the reasons discussed above, I certify that this action (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 2000–10–07 Eurocopter Deutschland GMBH: Amendment 39–11731. Docket No. 99–SW–05–AD.

Applicability: Model EC 135 helicopters, serial numbers 0005 through 0071, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 within 50 hours time-in-service, unless accomplished previously.

To prevent failure of an oil cooler fan splined drive shaft (shaft), loss of oil cooling, and a subsequent engine shutdown during flight, accomplish the following:

(a) Replace each shaft, part number (P/N) L 792M3004 225, with an airworthy shaft, P/N L 792M3004 235.

(b) Re-identify the P/N on each oil cooler fan (fan) using a rubber stamp or smudge-proof paint or equivalent as follows:

(1) On the left fan, change the P/N from L 792M3004 102 to L 792M3004 103.

(2) On the right fan, change the P/N from L 792M3005 102 to L 792M3005 103.

(c) Change the P/N on the gearbox component history card or equivalent record to reflect the revised part numbers.

Note 2: Eurocopter Alert Service Bulletin No. EC 135–79A–001, dated January 23, 1998, pertains to the subject of this AD.

(d) Replacing the shaft, re-identifying the fans, and recording this on the gearbox component history card or equivalent record constitute terminating actions for the requirements of this AD.

(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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

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

(g) This amendment becomes effective on June 21, 2000.

Note 4: The subject of this AD is addressed in Luftfahrt-Bundesamt (Federal Republic of Germany) AD No. 1998–109, dated February 26, 1998.

Issued in Fort Worth, Texas, on May 9, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–12356 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–SW–34–AD; Amendment 39–11732; AD 2000–10–08]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 helicopters and requires conducting inspections of each tail rotor blade for bonding separation, measuring the clearance between the tip of each tail rotor blade and the circumference of the air duct, and replacing the blade if necessary. This amendment is prompted by an inflight incident in which the tail rotor blades were significantly damaged due to bonding separation. The actions specified by this AD are intended to prevent damage to a tail rotor blade, loss of tail rotor control, and subsequent loss of control of the helicopter.

EFFECTIVE DATE: June 21, 2000.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD for Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 helicopters was published in the **Federal Register** on February 29, 2000 (65 FR 10724). That action proposed to require conducting inspections of each tail rotor blade for bonding separation, measuring the clearance between the tip of each tail rotor blade and the circumference of the air duct, and replacing the blade if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 136 helicopters of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,000 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $144,160.

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

For the reasons discussed above, I certify that this action: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 2000–10–08 Eurocopter France: Amendment 39–11732. Docket No. 99–SW–34–AD.

Applicability: Model SA–365N1, AS–365N2, and SA–366G1 helicopters, with a tail rotor blade, part number (P/N) 365A33–2131, 365A12–0010, or 365A12–0020, all dash numbers, installed, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (f) 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 damage to a tail rotor blade (blade), loss of tail rotor control, and subsequent loss of control of the helicopter:

(a) Within 10 hours time-in-service (TIS) and thereafter prior to the first flight of each day, conduct the following visual inspection of each blade (see Figure 1):

(1) Zone A: If a blister is detected on the blade suction face, conduct a tapping test inspection on the whole blade for bonding separation. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(2) Zone B: If a crack, wrinkling, or a blister is found, replace the blade with an airworthy blade before further flight.

(b) Within 10 hours TIS, conduct a tapping test inspection on each blade. If there is bonding separation, replace the blade with an airworthy blade before further flight.

Note 2: Revisions 5 of Eurocopter France Service Bulletins 05.09 and 05.00.17, both dated December 18, 1998, pertain to the subject of this AD.

(c) Thereafter, at intervals not to exceed 25 hours TIS or every 50 cycles (each takeoff and landing equals 1 cycle), whichever occurs first, conduct a tapping test inspection for bonding separation on all blades with a serial number (S/N) less than 18912, and blades, P/N 365A12–0020–00 or 365A12–0020–01, with a S/N equal to or greater than 18912. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(d) Thereafter, at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, conduct a tapping test inspection for bonding separation on blades, P/N 365A12–0020–02 or 365A12–0020–03. If bonding separation or a crack is found, replace the blade with an airworthy blade before further flight.

(e) Within 10 hours TIS, and thereafter at intervals not to exceed 100 hours TIS or 200 cycles, whichever occurs first, measure the blade-to-air duct clearance. If the clearance is less than 3 mm, replace the blade with an airworthy blade before further flight.

BILLING CODE 4910–13–U

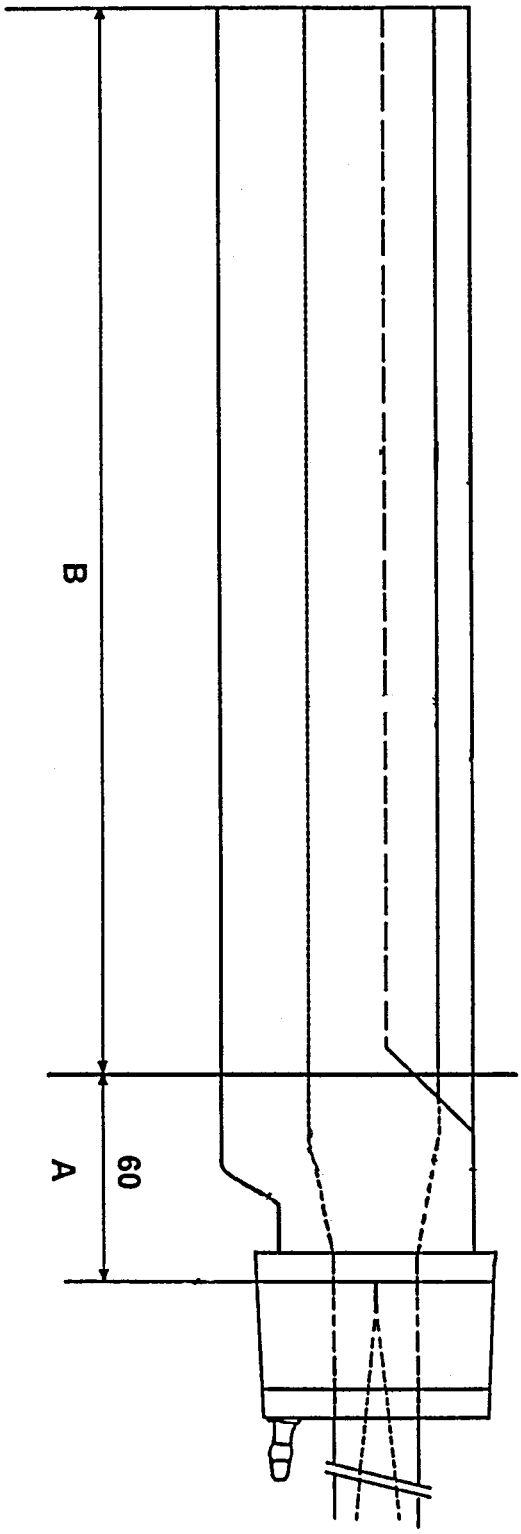


FIGURE 1

BILLING CODE 4910–13–C

(f) 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, Regulations Group, Rotorcraft Directorate FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

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

(h) This amendment becomes effective on June 21, 2000.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile AD's 88–152–010(A)R5 and 88–153–023(A)R5, both dated December 30, 1998.

Issued in Fort Worth, Texas, on May 9, 2000.

Henry A. Armstrong,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–12354 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–04–AD; Amendment 39–11730; AD 2000–10–06]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters Inc. Model MD900 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for MD Helicopters Inc. (MDHI) Model MD900 helicopters. This action requires visually inspecting the drive shaft to determine the assembly part number (P/N) and marking the drive shaft assembly P/N and serial number (S/N) on any unmarked drive shaft. This AD also requires creating a component history card or equivalent record for certain drive shaft assemblies and replacing any drive shaft assembly that has reached its life limit. This amendment is prompted by the discovery of several drive shafts with no assembly P/N marked on the part, which could result in a drive shaft remaining in service past its life limit. The actions specified in this AD are intended to prevent failure of the drive shaft due to fatigue, which could result in total loss of drive to the main rotor hub and subsequent loss of control of the helicopter.

DATES: Effective June 1, 2000.

Comments for inclusion in the Rules Docket must be received on or before July 17, 2000.

ADDRESSES: Submit comments by mail in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–04–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9–asw–adcomments@faa.gov.

FOR FURTHER INFORMATION CONTACT: Elizabeth Bumann, Aviation Safety Engineer, FAA, Los Angeles Aircraft Certification Office, Propulsion Branch, 3960 Paramount Blvd., Lakewood, California 90712–4137, telephone (562) 627–5265, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: This amendment adopts a new AD for MDHI Model MD900 helicopters. On February 19, 1999, the FAA issued AD 99–05–08, Amendment 39–11056 (64 FR 10209, March 3, 1999), for MDHI Model MD900 helicopters to establish or reduce life limits for various parts, including the drive shaft assembly. That AD was prompted by analysis that indicated a need for establishing or reducing life limits to avoid fatigue failure of certain parts. Since issuance of that AD, several drive shaft assemblies were found without a P/N marked on the drive shafts. This could result in the drive shaft remaining in service past its life limit since operators may mistakenly use the subassembly P/N for determining whether the life limit listed in AD 99–05–08 applies. A drive shaft in operation past its life limit could fail due to fatigue. This condition, if not corrected, could result in total loss of drive to the main rotor hub and subsequent loss of control of the helicopter.

The FAA has reviewed MDHI Service Bulletin (SB) SB900–062 R1, dated December 16, 1999, which describes procedures for visually inspecting the drive shaft to determine the assembly P/N and marking the drive shaft assembly P/N and serial number (S/N) on any unmarked drive shaft. The SB also specifies creating component history cards for certain drive shaft assemblies, verifying the life limit, and replacing the drive shaft assembly, if necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other MDHI Model MD900 helicopters of the same type design, this AD is being issued to prevent failure of the drive shaft. This AD requires visually inspecting the drive shaft to determine the assembly P/N and marking the drive shaft assembly P/N and S/N on any unmarked drive shaft. This AD also requires creating component history cards for certain drive shaft assemblies and replacing the drive shaft assembly if the drive shaft assembly has reached its life limit. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect controllability of the helicopter. Therefore, the actions of this AD are required prior to accumulating 1,450 hours time-in-service (TIS) on the drive shaft or before further flight if TIS equals or exceeds 1,450 hours, and this AD must be issued immediately.

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

The FAA estimates that this AD will affect 28 helicopters, that it will take approximately 2 work hours to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,360.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–04–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 2000–10–06 MD Helicopters Inc.: Amendment 39–11730. Docket No. 2000–SW–04–AD.

Applicability: Model MD900 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (d) 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 failure of the drive shaft due to fatigue, which could result in total loss of drive to the main rotor hub and subsequent loss of control of the helicopter; accomplish the following:

(a) Before accumulating 1,450 hours time-in-service (TIS), visually inspect the drive shaft assembly to determine which part number (P/N) is installed. If necessary, remove the drive plate cover to access the P/N located on the top edge of the drive shaft assembly. If the number of hours TIS on the drive shaft assembly is unknown, use the total hours TIS on the helicopter.

Note 2: Do not confuse the P/N of the drive shaft subassembly, P/N 900D2436028–101, 900D2436026–101, or 900D2436030–101 as the P/N of the drive shaft assembly.

(1) If a drive shaft assembly, P/N 900D2436530–101, is installed, no further action is required by this AD.

(2) If a drive shaft assembly other than P/N 900D2436530–101 is installed and is not marked with a P/N, before further flight, use an indelible ink fine tip marking pen to mark the following information on the edge of the drive shaft assembly in line with the engraved subassembly number:

(i) P/N 900D2436528–101 and the serial number (S/N) of the drive shaft subassembly if the subassembly is P/N 900D2436028–101. When the ink dries, apply a clear coat over the P/N and S/N, or

(ii) P/N 900D6400004–101 and the S/N of the drive shaft subassembly if the subassembly is P/N 900D2436026–101. When the ink drives, apply a clear coat over the P/N and S/N.

(b) For a drive shaft assembly with 1,450 or more hours TIS, before further flight, accomplish paragraph (a) of this AD.

Note 3: MD Helicopters Inc. Service Bulletin SB900–062 R1, dated December 16, 1999, applies to the subject of this AD.

(c) After accomplishing the requirements of paragraph (a) of this AD, before further flight, determine the hours TIS of the drive shaft assembly. Record the hours TIS on a current or newly created component history card or equivalent record. If the drive shaft assembly has reached or exceeded its life limit, replace the drive shaft assembly with an airworthy drive shaft assembly before further flight.

Note 4: The Airworthiness Limitations Section, section 04, of the MD–900 Rotorcraft Maintenance Manual (CSP–900RMM–2), Revision 6, dated December 23, 1999, pertains to the subject of this AD.

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

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

(f) This amendment becomes effective on June 1, 2000.

Issued in Fort Worth, Texas, on May 5, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 00–12353 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 19

[T.D. 00–33]

RIN 1515–AC53

Location of Duty-Free Stores

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to conform with the provisions of the Miscellaneous Trade and Technical Corrections Act of 1999 regarding the permissible location of a duty-free store. In addition to the existing permissible locations, a duty-free store that is an airport store as defined in the law may also be located in, or within 25 statute miles of, any staffed port of entry, whether or not it is the same port through which a purchaser at the store will depart from

the Customs territory of the United States.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: William G. Rosoff, Duty and Refund Determination Branch, (202–927–2077).

SUPPLEMENTARY INFORMATION:

Background

Duty-free sales enterprises, also known as duty-free stores, are Customs bonded class 9 warehouses that operate under special procedures that allow merchandise to be offered for sale to departing travelers without payment of Customs duties and taxes, on condition that the merchandise they purchase will be exported by and with them from the Customs territory of the United States. The statutory authority under which duty-free stores operate is found in 19 U.S.C. 1555(b). The regulations that implement procedures for the administration of these facilities are contained in §§ 19.35 through 19.39 of the Customs Regulations (19 CFR 19.35–19.39).

The Miscellaneous Trade and Technical Corrections Act of 1999, Pub. L. 106–36, 113 Stat. 127 (June 25, 1999) (MTTCA), amended a number of Customs laws, including the provision relating to duty-free stores (19 U.S.C. 1555(b)). Specifically, section 2417 of the MTTCA amended section 1555(b) to expand upon the places where a duty-free store could properly be located in the United States.

Location of a Duty-Free Store; Prior Law

Section 1555(b) previously required that a duty-free store be located within the port of entry from which a purchaser of duty-free store merchandise departs from the Customs territory of the United States, or within 25 statute miles of the exit point from which the purchaser departs from the Customs territory. Section 19.35(b) repeats this requirement regarding the permissible location of a duty-free store.

Location of a Duty-Free Store; Amended Law

Section 2417 of the MTTCA amended 19 U.S.C. 1555(b) to allow a duty-free store to be located anywhere within a staffed, Customs-defined port of entry, or within 25 statute miles of a staffed port of entry, whether or not it is the same port through which a purchaser of duty-free store merchandise will depart from the Customs territory of the United States, provided that the purchaser will depart through an international airport located in the Customs territory (19 U.S.C. 1555(b)(2)(C)). As such, the duty-free store that is the subject of the amendment must be an airport store as defined in 19 U.S.C. 1555(b)(8)(A).

As is already the case under the law, the Customs Service, before authorizing a duty-free store at such a location, must conclude that reasonable assurance has been provided that merchandise purchased at the store will be exported from the Customs territory. To this end, a duty-free store that is an airport store must establish procedures that provide reasonable assurance that merchandise sold by the store will be exported from the Customs territory through an international airport located within the Customs territory (19 U.S.C. 1555(b)(2)(C), (3)(A) and (8)(A); 19 CFR 19.36(b); see also 19 CFR 19.36(f) and 19.39(c)).

The statutory amendment was intended to create additional opportunities for duty-free stores to increase sales by increasing the locations where international travelers departing from the United States may make duty-free store purchases.

Accordingly, § 19.35(b), Customs Regulations, is amended to conform to the statutory amendment by providing that an airport store may also be located within any staffed port of entry, or within 25 statute miles of a staffed port.

Regulatory Flexibility Act, Executive Order 12866 and Inapplicability of Public Notice and Comment and Delayed Effective Date Requirements

Because the amendment in this final rule merely conforms the Customs Regulations to law, notice and public procedure are inapplicable and unnecessary pursuant to 5 U.S.C. 553(b)(B), and, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required. Because no notice of proposed rulemaking is required, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Nor does the amendment result in a ''significant regulatory action'' under E.O. 12866.

List of Subjects in 19 CFR Part 19

Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Warehouses.

Amendment to the Regulations

Part 19, Customs Regulations (19 CFR part 19), is amended as set forth below.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

1. The general authority citation for part 19 and the relevant sectional authority citation continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1624.

* * * * *

Sections 19.35–19.39 also issued under 19 U.S.C. 1555;

* * * * *

2. Section 19.35 is amended by revising paragraph (b) to read as follows:

§ 19.35 Establishment of duty-free stores (Class 9 warehouses).

* * * * *

(b) *Location.* A duty-free store (class 9 warehouse) may be established or located only:

(1) Within the same port of entry from which a purchaser of duty-free store merchandise departs the Customs territory;

(2) Within 25 statute miles from the exit point through which a purchaser of duty-free store merchandise departs the Customs territory; or

(3) In the case of an airport store, within any staffed port of entry, or within 25 statute miles from any staffed port of entry.

* * * * *

Raymond W. Kelly,

Commissioner of Customs.

Approved: March 30, 2000.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–12367 Filed 5–16–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24, 159 and 174

[T.D. 00–32]

RIN 1515–AB76

Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule interim amendments to the Customs Regulations which conformed those regulations to existing statutory provisions and judicial precedent regarding the assessment of interest due to underpayments or overpayments to Customs of duties, taxes and fees pertaining to imported merchandise, including interest on those duties, taxes and fees. The majority of the conforming

changes reflect the terms of section 505 of the Tariff Act of 1930, as amended by the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act. The conforming amendments also reflect changes to 19 U.S.C. 1505 and to section 321 of the Tariff Act of 1930 (19 U.S.C. 1321) regarding interest that were made by the Miscellaneous Trade and Technical Corrections Act of 1996.

DATES: Final rule effective May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Robert Reiley, Financial Management Division (202–927–1504).

SUPPLEMENTARY INFORMATION:

Background

On October 20, 1999, Customs published T.D. 99–75 in the **Federal Register** (64 FR 56433) setting forth interim amendments to provisions within Parts 24, 159 and 174 of the Customs Regulations (19 CFR Parts 24, 159 and 174) to conform those regulations to existing statutory provisions and judicial precedent regarding the assessment of interest due to underpayments or overpayments to Customs of duties, taxes and fees pertaining to imported merchandise, including interest on those duties, taxes and fees.

The majority of the conforming changes reflected the terms of section 505 of the Tariff Act of 1930 (19 U.S.C. 1505), as amended by section 642(a) within the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act (Public Law 103–182, 107 Stat. 2057). Under that statute, interest accrues initially from the date the duties, taxes, fees and interest are deposited with Customs in the case of overpayments, or are required to be deposited with Customs in the case of underpayments, but in either case not beyond the date of liquidation or reliquidation of the applicable entry or reconciliation. Also under the statute and applicable judicial precedent, all bills issued by Customs for underpayments of duties, taxes, fees and interest are due within 15 or 30 days of issuance.

The conforming interim amendments also reflected other changes to 19 U.S.C. 1505 and to section 321 of the Tariff Act of 1930 (19 U.S.C. 1321) regarding interest that were made by sections 2(a) and 3(a)(12) of the Miscellaneous Trade and Technical Corrections Act of 1996 (Public Law 104–295, 110 Stat. 3514).

The interim regulatory amendments contained in T.D. 99–75 went into effect on October 20, 1999, and the notice prescribed a public comment period which closed on December 20, 1999. No comments were received during the prescribed public comment period. After further consideration, Customs has determined that the interim regulatory amendments should be adopted as a final rule without change.

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action ''as specified in E.O. 12866.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. The amendments conform the Customs Regulations to the terms of statutory provisions, and to the principles reflected in judicial decisions, that are currently in effect. In addition, in some cases, the amendments conform the regulatory provisions to longstanding Customs administrative procedures and practices that confer benefits on, or otherwise militate in favor of, the general public. Accordingly, the amendments are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

List of Subjects

19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Interest, Taxes, User fees, Wages.

19 CFR Part 159

Computer technology, Customs duties and inspection, Entry, Imports, Liquidation.

19 CFR Part 174

Administrative practice and procedure, Customs duties and inspection, Protests.

Amendments to the Regulations

For the reasons stated in the preamble, under the authority of 19 U.S.C. 66 and 1624 the interim rule amending 19 CFR Parts 24, 159 and 174 which was published at 64 FR 56433 on October 20, 1999, is adopted as a final rule without change.

Raymond W. Kelly,
Commissioner of Customs.

Approved: April 26, 2000.

John P. Simpson,
Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–12364 Filed 5–16–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 00–35]

Extension of Port Limits of Puget Sound, WA

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the field organization of Customs by extending the geographical limits of the consolidated port of Puget Sound, Washington. This change is being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities and resources and to provide better service to carriers, importers and the general public.

EFFECTIVE DATE: June 16, 2000.

FOR FURTHER INFORMATION CONTACT: Betsy Passuth, Office of Field Operations, Mission Support Service, 202–927–0795.

SUPPLEMENTARY INFORMATION:

Background

A Notice of Proposed Rulemaking was published in the **Federal Register** (64 FR 61232) of November 10, 1999, which proposed to extend the geographical limits of the consolidated port of Puget Sound by extending and redefining the boundaries of Tacoma.

The description of Tacoma within the description of the Puget Sound port was proposed to be extended to include two industrial parks which have new facilities for clearing, storing and forwarding imported merchandise and require the services of Customs personnel.

Analysis of Comment

One comment was received in response to the proposal. This comment strongly supported the proposal to extend and redefine the boundaries of the port of Puget Sound, Washington.

Conclusion

In light of the favorable comment received and after further consideration of the matter, Customs has decided to proceed with the extension of the geographical limits of the port of Puget Sound, Washington.

New Port Limits

As amended, the geographical area within the boundaries of the consolidated port of Puget Sound is as follows:

The ports of Seattle (Section 35, Township 27 North, Range 3 East, West Meridian, County of Snohomish, and the geographical area beginning at the intersection of N.W. 205th Street and the waters of Puget Sound, proceeding in an easterly direction along the King County line to its intersection with 100th Avenue N.E., thence southerly along 100th Avenue N.E. and its continuation to the intersection of 100th Avenue S.E. and S.E. 240th Street, thence westerly along S.E. 240th Street, to its intersection with North Central Avenue, thence southerly along North Central Avenue, its continuation as South Central Avenue and 83rd Avenue South and its connection to Auburn Way North, thence southerly along Auburn Way North and its continuation as Auburn Way South to its intersection with State Highway 18, thence westerly along Highway 18 to its intersection with A Street S.E., then southerly along A Street S.E. to its intersection with the King County Line, then westerly along the King County Line to its intersection with the waters of Puget Sound and then northerly along the shores of Puget Sound to its intersection with N.W. 205th Street, the point of beginning, all within the County of King, State of Washington), Anacortes, Bellingham, Everett, Friday Harbor, Neah Bay, Olympia, Port Angeles, Port Townsend, and the territory in Tacoma, beginning at the intersection of the westernmost city limits of Steilacoom and The Narrows and proceeding easterly along Main Street to the intersection of Stevens Street, then southerly along Stevens Street to the intersection of Washington Boulevard, then easterly along Washington Boulevard to the intersection of Gravely Lake Drive S.W., then southeasterly to the intersection of Nyanza Road, SW, then southerly to its intersection with Pacific Highway (U.S. Route 99), then proceeding in a northeasterly direction along Pacific Highway to its intersection with 112 Street East and continuing in an easterly direction along 112 Street East to its intersection with the northwest corner of McChord Air Force Base, then proceeding along the northern, then western, then southern boundary of McChord Air Force Base to its intersection, just west of Lake Mondress, with the northern boundary of the Fort Lewis Military Reservation, then proceeding in an easterly direction along the northern boundary of the Fort Lewis Military Reservation to its intersection with Pacific Avenue (SR–7), then proceeding in a southerly direction along Pacific Avenue (SR–7) to its intersection with SR–507, then proceeding in a southeasterly direction along SR–7 to its intersection with 224th Street East, then proceeding in an easterly direction along 224th Street East to its intersection with Meridian Street South (SR–161), then proceeding in a northerly direction along Meridian Street South (SR–161) to the intersection with 176 Street East, then easterly along 176 Street East extended to the intersection with Sunrise Parkway East, then northwesterly along Sunrise Parkway East to the intersection with 122nd Avenue East, then northerly to the intersection with Old Military Road East, then northeasterly to the intersection with SR–162, then northerly along SR–162 to the intersection with SR–410, then easterly along SR–410 to the intersection with 166th Avenue East, then northerly to the intersection with Sumner-Tapps Highway, continuing northeasterly along Sumner-Tapps Highway to 16th Street East, then easterly to 182 Avenue East, then northerly to the northern boundary of Pierce County, then proceeding in a westerly direction along the northern boundary of Pierce County to its intersection with Puget Sound, then proceeding in a generally southwesterly direction along the banks of the East Passage of Puget Sound, Commencement Bay, and The Narrows to the point of intersection with the westernmost city limits of Steilacoom, Washington, including all points and places on the southern boundary of the Juan de Fuca Strait from the eastern port limits of Neah Bay to the western port limits of Port Townsend, all points and places on the western boundary of Puget Sound, including Hood Canal, from the port limits of Port Townsend to the northern port limits of Olympia, all points and places on the southern boundary of Puget Sound from the port limits of Olympia to the western port limits of Tacoma, and all points and places on the eastern boundary of Puget Sound and contiguous waters from the port limits of Tacoma north to the southern port limits of Bellingham, all in the State of Washington.

Authority

This change is being made under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

Regulatory Flexibility Act and Executive Order 12866

Customs establishes, expands and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although a notice was issued for public comment on this subject matter, because this document relates to agency management and organization, it is not subject to the notice and procedure requirements of 5 U.S.C. 553. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this port extension are not subject to Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

For the reasons set forth above, part 101 of the Customs Regulations is amended as set forth below.

PART 101—GENERAL PROVISIONS

1. The general authority citation for part 101 and the specific authority citation for § 101.3 continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a. Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b.

* * * * *

§ 101.3 [Amended]

2. In the list of ports in § 101.3(b)(1), under the state of Washington, the ''Limits of port'' column adjacent to ''Puget Sound'' in the ''Ports of entry'' column is amended by removing the reference ''T.D. 96–63'' and adding in its place ''T.D. 00–35''.

Raymond W. Kelly,

Commissioner of Customs.

Approved: March 30, 2000.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–12365 Filed 5–16–00; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 122

[T.D. 00–34]

Revised List of User Fee Airports

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by revising the list of user fee airports. User fee airports are those which, while not qualifying for designation as international or landing rights airports because of insufficient volume or value of business, have been approved by the Commissioner of Customs to receive the services of Customs officers on a fee basis for the processing of aircraft entering the United States and their passengers and cargo.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Betsy Passuth, Office of Field Operations, 202–927–0795.

SUPPLEMENTARY INFORMATION:

Background

Part 122, Customs Regulations (19 CFR part 122), sets forth regulations relating to the entry and clearance of aircraft in international commerce and the transportation of persons and cargo by aircraft in international commerce.

Under § 1644a, Title 19, United States Code (19 U.S.C.1644a), the Secretary of the Treasury is authorized to designate places in the United States as ports of entry for civil aircraft arriving from any place outside of the United States, and for merchandise carried on the aircraft. These airports are referred to as international airports, and the location and name of each are listed in § 122.13, Customs Regulations (19 CFR 122.13). In accordance with § 122.33, Customs Regulations (19 CFR 122.33), the first landing of every civil aircraft entering the United States from a foreign area must be at one of these international airports, unless the aircraft has been specifically exempted from this requirement or permission to land elsewhere has been granted. Customs officers are assigned to all international airports to accept entries of merchandise, collect duties and enforce the customs laws and regulations.

Other than making an emergency or forced landing, if a civil aircraft desires to land at an airport not designated by Customs as an international airport, the pilot may request permission to land at a specific airport and, if granted, Customs assigns personnel to that airport for the aircraft. The airport where the aircraft is permitted to land is called a landing rights airport (19 CFR 122.24).

Section 236 of Pub. L. 98–573 (the Trade and Tariff Act of 1984), codified at 19 United States Code 58b (19 U.S.C. 58b), creates an option for civil aircraft desiring to land at an airport other than an international or landing rights airport. A civil aircraft arriving from a place outside the United States may ask Customs for permission to land at an airport designated by the Secretary of the Treasury as a user fee airport.

Pursuant to 19 U.S.C. 58b, an airport may be designated as a user fee airport if the Secretary of the Treasury determines that the volume of Customs business at the airport is insufficient to justify the availability of Customs services at the airport and the governor of the State in which the airport is located approves the designation. Generally, the type of airport that would seek designation as a user fee airport would be one at which a company, such as an air courier service, has a specialized interest in regularly landing.

Inasmuch as the volume of business anticipated at these airports is insufficient to justify their designation as an international or landing rights airport, the availability of Customs services is not paid for out of Customs appropriations from the general treasury of the United States. Instead, the services of Customs officers are provided on a fully reimbursable basis to be paid for by the user fee airports on behalf of the recipients of the services.

The fees which are to be charged at user fee airports, according to the statute, shall by paid by each person using Customs services at the airport and shall be in the amount equal to the expenses incurred by the Secretary of the Treasury in providing Customs services that are rendered to such persons at such airport, including the salary and expenses of those employed by the Secretary of the Treasury to provide the Customs services. To implement this provision, the airport seeking the designation as a user fee airport or that airport's authority agrees to pay Customs a flat fee annually and the users of the airport are to reimburse that airport/airport authority. The airport/airport authority agrees to set and periodically review its charges to ensure that they are in accord with the airport's expenses.

Pursuant to Treasury Department Order No. 165, Revised (Treasury Decision 53564), all the rights, privileges, powers, and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws, or by any other laws administered by Customs are transferred to the Commissioner of Customs. Accordingly, the authority granted to the Secretary of the Treasury to designate user fee airports and to determine appropriate fees is delegated to the Commissioner of Customs.

Under this authority, Customs has determined that certain conditions must be met before an airport can be designated as a user fee airport. At least one full-time Customs officer must be requested, and the airport must be responsible for providing Customs with satisfactory office space, equipment and supplies, at no cost to the Federal Government.

In § 122.15(b), Customs Regulations (19 CFR 122.15(b)), Customs sets forth a list of the user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b. This document updates the list.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely lists those user fee airports designated by the Commissioner of Customs in accordance with 19 U.S.C. 58b and neither imposes additional burdens on, nor takes away any existing rights or privileges from, the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure are unnecessary, and for the same reasons, pursuant to 5 U.S.C. 553(d)(3), a delayed effective date is not required.

Regulatory Flexibility Act and Executive Order 12866

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. This amendment does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 122

Air carriers, Aircraft, Airports, Customs duties and inspection, Freight.

Amendments to the Regulations

Part 122, Customs Regulations (19 CFR part 122) is amended as set forth below:

PART 122—AIR COMMERCE REGULATIONS

1. The authority citation for Part 122, Customs Regulations, continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58b, 66, 1433, 1436, 1448, 1459, 1590, 1594, 1623, 1624, 1644, 1644a.

2. Section 122.15(b) is amended by revising the list of airports to read as follows:

§ 122.15 User fee airports.

* * * * *

(b)List of user fee airports. * * *

Location	Name
Addison, Texas	Addison Airport.
Blountville, Tennessee.	Tri-City Regional Airport.
Blytheville, Arkansas	Arkansas Aeroplex.
Broomfield, Colorado	Jefferson County Airport.
Daytona Beach, Florida.	Daytona Beach International Airport.
Decatur, Indiana	Decatur Airport.
Dublin, Virginia	New River Valley Airport.
Egg Harbor Township, New Jersey.	Atlantic City International Airport.
Englewood, Colorado	Centennial Airport.
Fargo, North Dakota	Hector International Airport.
Fort Wayne, Indiana	Baer Field Airport.
Fort Worth, Texas	Fort Worth Alliance Airport.
Johnson City, New York.	Binghamton Regional Airport.
Lexington, Kentucky	Blue Grass Airport.
Manchester, New Hampshire.	Manchester Airport.
Medford, Oregon	Rogue Valley International Airport.
Melbourne, Florida	Melbourne Airport.
Midland, Texas	Midland International Airport.
Morristown, New Jersey.	Morristown Municipal Airport.
Moses Lake, Washington.	Port of Moses Lake.
Myrtle Beach, South Carolina.	Myrtle Beach International Airport.
Ocala, Florida	Ocala Regional Airport.
Palm Springs, California.	Palm Springs International Airport.
Rochester, Minnesota	Rochester Airport.
San Bernardino, California.	San Bernardino International Airport.
Sarasota, Florida	Sarasota/Bradenton International Airport.
Scottsdale, Arizona	Scottsdale Airport.
Terre Haute, Indiana	Hulman Regional Airport.
Victorville, California	Southern California Logistics Airport.
Waterford, Michigan	Oakland International Airport.
Waukegan, Illinois	Waukegan Regional Airport.
West Chicago, Illinois	Dupage County Airport.
West Trenton, New Jersey.	Trenton Mercer Airport.
Wheeling, Illinois	Palwaukee Airport.
Wilmington, Ohio	Wilmington Airport.
Ypsilanti, Michigan	Willow Run Airport.

* * * * *

Raymond W. Kelly,

Commissioner of Customs.

Approved: March 30, 2000.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 00–12366 Filed 5–16–00; 8:45 am]

BILLING CODE 4820–02–P

POSTAL SERVICE

39 CFR Part 913

Procedures for the Issuance of Administrative Subpoenas Under 39 U.S.C. 3016

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule establishes procedures for the issuance of administrative subpoenas in investigations of false representations and lotteries under 39 U.S.C. 3005(a). It adopts with changes a proposed rule published for public comment on March 16, 2000 (65 FR 14229–30). For reasons stated below, this rule will become effective immediately.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Elizabeth P. Martin, (202) 268–3022.

SUPPLEMENTARY INFORMATION: The Deceptive Mail Prevention and Enforcement Act, Public Law 106–168, 113 Stat. 1806 (December 12, 1999), generally amended chapter 30 of title 39, United States Code, to make nonmailable certain deceptive matter relating to sweepstakes, skill contests, and facsimile checks. It also amended provisions relating to administrative procedures and orders, and added civil penalties relating to such matters.

Under new 39 U.S.C. 3016, the Postmaster General has authority to issue administrative subpoenas requiring the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material in any investigation conducted under 39 U.S.C. 3005(a), dealing with false representations and lotteries.

On March 16, 2000, the Postal Service published in the **Federal Register** a proposed new Part 913 to title 39 of the Code of Federal Regulations to establish the procedures to be used for the issuance of the administrative subpoenas authorized under 39 U.S.C. 3016 (65 FR 14229–30). The proposed rules set forth the conditions under which subpoenas may be issued, the methods of service of subpoenas, the means by which subpoenas may be enforced, and the restrictions on the disclosure of subpoenaed information. Although exempt by 39 U.S.C. 410(a) from the notice and comment requirements of the Administrative Procedure Act, the Postal Service invited comments on the proposed new Part 913. The Postal Service received two comments, and has considered and incorporated several of the points raised therein.

Publishers Clearing House (PCH) suggested that § 913.1(a) should acknowledge that the authority to issue the subpoenas lies with the Postmaster General. The regulation has been changed to clarify that fact. Both PCH and the Postal Service Office of the Inspector General (OIG) expressed concern that the regulations should more closely track the language of the statute regarding conditions precedent to the issuance of a subpoena. A new § 913.1(c) has been added to address those concerns. Current subsections (c) and (d) are relettered as (d) and (e). New § 913.1(d)(3) similarly addresses the concern regarding conditions precedent.

New section 913(d)(1) is changed to clarify that only a specifically authorized Inspector may submit a request. At the suggestion of the OIG, new 913.1(d)(4) is changed to clarify that the General Counsel, at his or her discretion, may issue or deny a subpoena, require additional information, or honor requests to amend or supplement a request.

Both the OIG and PCH expressed concerns with respect to the clarity of § 913.4. We have considered their suggestions, however, we have not adopted their proposed language. The language published is that which is contained in the statute, and thus any lack of clarity is statutory. We interpret that language to state that anything turned over pursuant to a subpoena is exempt from release under the Freedom of Information Act.

Finally, the OIG suggested that certain new reporting requirements concerning the number of cases in which the authority under 39 U.S.C. 3016 is used should be addressed by these regulations. We have determined that the reporting requirements are not relevant to the process by which subpoenas are requested and issued, and have declined to make the suggested change.

With regard to the effective date, we have determined that there is good cause to make the new regulations effective upon publication. We believe that the public interest would not be served by providing persons who might

be subject to false representation or lottery investigations under 39 U.S.C. 3005(a) with a further ''window of opportunity'' until their records become subject to administrative subpoena requirements.

List of Subjects in 39 CFR Part 913

Administrative practice and procedure, False Representations, Lotteries.

Accordingly, for the reasons discussed above, the Postal Service hereby adds Part 913 to title 39, of the Code of Federal Regulations as set forth below.

PART 913—PROCEDURES FOR THE ISSUANCE OF ADMINISTRATIVE SUBPOENAS UNDER 39 U.S.C. 3016

Sec.
913.1 Subpoena authority.
913.2 Service.
913.3 Enforcement.
913.4 Disclosure.

Authority: 39 U.S.C. 204, 401, 404, 3005, 3016.

§ 913.1 Subpoena authority.

(a) General. The General Counsel by delegation from the Postmaster General is responsible for the issuance of subpoenas in investigations conducted under 39 U.S.C. 3005(a), with authority to delegate that function to a Deputy General Counsel.

(b) Production of records. A subpoena issued by the General Counsel may require the production of any records (including computer records, books, papers, documents, and other tangible things which constitute or contain evidence) which the General Counsel considers relevant or material to an investigation.

(c) Requirements. No subpoena shall be issued until a specific case (identifying the individual or entity that is the subject) has been opened and an appropriate supervisory and legal review of a subpoena request have been performed.

(d) Requests for subpoenas. (1) A request for a subpoena shall be submitted to the Office of the General Counsel by a Postal Inspector, Inspector Attorney, or other Inspector specifically authorized by the Postal Inspection Service to submit such a request, after appropriate review by an Inspector In Charge or that person's designee.

(2) A request for a subpoena shall state the specific case, with an individual or entity identified as the subject, in which the subpoena is requested.

(3) A request for a subpoena shall contain a specific description of the records requested, and shall state how they are relevant or material to the investigation.

(4) The General Counsel, in his or her discretion, may issue or deny the requested subpoena, or require the requesting individual to provide additional information. The General Counsel, in his or her discretion, may also honor requests to amend or supplement a request for a subpoena.

(e) Form and issuance. Every subpoena shall cite 39 U.S.C. 3016 as the authority under which it is issued, and shall command each person to whom it is directed to produce specified records at a time and place therein specified. The General Counsel shall sign the subpoena and enter the name of the individual or entity to whom it is directed.

§ 913.2 Service.

(a) Service within the United States. A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

(b) Foreign service. Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure describe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

(c) Service on business persons. Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

(1) Delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

(2) Delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

(3) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

(d) Service on natural persons. Service of any subpoena may be made upon any natural person by—

(1) Delivering a duly executed copy to the person to be served; or

(2) Depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

(e) Verified return. A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

§ 913.3 Enforcement.

(a) In general. Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the General Counsel may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business (or in the case of a person outside the territorial jurisdiction of any district court, the district court for the District of Columbia), and serve upon such person a petition for an order of such court for the enforcement of this part.

(b) Jurisdiction. Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court may be punished as contempt.

§ 913.4 Disclosure.

Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5, United States Code.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–12319 Filed 5–16–00; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 226–0186a; FRL–6606–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan for the Antelope Valley Air Pollution Control District (AVAPCD). The six revisions consist of: three rule recissions with accompanying negative declarations for source categories that emit volatile organic compounds (VOC); two negative declarations for source categories that emit oxides of nitrogen (NO_X), and one rule recission for a source category that emits oxides of sulfur (SO_X). The intended effect of this action is to bring the AVAPCD SIP up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of recissions from the California SIP and the approval of these negative declarations as additional information to the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This rule is effective on July 17, 2000 without further notice, unless EPA receives adverse comments by June 16, 2000. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel, Chief, Rulemaking Office at the Region IX office listed below. Copies of the rule revisions and EPA's technical support document are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW., Washington, DC 20460

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

Antelope Valley Air Pollution Control District, 43301 Division Street, Suite 206, Lancaster, CA 93539–4409

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1184.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved for recission and the negative declarations being approved for the Antelope Valley Air Pollution Control District (AVAPCD) portion of the California SIP are listed in the following Table:

SUBMITTED RECISSIONS AND NEGATIVE DECLARATIONS

Rule number and title	Adoption date	Submittal date	Type of revision
1105, Fluid Catalytic Cracking Units—Oxides of Sulfur	04–21–98	05–13–99	Recission.
1109, Emissions of Oxides of Nitrogen from Boilers and Process Heaters in Petroleum Refineries.	04–21–98	05–13–99	Negative Declaration.
1112, Emissions of Oxides of Nitrogen from Cement Kilns	03–16–99	07–23–99	Negative Declaration.
1115, Motor Vehicle Assembly Line Coating Operations	11–18–97	01–12–99	Recission/Negative Declaration.
1117, Emissions of Oxides of Nitrogen from Glass Melting Furnaces	03–16–99	07–23–99	Recission/Negative Declaration.
1123, Refinery Process Turnarounds	11–08–97	02–16–99	Recission/Negative Declaration.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in l977 (1977 Act or pre-amended Act), that included the Southeast Desert Modified Air Quality Maintenance Area and the Los Angeles-South Coast Air Basin Area. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above SCAQMD's portion of the California SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. Amended section 182(f) of the CAA contains the air quality planning requirements for the reduction of NO_X emissions through RACT.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas.

Section 182(f) of the CAA requires States to apply the same requirements to major stationary sources of NOx (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of VOCs, in moderate or above ozone nonattainment areas.

The Southeast Desert Modified Air Quality Maintenance Area is classified as Severe–17, therefore, this area was subject to the RACT fix-up requirement and the May 15, 1991 deadline. The Los Angeles-South Coast Air Basin Area is classified as Extreme and was also

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''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 was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

subject to the RACT fix-up requirements and the May 15, 1991 deadline.

The Antelope Valley Air Pollution Control District (AVAPCD) was created pursuant to California Health and Safety Code (CHSC) section 40106 and assumed all air pollution control responsibilities of the South Coast Air Quality Management District (SCAQMD) in the Antelope Valley region of Los Angeles County,[2] effective July 1, 1997. AVAPCD is the successor agency to SCAQMD in the Antelope Valley portion of the Southeast Desert Modified Air Quality Maintenance Area. The AVAPCD remains subject to the RACT requirements.

The AVAPCD has rescinded Rules 1105, 1115, 1117, and 1123 and has submitted negative declarations to certify that there are no sources covered by these rules within the jurisdiction of the AVAPCD. One minor source in AVAPCD, previously regulated by Rule 1115, is now equivalently regulated under Rule 1151, which was recently approved by EPA into the SIP.

AVAPCD also submitted negative declarations for Rules 1109 and 1112 to certify that there are no sources covered by these rules within the jurisdiction of the AVAPCD. There is no action to rescind Rules 1109 and 1112 since they are not contained in the federally enforceable SIP for the SCAQMD.

The State of California submitted these rule revisions for incorporation into its SIP on January 12, 1999, February 16, 1999, May 13, 1999, and July 23, 1999. The revisions submitted on these dates were found complete on March 19, 1999, April 23, 1999, June 10, 1999, and August 24, 1999, respectively. The rules were reviewed pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, Appendix V.[3]

This document addresses EPA's direct-final action for the recission of AVAPCD Rule 1105, Fluid Catalytic Cracking Units-Oxides of Sulfur, Rule 1115, Motor Vehicle Assembly Line Coating Operations, Rule 1117, Emissions of Oxides of Nitrogen from Glass Melting Furnaces, and Rule 1123, Refinery Process Turnarounds. AVAPCD Rule 1105 limits SO_X emissions produced by Catalytic Cracking Units. AVAPCD Rule 1115 controls volatile organic compound (VOC) emissions from automobile assembly line surface coating operations. AVAPCD Rule 1117 limits oxides of nitrogen (NO_X) emissions produced by Glass Melting Furnaces. AVAPCD Rule 1123 controls VOC emissions from petroleum refineries.

This document also addresses EPA's direct-final action of two negative declarations for AVAPCD Rule 1109, Emissions of Oxides of Nitrogen from Boilers and Process Heaters in Petroleum Refineries and Rule 1112, Emissions of Oxides of Nitrogen from Cement Kilns. Rule 1109 controls NO_X emissions from boilers and process heaters in petroleum refineries and Rule 1112 controls NO_X emissions from cement kiln operations. Rules 1109 and 1112 are currently not part of the SCAQMD SIP.

The rules were originally adopted as part of SCAQMD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rule recissions and negative declarations.

III. EPA Evaluation and Action

EPA evaluated all the appropriate background and submittal documentation and has determined that the recission of AVAPCD Rules 1105, 1115, 1117, and 1123 is approvable. EPA also evaluated all the appropriate background and submittal documentation for the negative declarations for Rules 1109 and 1112, 1115, 1117, and 1123 and has determined that they are approvable. The AVAPCD has certified with Negative Declarations that the sources regulated by all of the rules listed in this action are not present in the AVAPCD. Further, the AVAPCD also stated that they do not anticipate these types of sources in the future.

The rule recissions and the negative declarations are consistent with the CAA, EPA regulations, and EPA policy. Therefore, the recission of AVAPCD Rules 1105, 1115, 1117, and 1123 is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D. The negative declarations for Rules 1109, 1112, 1115, 1117, and 1123 are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

The source categories represented by AVAPCD Rules 1109, 1112, 1115, 1117, and 1123 will now be inserted into the listing of negative declarations in 40 CFR 52.222, Negative Declarations.

Three additional source categories for AVAPCD are being inserted into 40 CFR 52.222 in this action. The negative declarations are Marine Vessel Coating Operations, Marine Tank Vessel Operations, and Thermally Enhanced Oil Recovery Wells. These negative declarations were adopted on January 20, 1998, submitted on June 23, 1998, and approved in the **Federal Register** on January 13, 1999 (64 FR 2141).

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective July 17, 2000 without further notice unless the Agency receives adverse comments by June 16, 2000.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 17, 2000 and no further action will be taken on the proposed rule.

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 13132

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

[2] The Antelope Valley region of Los Angeles County is contained within the Federal area known as the Southeast Desert Modified Air Quality Management Area and the region identified by the State of California as the Mojave Desert Air Basin.

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

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.

C. Executive Order 13045

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

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

D. Executive Order 13084

Under Executive Order 13084, 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.

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, Sulfur oxides, Volatile organic compounds.

Dated: April 24, 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 paragraph (c)(159)(v)(E), revising paragraph (c)(184) introductory text, and adding paragraphs (c)(184)(i)(B)(9), and (c) (222)(i)(A)(2) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(159) * * *

(v) * * *

(E) Previously approved on July 12, 1990 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rules 1105 and 1117.

* * * * *

(184) New and amended regulations for the following APCDs were submitted on May 13, 1991, by the Governor's designee.

(i) * * *

(B) * * *

(9) Previously approved on August 11, 1992 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1123.

* * * * *

(222) * * *

(i) * * *

(A) * * *

(*2*) Previously approved on July 14, 1995 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1115.

* * * * *

3. Section 52.222 is being amended by adding paragraphs (a)(6) and (b)(4) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(6) Antelope Valley Air Pollution Control District.

(i) Motor Vehicle Assembly Line Coating Operations submitted on January 12, 1999 and adopted on November 18, 1997.

(ii) Refinery Process Turnarounds submitted on February 16, 1999 and adopted on November 18, 1997.

(iii) Marine Vessel Coating Operations, Marine Tank Vessel Operations, and Thermal Enhanced Oil Recovery Wells submitted on June 23, 1998 and adopted on January 20, 1998.

* * * * *

(4) Antelope Valley Air Pollution Control District.

(i) Boilers and Process Heaters In Petroleum Refineries submitted on May 13, 1999 and adopted on April 21, 1998.

(ii) Cement Kilns and Glass Melting Furnaces submitted on July 23, 1999 and adopted on March 16, 1999.

* * * * *

[FR Doc. 00–11996 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CS Docket No. 97–98; FCC 00–116]

Rules and Policies Governing Pole Attachments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document addresses issues raised in the Notice of Proposed Rulemaking relating to the formula used to calculate maximum just and reasonable rates utilities may charge for pole attachments made to a pole, duct, conduit or right-of-way pursuant. This document amends the formula so that it reflects the Commission's current accounting rules that apply to local exchange carriers; clarifies the treatment of accumulated depreciation attributable to removal costs to eliminate negative results; and adopts a conduit methodology for determining the maximum just and reasonable rates utilities may charge cable systems and telecommunications carriers for their use of conduit systems.

DATES: Effective June 16, 2000, except for §§ 1.1404 and 1.1409, which contain information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date of these sections. Written comments by the public on any new and/or modified information collection requirements should be submitted on or before July 17, 2000.

ADDRESSES: A copy of any comments on the information collection requirements contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Costello at (202) 418–7200 or via the Internet at kcostell@fcc.gov, or Cheryl King at (202) 418–2284 or via the Internet at cking@fcc.gov. For additional information concerning the information collection requirements contained herein, contact Judy Boley at (202) 418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, CS Dkt. No. 97–98, FCC 00–116, adopted March 29, 2000; released April 3, 2000. The full text of the Commission's Report and Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW, Washington DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036, or may be reviewed via Internet at http://www.fcc.gov/csb/.

Paperwork Reduction Act

The requirements adopted in the *Report and Order* have been analyzed with respect to the Paperwork Reduction Act of 1995 (''1995 Act'') and found to impose no new but some modified information collection requirements on utilities. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in the *Report and Order,* as required by the 1995 Act. Public comments are due July 17, 2000. Comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–0392.

Title: 47 CFR 1 Subpart J—Pole Attachment Complaint Procedures.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 1,381.

Estimated Time Per Response: .5–35 hours.

Frequency of Response: On occasion.

Total Annual Burden to Respondents: 3,047 hours.

Synopsis of the Report and Order

I. Introduction

1. The *Report and Order (''Report and Order*'') addresses issues raised *in Amendment of Rules and Policies Governing Pole Attachments, Notice of Proposed Rulemaking,* CS Docket No. 97–98, 62 FR 18074 (''NPRM'') relating to the maximum just and reasonable rates utilities may charge for ''pole attachments'' made to a pole, duct, conduit or right-of-way. Generally, the commenters represent the interests of one of the following three categories: (1) Electric utilities; (2) cable operators; and (3) telecommunications carriers. In the *Report and Order,* we adopt amended rules.

II. Background

2. Section 224 of the Communications Act (''Pole Attachment Act'') grants the Commission authority to regulate the rates, terms, and conditions governing pole attachments and requires that such rates, terms and conditions be just and reasonable. The Commission is also authorized to adopt procedures necessary to hear and to resolve complaints concerning such rates, terms, and conditions. Beginning in 1978, the Commission developed a methodology to determine the maximum allowable pole attachment rate under section 224(d)(1), (the ''Cable Formula''), in Adoption of Rules for the Regulation of Cable Television Pole Attachments, First Report and Order, CC Docket No. 78–144 (''First Report and Order''); Second Report and Order (''Second Report and Order''); and Memorandum and Order (''Third Order''), implementing a cost methodology premised on historical or embedded costs. In 1987, the Commission amended and clarified the methodology for determining rates in Amendment of Rules and Policies Governing the Attachment of Cable Television Hardware to Utility Poles, CC Docket No. 86–212, 52 FR 31769, August 24, 1987 (''Pole Attachment Order'').

3. Revisions to the Cable Formula and the formula for pole attachment rates in conduit systems adopted in the *Report and Order* will apply to attachments made by cable systems and telecommunications carriers, until the new rules for attachments by telecommunications carriers providing telecommunications services established under the Telecommunications Report and Order, CS Docket No. 97–151, FCC 98–20, 63 FR 12013, March 12, 1998, become effective in 2001. After February 8, 2001, the Cable Formula for poles and the formula adopted for use of conduit systems adopted in the *Report and Order,* will continue to apply to pole attachments used by a cable television system, as long as the pole attachment is not also used to provide telecommunications services.

III. Pricing Methodologies

1. Modification of the Cable Formula

4. The Commission has employed historical costs in Cable Formula calculations since the passage of the Pole Attachment Act in 1978. Further, the United States Supreme Court has upheld the application of an historical cost methodology for determining pole attachment rates. The continued use of a clear rate formula by the Commission is essential to encourage parties to negotiate for pole attachment rates, terms and conditions. The continued use of historical costs accomplishes key objectives of assuring, to both the utility and the attaching parties, just and reasonable rates; establishes accountability for prior cost recoveries; and accords with generally accepted accounting principles.

2. Gross Versus Net Book Costs

5. The Cable Formula incorporates net figures for the calculation of maximum pole attachment rates. We compute the carrying charge elements for maintenance, depreciation and administrative expenses, as well as for return on investment and taxes, using net book costs. For example, the net cost of a bare pole component is derived from the gross investment in poles less accumulated depreciation and accumulated deferred income taxes. The important goal is to ensure that like figures are used, whether net or gross and if both parties to a pole attachment complaint agree, the pole attachment rates may be computed using gross book costs. We will continue to use net figures in the Cable Formula. However, as in the past, when all parties to a complaint agree, we will allow the use of gross book costs.

IV. Armis Uniform System of Accounts

6. Our Automated Reporting Management Information System (''ARMIS'') Report 43–02 Uniform System of Accounts (''USOA'') contains the financial operating results of a local exchange carrier's telecommunications operations for every Part 32 account. We affirm the use of Part 32 Uniform System of Accounts for local exchange carriers, as reported to ARMIS, in determining various components of the Cable Formula. These specific accounts are discussed in the *Report and Order* relating to various aspects of the Cable Formula.

V. Formula for Determining Attachment Rates for Poles

7. The Commission uses the following Cable Formula in disputed cases to set rates to be charged by utilities for attachments on poles:

$$\text{Maximum Rate} = \frac{\text{Space Occupied}}{\text{Total Usable Space}} \times \text{Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

A. Percentage of Total Usable Space Occupied

8. The presumptions used in the Cable Formula have been repeatedly affirmed since the enactment of the Pole Attachment Act. We again decline to modify the well established presumptions leading to 7.4% as the percentage of usable space occupied by a pole attachment.

1. Safety Space

9. Because the electric supply cable precludes other attachments from occupying the safety space, which would otherwise be usable space, the safety space is effectively usable space occupied by the supply cable. So long as their crews make the installation, the electric utilities are not limited by the National Electrical Safety Code in what equipment or cables they may attach in the safety space. Accordingly, we reject the electric utilities' arguments to reduce the presumptive usable space of 13.5 feet by 40 inches.

2. Minimum Ground Clearance

10. The Commission established that a presumptive average 18 feet of the pole space is reserved for ground clearance. The 18 foot presumption is not dictated by the National Electric Safety Code, but is an average to be used in the estimation of total usable space. In the Usable Space Order, we determined that the selection of the 18 foot figure reflected various elements such as differing pole heights, as well as National Electrical Safety Code standards that vary depending on the physical environment of the pole. Factors used to determine the National Electrical Safety Code standard of minimum ground clearance, include whether the wires or cables cross over railroad tracks, roads, or driveways and the amount of voltage transferred through the cables. The rebuttable nature of the usable space presumption allows for the use of a different minimum ground clearance when necessary to improve the accuracy of the calculations. Presumptions were adopted to encourage expeditious response to complaint information requests. We have not been persuaded that a departure from our well established presumption of an average minimum ground clearance of 18 feet is warranted.

3. 30 Foot Poles

11. The record confirms the prevalent use of 30 foot poles and reflects that exclusion of such poles from the Cable Formula calculations could distort the resulting rate by excluding a significant portion of local exchange carrier plant investment from the rate calculation. We conclude that a distorted inventory of poles would be reflected if utilities were allowed to ''opt out'' or exclude their poles of 30 feet or less when calculating their pole attachment rates.

4. Weight and Wind Load Factors

12. The current method for allotting space to a pole attachment accounts directly for the wind load factor. The weight load factor is considered when deciding whether a stronger pole is necessary as part of make-ready work. Many of these factors are included in accounts in the maintenance element of the carrying charge rate. For electric utility owned poles, which report data for regulatory purposes to the Federal Energy Regulatory Commission (''FERC''), FERC Account 593 includes pole related expenses for overhead lines and allows for the recovery of the cost of labor, materials used and expenses incurred in the maintenance of overhead distribution facilities. The Commission's ARMIS rules for local exchange carrier accounting provide for the recovery of damages and pole related expenses caused by storms or other casualties. The complete costs of the physical attachments of an attaching entity are normally paid to the pole line owner as a condition of attachment, addressing such factors as weight, wind load and safety space. These make-ready costs have been fully recovered.

B. Cost of a Bare Pole

1. Local Exchange Carrier Pole Owner Formula Methodology

13. We adopt the following formula to determine the net cost of a bare pole for local exchange carrier pole owners:

$$\text{Net Cost of a Bare Pole (LEC)} = 0.95 \times \frac{\text{Account 2411} - \text{Accumulated Depreciation (Account 3100)(Poles)} - \text{Accumulated Deferred Income Taxes (Account 4100 + 4340)(Poles)}}{\text{Number of Poles}}$$

14. In this formula Accumulated Depreciation (Poles) and Accumulated Deferred Income Taxes (Poles) are derived from composite Part 32 accounts attributable to poles. Specifically, Accumulated Depreciation (Poles) represents the share of Part 32 Account 3100 (Accumulated Depreciation) that corresponds to Account 2411, and Accumulated Deferred Income Taxes (Poles) represents the shares of Part 32 Accounts 4100 (Net Current Deferred Operating Income Taxes) and 4340 (Net Noncurrent Deferred Operating Income Taxes) that correspond to Account 2411.

2. Electric Utility Pole Owner Formula Methodology

15. We affirm the following formula to determine the net cost of a bare pole for electric utilities:

$$\text{Net Cost of a Bare Pole (Electric)} = 0.85 \times \frac{\text{Account 364} - \text{Accumulated Depreciation (Poles)(Account 108)} - \text{Accumulated Deferred Income Taxes (Poles)(Account 109)}}{\text{Number of Poles}}$$

16. Under this formula, Accumulated Depreciation (Poles) represents the share of FERC Account 108 (Accumulated provision for depreciation of electric utility plant (Major only) a composite account that is required to be maintained on a subsidiary basis, that corresponds to Account 364 (Poles, Towers, and Fixtures). Similarly, Accumulated Deferred Income Taxes represents the share of composite FERC Account 190 (Accumulated deferred income taxes) that corresponds to Account 364. An adjustment to a utilty's net pole investment (15% for electric utilities and 5% for local exchange carriers) is necessary to eliminate the investment in crossarms and other non-pole related items.

3. Total Number of Poles

17. We have previously concluded that poles of 30 feet or less should be included in calculations of the Cable Formula in our discussion about pole height and the usable space presumption. Based on our review of the record in this proceeding, we also conclude that poles of 30 feet or less should therefore be included in the inventory of the total number of poles owned or used, jointly-owned or solely-owned, by a utility. The exclusion of these poles would result in a distorted and inaccurate pole inventory resulting in an unjust and unreasonable pole attachment rate because they are being used by the utility for their business services and by cable operators and telecommunications carriers to provide their respective services.

C. Carrying Charge Rate (Poles)

18. The carrying charge rate reflects those costs incurred by the utility in owning and maintaining poles regardless of the presence of pole attachments. The elements of the carrying charge rate are: administrative, maintenance, depreciation, taxes and cost of capital (rate of return). The carrying charge rate factor of the Cable Formula is calculated as follows:

$$\text{Carrying Charge Rate} = \text{Administrative} + \text{Maintenance} + \text{Depreciation} + \text{Taxes} + \text{Return}$$

To calculate the carrying charge rate, the Commission developed a formula that relates each of these elements to a pole owner's net pole investment. Full Cable Formulas, with all components, elements and accounts used to determine a maximum just and reasonable rate for pole attachments to electric and local exchange carrier utility poles and conduit, are included in the appendices to the *Report and Order*.

1. The Administrative Element

19. The following formula is adopted to determine the administrative element of the carrying charge rate of the Cable Formula for local exchange carrier pole owners:

$$\text{Administrative Element} = \frac{\text{Administrative and General (Accounts 6710 + 6720)}}{\text{Gross Plant Investment (Account 2001)} - \text{Accumulated Depreciation (Account 3100)} - \text{Accumulated Deferred Taxes, Plant (Accounts 4100 \& 4340)}}$$

2. The Maintenance Element

a. LEC ARMIS Part 32 Account 6411

20. Account 6411 includes the rents paid by the local exchange carrier to electric utilities for the local exchange carrier's use of the electric utility's poles for the local exchange carrier's own core business. Inclusion of the local exchange carrier's rental fees paid to the electric utility in the Cable Formula would result in the electric utility being paid twice. These fees will be deducted from the total amount reported to Account 6411.

b. Electric Utility FERC Account 590

21. We reject our tentative conclusion that some portion of FERC Account 590 should be included in the maintenance element for electric utilities. We believe that any increased accuracy that would be derived from including the minute percentage of pole related expenses that may be included in Account 590, is outweighed by the complexity of arriving at an appropriate and equitable percentage of the expenses.

3. The Depreciation Element

22. We redefine Net Pole Investment for Local Exchange Carriers as:

$$\text{Net Pole Investment} = \text{Gross Pole Investment (Account 2411)} - \text{Accumulated Depreciation on (Poles) (Account 3100)} - \text{Accumulated Deferred Income Taxes (Poles) (Accounts 4100 \& 4340)}$$

where Accumulated Depreciation (Poles) includes only that portion of Account 3100 which arises from the depreciation of Account 2411. The portion of Accumulated Depreciation (Poles) attributable to removal costs shall be treated as an offset to gross removal costs when calculating future net salvage value. This allows a proper matching of depreciation and corresponding sources, and provides an accurate basis for calculating investment returns.

4. The Taxes Element

23. The taxes element of the carrying charge rate for local exchange carrier pole owners is calculated under the following formula:

$$\text{Tax Element} = \frac{\text{Operating Taxes (Accounts 7200)}}{\text{Gross Plant Investment (Account 2001)} - \text{Accumulated Depreciation (Account 3100)} - \text{Accumulated Deferred Taxes (Plant, Accounts 4100 \& 4340)}}$$

Although a one to one matching of tax elements from Part 31 to Part 32 may not be achievable in all instances, we believe the proposed tax element formula will provide reasonable results in an expeditious manner.

5. The Rate of Return Element

24. The rate of return element is currently taken from the rate of return authorized for the utilities' intrastate services, but many states are moving

away from this type of regulation. The Commission has adopted an annual rate of return for the interstate access services of local exchange carriers of 11.25%. We affirm the continued use of the rate of return authorized by the state for intrastate services of the utility, when available; however, we will use, as a default rate of return for utilities when a state authorized rate is not available, the rate of return set by the Commission for local exchange carriers as it is modified from time to time, covering the appropriate period in the rate dispute.

VI. Formula for Determining Conduit Attachment Rates

25. Conduits are structures that provide physical protection for cables and allow new cables to be added inexpensively along a route, without having to dig up the landscape, streets and other structures in the community each time a new cable is installed. A collection of conduits, together with their supporting infrastructure, constitutes a conduit system. A conduit consists of one or more ducts, which are the enclosures that carry the cables. Often, when cable system or telecommunications carriers' cables are placed in a duct, three or more inner ducts are inserted into the duct allowing ''one duct to be treated more like conduit.'' Congress authorized the Commission to regulate rates, terms, and conditions for pole attachments in ducts and conduits under section 224 which states:

> * * * a rate is just and reasonable if it assures a utility the recovery of not less than the additional costs of providing pole attachments, nor more than an amount determined by multiplying the percentage of the * * * total duct or conduit capacity, which is occupied by the pole attachment, by the sum of the operating expenses and actual capital costs of the utility attributable to the entire * * * duct [or] conduit.

1. Conduit Formula Methodology

26. We believe it is appropriate to use system-wide data for establishing the maximum rate for use of a conduit. Necessary data is available in underlying records filed by electric utilities to support claims in sworn FERC submissions, and only in rare instances would a utility lack detailed information because it has no records. Where such records do not exist, other sources of information may be used. Electric utilities have demonstrated their ability to calculate a rate by applying the formula. Although the conduits which comprise a conduit system may vary widely from urban to suburban or rural locales, we will use the system-wide historical cost of the conduit in the formula.

2. Factors of the Conduit Formula

27. The first factor of the formula, Conduit Capacity, is determined using the following variables: The Number of Inner Ducts placed in the duct (if there are no inner ducts the value would be presumed to be two, reflecting the rebuttable presumption that not more than half of a duct is occupied); and the Number of Ducts in the conduit system (which does not include collapsed or otherwise damaged ducts that are not repairable). This is presumed to be the average number of ducts per conduit for the system.

28. The second factor of the formula, Net Linear Cost of Conduit, is determined using the following additional variables: Net Conduit Investment (gross conduit investment less the accumulated depreciation and accumulated deferred taxes); and System Duct Length, the length of all ducts in the system, minus the length of collapsed ducts and the length of ducts that for other reasons are physically unable to contain cable. The System Duct Length may be arrived at in one of three ways: First, it may be obtained from available records. Second, the length of the conduit in the system may be multiplied by an estimated average number of ducts per conduit. Third, the length of all ducts in the system is the sum of the products of the length of each conduit times the number of ducts in that conduit.

29. Calculation of the maximum rate may be simplified by using the presumptions and using the Net Linear Cost of a Conduit for the second term in the formula. The formula is:

$$\text{Maximum Rate (System - Wide)} = \underbrace{\frac{1/2\ \text{Duct}}{\text{Avg. No. of Ducts}}}_{\text{[Percentage of Conduit Capacity]}} \times \underbrace{\frac{\text{Net Conduit Investment}}{\text{System Conduit Length}}}_{\text{[Net Linear Cost of a Conduit]}} \times \text{Carrying Charge Rate}$$

a. Percentage of Total Capacity Occupied

i. Total Duct or Conduit Capacity

30. The total capacity of a duct or conduit is the entire volume of available capacity in the conduit system. All costs associated with the construction of the conduit system are considered in determining the cost of this total capacity. We will not allow capacity designated for maintenance, future business plans, or municipal set-asides to be subtracted from the total duct or conduit capacity. The record supports our finding that capacity in a duct or conduit that is usable for any of these purposes is part of the total duct or conduit capacity.

ii. Occupied Capacity, the Half-Duct Presumption

31. Presumptions are used in the Cable Formula to expedite the calculations of a just and reasonable rate so that complicated surveys, accounting and calculations may be avoided. We retain the half-duct rebuttable presumption that an attachment occupies a maximum of one half of a duct. Communications cables may, and often do, share a duct. The National Electrical Safety Code requires that, where electric supply cables share a duct with communications cables, the cables be maintained by the utility. The capacity is available to other communications cables and is, therefore, not occupied.

32. Some cable operators assert that even the application of the half duct methodology will result in rates that are unreasonably high in light of current iner duct technology. The term inner duct generally refers to small diameter (1″ or 1½″) pipe or tubing placed inside a conventional duct to allow the installation of multiple wires or cables, and use of inner duct is a common practice. The half duct presumption is rebuttable, and the presence of inner duct is adequate rebuttal, and we have made direct provision in the formula for that contingency. Where inner-duct is installed, either by the attacher or in a previous installation, the maximum rate will be reduced in proportion to the fraction of the duct occupied. That fraction will be one divided by the number of inner ducts in the duct, using

the default presumption of capacity occupied of one-half duct, or the actual percentage of capacity occupied.

3. Net Linear Cost of Conduit

33. To arrive at a system investment for use in the conduit formula we identify the net linear cost of the conduit system. To accomplish this, the utility must first establish the Net Conduit Investment as discussed below.

a. Net Conduit Investment

34. The conduit formula requires the determination of the utility's net linear cost of its conduit system (''Net Conduit Investment''), calculated as follows:

$$\text{Net Conduit Investment} = \text{Gross Conduit Investment (ARMIS Account 2441/ FERC Account 366)} - \text{Accumulated Depreciation (Conduit)} - \text{Accumulated Deferred Taxes (Conduit)}$$

35. Where Gross Conduit Investment for the local exchange carrier consists of Part 32 Account 2441. For the electric utility, Gross Conduit Investment is reflected in FERC Part 101 Account 366. For local exchange carriers, Accumulated Depreciation (Conduit) represents the share of ARMIS Account 3100 that corresponds to Account 2441. For electric utilities, Accumulated Depreciation (Conduit) represents the share of FERC Account 108 that corresponds to Gross Conduit Investment valuations included in Account 366.

36. The formula for calculation of the Accumulated Deferred Income Taxes (conduit) is:

$$\text{Accumulated Deferred Income Taxes (Conduit)} = \frac{\text{Gross Conduit Investment}}{\text{Total Gross Plant}} \times \text{Total Accumulated Deferred Income Taxes}$$

Total Accumulated Deferred Income Taxes for electric utilities are based on FERC Account 190. Because the local exchange carrier conduit owner keeps conduit specific data for its accumulated deferred income taxes, we will allow a local exchange carrier to use that data in the rate calculation, as long as it is readily available.

b. System Duct Length

37. The denominator for the Net Linear Cost of Conduit element within the formula is based on duct length. The net cost data is available from FERC reports and, although electric utilities are not required to report the linear footage of conduit deployed, they routinely produce linear footage data during state conduit rate proceedings. Electric utility corporate or engineering departments have records on installed plant. Moreover, when a utility is unable to obtain the requisite data, information from other sources may be used. A determination of the total length of duct and conduit in the system can be made with a precision comparable to that reached in determining the number of poles owned by the utility. The utility must, however, specify the method used for computing the duct length and must disclose this information to all attachers upon request.

4. Carrying Charge Rate (Conduit)

38. The elements of the carrying charge rate are: Administrative, maintenance, depreciation, taxes and rate of return. The Cable Formula and all components, elements and accounts used to calculate a maximum rate for use of electric and local exchange carrier utility conduit systems are discussed in the *Report and Order.* To calculate the carrying charge rate, the Commission developed a formula that relates each of these elements to a utility's net plant investment appropriate to the location of the pole attachment (*e.g.,* poles, conduit system, right-of-way). That formula is:

$$\text{Carrying Charge Rate} = \text{Administrative} + \text{Maintenance} + \text{Depreciation} + \text{Taxes} + \text{Rate of Return}$$

39. The administrative, taxes, and rate of return elements will be the same for use in a formula for pole attachments in conduits and rights-of-way as on poles. The maintenance and depreciation elements, with the accounts and methodologies specific to conduits, are delineated in the *Report and Order.*

a. Maintenance Element

40. For purposes of the calculation of the maintenance element, the denominator is the net conduit investment which equals the sum of gross investment, minus accumulated depreciation related to conduit systems, minus accumulated deferred income taxes related to conduit systems.

i. Conduit Owned by a Local Exchange Carrier

41. We use the following formula to determine the maintenance carrying charge rate element for underground conduit systems owned by a local exchange carrier.

$$\text{Maintenance Element} = \frac{\text{Account 6441}}{\text{Account 2441} - \text{Accumulated Depreciation, conduit} - \text{Accumulated Deferred Income Taxes}}$$

[Net Conduit Investment]

ii. Electric Utility Owned Conduit

42. The formula and FERC accounts used for the maintenance element of the carrying charge rate for electric utility conduit owners is as follow:

$$\text{Maintenance Element} = \frac{\text{Account 594 (Maintenance of Underground Lines)}}{\left[\begin{array}{c}\text{Investment in}\\ \text{Accounts 366, 367, \& 369}\end{array}\right] - \left[\begin{array}{c}\text{Depreciation}\\ \text{Related to}\\ \text{Accounts 366, 367, \& 369}\end{array}\right] - \left[\begin{array}{c}\text{Deferred Income Taxes}\\ \text{Related to}\\ \text{Accounts 366, 367, \& 369}\end{array}\right]}$$

b. Depreciation Element

43. We adopt our proposed formula, as modified, using LEC ARMIS Account 2441 and electric utility FERC Account 366 for the Gross Conduit Investment in calculating the depreciation element, as follows:

$$\text{Depreciation Element} = \frac{\begin{array}{c}\text{Gross Conduit Investment}\\ \text{(ARMIS Account 2441/FERC Accounts 366)}\end{array}}{\text{Net Conduit Investment}} \times \begin{array}{c}\text{Depreciation}\\ \text{Rate}\\ \text{for Conduit}\end{array}$$

VII. Final Regulatory Flexibility Act Analysis

44. As required by the Regulatory Flexibility Act (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the Notice of Proposed Rulemaking, CS Docket No. 97–98, 62 FR 18074 (''NPRM''). The Commission sought written public comment on the proposals in the NPRM including comment on the IRFA. The comments received are discussed below. This present Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.

1. Need for, and Objectives of, the Report and Order

45. In 1987, the Commission adopted its current pole attachment formula for calculating the maximum just and reasonable rates utilities may charge cable systems for pole attachments. Since then the Commission replaced its accounting system for telephone companies, creating Part 32. This created a need to advise telephone companies about how the new system should be used in the pole attachment formula. The Telecommunications Act of 1996 made pole attachment rules applicable to telecommunications providers. The existing pole attachment formula applies to them until February 8, 2001. This gave rise to a need to ensure that the pole attachments rules would appropriately accommodate these new attachers. The use of conduit by cable systems and had not yet been addressed in detail by the Commission. This needs to be done in light of the anticipated number of new attachers whose entry into the marketplace the Commission wishes to facilitate. We recognize that a significant number of new attachers might be small businesses.

46. The objectives of the rules adopted herein are consistent with Congressional intent to provide a clear methodology to determine just and reasonable pole attachment rates in a manner that uses publicly available and verifiable data whenever possible. The objectives of the rules adopted herein change the formula methodology used to determine a just and reasonable pole attachment rate to reflect the present Part 32 accounting system for telephone companies that replaced the former Part 31 rules in 1988. Finally, the objectives of the rules adopted herein are to identify a conduit methodology that will determine the maximum just and reasonable rates utilities may charge cable operators and telecommunications carriers for pole attachments to conduit systems. Although our rules do not differentiate between large and small businesses, our use of presumptions and publicly available data in our methodology ensures that small businesses will not be discouraged from seeking recourse with the Commission against the imposition of unreasonable pole attachment rates.

2. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

47. Small Cable Business Association (''SCBA'') filed comments in response to the IRFA contained in the NPRM, and, to the extent they are relevant to the issues in this proceeding, we incorporate them herein by reference. SCBA claims in its IRFA comments that, because of the statutory exclusion of cooperatives from the definition of utility, section 224 does not minimize market entry barriers for small cable operators. According to SCBA, the IRFA in the NPRM fails to consider this issue. SCBA claims that small cable systems will be particularly hurt by the statutory exemption of cooperatives from the definition of utility because small cable systems often operate in rural areas and therefore necessarily attach their plant to rural telephone and electric cooperatives. In its Reply to the SCBA's comments, the National Telephone Cooperative Association responded that '' * * * the exemption [of cooperatives from section] 224 does not deprive SCBA members of available legal remedies in connection with pole attachment agreements negotiated with exempt electric or telephone cooperatives.'' We note that the SCBA does not appear to be claiming that our rules will disproportionately burden small cable systems, but that where our rules do not apply, small cable system operators will be disproportionately harmed. Because the exemption for cooperatives was set forth by Congress clearly in section 224(a)(1), the Commission is left no discretion to address SCBA's concerns in this regard. In general comments, the National Cable Television Association (''NCTA'') acknowledged that:

> The benefits [of the Commission's current pole attachment regulatory regime] are most vivid in the case of small cable operators. Small operators are peculiarly vulnerable to pole rent overcharges, because of the nature of their service areas. The Commission has recognized that small systems serve areas that are far less densely populated areas than the areas served by large operators. A small rural operator might serve half of the homes along a road with only 20 homes per mile, but might need 30 poles to reach those 10 subscribers. A pole rent increase creates an enormous push on [cable] rates, and frequently makes rural line extensions uneconomical. These same small operators are often the very parties without the budgets to litigate expensive document-intensive rate cases.

The NCTA's comments recognize that the Commission's chosen methodology does not excessively burden small businesses.

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

48. The RFA generally defines a ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term small business concern under the Small Business Act. A ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). For many of the entities described below, the SBA has defined small business categories through Standard Industrial Classification (''SIC'') codes.

a. Utilities

49. Many of the decisions and rules adopted herein may have a significant effect on a substantial number of utility companies. Section 224 defines a ''utility'' as ''any person who is a local exchange carrier or an electric, gas, water, steam, or other public utility, and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.'' The SBA has provided the Commission with a list of utility firms which may be effected by this rulemaking. Based upon the SBA's list, the Commission concludes that all of the following types of utility firms may be affected by the Commission's implementation of section 224.

(1) Electric Utilities (SIC 4911, 4931 & 4939)

50. Electric Services (SIC 4911). The SBA has developed a definition for small electric utility firms. The Census Bureau reports that a total of 1379 electric utilities were in operation for at least one year at the end of 1992. According to SBA, a small electric utility is an entity whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reports that 447 of the 1379 firms listed had total revenues below five million dollars.

51. Electric and Other Services Combined (SIC 4931). The SBA has classified this entity as a utility whose business is less than 95% electric in combination with some other type of service. The Census Bureau reports that a total of 135 such firms were in operation for at least one year at the end of 1992. The SBA's definition of a small electric and other services combined utility is a firm whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 45 of the 135 firms listed had total revenues below five million dollars.

52. Combination Utilities, Not Elsewhere Classified (SIC 4939). The SBA defines this utility as providing a combination of electric, gas, and other services which are not otherwise classified. The Census Bureau reports that a total of 79 such utilities were in operation for at least one year at the end of 1992. According to SBA's definition, a small combination utility is a firm whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 63 of the 79 firms listed had total revenues below five million dollars.

(2) Gas Production and Distribution (SIC 4922, 4923, 4924, 4925 & 4932)

53. Natural Gas Transmission (SIC 4922). The SBA's definition of a natural gas transmitter is an entity that is engaged in the transmission and storage of natural gas. The Census Bureau reports that a total of 144 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small natural gas transmitter is an entity whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 70 of the 144 firms listed had total revenues below five million dollars.

54. Natural Gas Transmission and Distribution (SIC 4923). The SBA has classified this entity as a utility that transmits and distributes natural gas for sale. The Census Bureau reports that a total of 126 such entities were in operation for at least one year at the end of 1992. The SBA's definition of a small natural gas transmitter and distributor is a firm whose gross revenues did not exceed five million dollars. The Census Bureau reported that 43 of the 126 firms listed had total revenues below five million dollars.

55. Natural Gas Distribution (SIC 4924). The SBA defines a natural gas distributor as an entity that distributes natural gas for sale. The Census Bureau reports that a total of 478 such firms were in operation for at least one year at the end of 1992. According to the SBA, a small natural gas distributor is an entity whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 267 of the 478 firms listed had total revenues below five million dollars.

56. Mixed, Manufactured, or Liquefied Petroleum Gas Production and/or Distribution (SIC 4925). The SBA has classified this entity as a utility that engages in the manufacturing and/or distribution of the sale of gas. These mixtures may include natural gas. The Census Bureau reports that a total of 43 such firms were in operation for at least one year at the end of 1992. The SBA's definition of a small mixed, manufactured or liquefied petroleum gas producer or distributor is a firm whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 31 of the 43 firms listed had total revenues below five million dollars.

57. Gas and Other Services Combined (SIC 4932). The SBA has classified this entity as a gas company whose business is less than 95% gas, in combination with other services. The Census Bureau reports that a total of 43 such firms were in operation for at least one year at the end of 1992. According to the SBA, a small gas and other services combined utility is a firm whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 24 of the 43 firms listed had total revenues below five million dollars.

(3) Water Supply (SIC 4941)

58. The SBA defines a water utility as a firm who distributes and sells water for domestic, commercial and industrial use. The Census Bureau reports that a total of 3,169 water utilities were in operation for at least one year at the end of 1992. According to SBA's definition, a small water utility is a firm whose gross revenues did not exceed five million dollars in 1992. The Census Bureau reported that 3065 of the 3169 firms listed had total revenues below five million dollars.

(4) Sanitary Systems (SIC 4952, 4953 & 4959)

59. Sewerage Systems (SIC 4952). The SBA defines a sewage firm as a utility whose business is the collection and disposal of waste using sewage systems. The Census Bureau reports that a total of 410 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small sewerage system is a firm whose gross revenues did not exceed five million dollars. The Census Bureau reported that 369 of the 410 firms listed had total revenues below five million dollars.

60. Refuse Systems (SIC 4953). The SBA defines a firm in the business of refuse as an establishment whose

business is the collection and disposal of refuse ''by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of such materials.'' The Census Bureau reports that a total of 2287 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small refuse system is a firm whose gross revenues did not exceed six million dollars. The Census Bureau reported that 1908 of the 2287 firms listed had total revenues below six million dollars.

61. Sanitary Services, Not Elsewhere Classified (SIC 4959). The SBA defines these firms as engaged in sanitary services. The Census Bureau reports that a total of 1214 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small sanitary service firms gross revenues did not exceed five million dollars. The Census Bureau reported that 1173 of the 1214 firms listed had total revenues below five million dollars.

(5) Steam and Air Conditioning Supply (SIC 4961)

62. The SBA defines a steam and air conditioning supply utility as a firm who produces and/or sells steam and heated or cooled air. The Census Bureau reports that a total of 55 such firms were in operation for at least one year at the end of 1992. According to SBA's definition, a steam and air conditioning supply utility is a firm whose gross revenues did not exceed nine million dollars. The Census Bureau reported that 30 of the 55 firms listed had total revenues below nine million dollars.

(6) Irrigation Systems (SIC 4971)

63. The SBA defines irrigation systems as firms who operate water supply systems for the purpose of irrigation. The Census Bureau reports that a total of 297 firms were in operation for at least one year at the end of 1992. According to SBA's definition, a small irrigation service is a firm whose gross revenues did not exceed five million dollars. The Census Bureau reported that 286 of the 297 firms listed had total revenues below five million dollars.

b. Telephone Companies (SIC 4813)

64. Many of the decisions and rules adopted herein may have a significant effect on a substantial number of small telephone companies. The SBA has defined a small business for SIC code 4813 (Telephone Communications, except Radiotelephone) to be a small entity when it has no more than 1500 employees. The Census Bureau reports that, at the end of 1992, there were 3497 firms engaged in providing telephone services, as defined therein, for at least one year. This number contains a variety of different categories of carriers, including local exchange carriers (''LECs''), interexchange carriers (''IXCs''), competitive access providers (''CAPs''), cellular carriers, mobile service carriers, operator service providers, pay telephone operators, personal communications service (''PCS'') providers, covered SMR providers and resellers. Some of those 3497 telephone service firms may not qualify as small entities or small incumbent LECs because they are not ''independently owned and operated.'' We therefore conclude that fewer than 3497 telephone service firms are small entity telephone service firms or small incumbent LECs that may be affected by the *Report and Order.* Below, we estimate the potential number of small entity telephone service firms or small incumbent LEC's that may be affected by the rules adopted herein in this service category.

(1) Wireline Carriers and Service Providers

65. The SBA has developed a definition of small entities for telephone communications companies other than radiotelephone (wireless) companies. The Census Bureau reports that, there were 2321 such telephone companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business telephone company other than a radiotelephone company is one employing no more than 1500 persons. Of the 2321 non-radiotelephone companies listed by the Census Bureau, 2295 were reported to have fewer than 1000 employees. Thus, at least 2295 non-radiotelephone companies that might qualify as small entities or small incumbent LECs, or small entities based on these employment statistics. Although some of these carriers are likely not independently owned and operated, we are unable at this time to estimate with greater precision the number of wireline carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 2295 small entity telephone communications companies other than radiotelephone companies that may be affected by the decisions or rules adopted in the *Report and Order.*

(2) Local Exchange Carriers

66. Neither the Commission nor SBA has developed a definition of small providers of local exchange services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813). The most reliable source of information regarding the number of LECs nationwide appears to be the data that the Commission publishes annually in its Telecommunications Industry Revenue report, regarding the Telecommunications Relay Service (''TRS''). According to ''TRS Worksheet'' data released in November 1997, there are 1371 companies reporting that they categorize themselves as LECs. Although some of these carriers are likely not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of LECs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1371 small incumbent LECs that may be affected by the rules adopted herein.

(3) Interexchange Carriers

67. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of interexchange services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813). The most reliable source of information regarding the number of IXCs nationwide of which we are aware appears to be the data that we collect annually in connection with TRS. According to our most recent data, 143 companies reported that they were engaged in the provision of interexchange services. Although some of these carriers are likely not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 143 small entity IXCs that may be affected by the decisions and rules adopted in the *Report and Order.*

(4) Competitive Access Providers

68. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of competitive access services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813). The most reliable source of information regarding the number of

CAPs nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS Worksheet. According to our most recent data, 109 companies reported that they were engaged in the provision of competitive access services. Although some of these carriers are likely not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 109 small entity CAPs that may be affected by the decisions and rules adopted herein.

(5) Cellular Service Carriers

69. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to providers of cellular services. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4812). The most reliable source of information regarding the number of cellular service carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS Worksheet. The TRS Worksheet places cellular licensees and Personal Communications Service (''PCS'') licensees in one group. According to the most recent data, there are 804 carriers reporting that they categorize themselves as either PCS or cellular carriers. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 804 small entity cellular service carriers that may be affected by the decisions and rules adopted in the *Report and Order.*

(6) Mobile Service Carriers

70. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to mobile service carriers, such as paging companies. The closest applicable definition under SBA rules is for telephone communications companies other than radiotelephone (wireless) companies (SIC 4813). The most reliable source of information regarding the number of mobile service carriers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS Worksheet. According to our most recent data, 172 companies reported that they were engaged in the provision of mobile services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of mobile service carriers that would qualify under SBA's definition. Consequently, we estimate that there are fewer than 172 small entity mobile service carriers that may be affected by the decisions and rules adopted in the *Report and Order.*

(7) Broadband Personal Communications Services (''PCS'') Licensees

71. The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission has defined ''small entity'' for Blocks C and F as an entity that has average gross revenues of less than $40 million in the three previous calendar years. For Block F, an additional classification for ''very small business'' was added and is defined as an entity that, together with their affiliates, has average gross revenues of not more than $15 million for the preceding three calendar years. These regulations defining ''small entity'' in the context of broadband PCS auctions has been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auction. A total of 93 small and very small business bidders won approximately 40% of the 1479 licenses for Blocks D, E, and F. However, licenses for blocks C through F have not been awarded fully, therefore there are few, if any, small businesses currently providing PCS services. Based on this information, we conclude that the number of broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small PCS providers as defined by the SBA and the Commission's auction rules. We note that the TRS Worksheet data track PCS licensees in the reporting category ''Cellular or Personal Communications Service Carrier.'' As noted supra in the paragraph regarding cellular carriers, according to the most recent data, there are 804 carriers reporting that they place themselves in this category.

(8) Specialized Mobile Radio (''SMR'') Licensees

72. Pursuant to 47 CFR 90.814(b)(1) and 90.912(b)(1), the Commission has defined small entity in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average annual gross revenues of less than $15 million in the three previous calendar years. This definition of a small entity in the context of 800 MHz and 900 MHz SMR has been approved by the SBA. The rules adopted in the *Report and Order* may apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than $15 million. We assume, for purposes of this FRFA, that all of the extended implementation authorizations may be held by small entities which may be affected by the decisions and rules adopted in the *Report and Order.* We note that the TRS Worksheet data track SMR licensees in the reporting category ''Paging and Other Mobile Carriers.'' According to the most recent data, there are 172 carriers, including SMR carriers, reporting that they place themselves in this category.

73. In April 1997, the Commission held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders that qualified as small entities in the 900 MHz auction. Based on this information, we conclude that the number of 900 MHz geographic area SMR licensees affected by the rules adopted in the *Report and Order* includes these 60 small entities. In December 1997, the Commission also held auctions for the 525 licenses for the upper 200 channels in the 800 MHz SMR band. There were 10 winning bidders that qualified as small entities in that auction. Based on this information, we conclude that the number of geographic area SMR licensees that may be affected by the rules adopted in the *Report and Order* also includes these 10 small entities. However, the Commission has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis, moreover, on which to estimate how many small entities will win these licenses. Given that nearly all radiotelephone companies have fewer than 1000 employees and that no reliable estimate

of the number of prospective 800 MHz licensees for the lower 230 channels can be made, we conclude, for purposes of this FRFA, that some or all of the licenses could conceivably be awarded to small entities that may be affected by the decisions and rules adopted in the *Report and Order.*

(9) Resellers

74. Neither the Commission nor SBA has developed a definition of small entities specifically applicable to resellers. The closest applicable definition under SBA rules is for all telephone communications companies (SIC 4812 and 4813). The most reliable source of information regarding the number of resellers nationwide of which we are aware appears to be the data that we collect annually in connection with the TRS Worksheet. According to our most recent data, 339 companies reported that they were engaged in the resale of telephone services. Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1500 employees, we are unable at this time to estimate with greater precision the number of resellers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 339 small entity resellers that may be affected by the decisions and rules adopted in the *Report and Order.*

c. Wireless (Radiotelephone) Carriers (SIC 4812)

75. Pursuant to the terms of the 1996 Act, wireless carriers are entitled to affix their equipment to utility poles with rates consistent with the Commission's rules discussed herein. SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1176 such companies in operation for at least one year at the end of 1992. According to SBA's definition, a small business radiotelephone company is one employing no more than 1500 persons. The Census Bureau also reported that 1164 of those radiotelephone companies had fewer than 1000 employees. Thus, even if all of the remaining 12 companies had more than 1500 employees, there would still be 1164 radiotelephone companies that might qualify as small entities if they are independently owned and operated. Although some of these carriers are likely not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1164 small entity radiotelephone companies that may be affected by the rules adopted herein.

d. Cable System Operators (SIC 4841)

76. The SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating less than $11 million in revenue annually. This definition includes cable systems operators, closed circuit television services, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau, there were 1423 such cable and other pay television services generating less than $11 million in revenue.

77. The Commission has developed its own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a ''small cable company,'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1439 cable systems that qualified as small cable system operators at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable systems. Consequently, we estimate that there are fewer than 1439 small entity cable system operators that may be affected by the decisions and rules adopted in the *Report and Order.*

78. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission found that an operator serving fewer than 617,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that the number of cable systems serving 617,000 subscribers or less totals 1450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable systems under the definition in the Communications Act.

e. Municipalities

79. The term ''small governmental jurisdiction'' is defined as ''governments of * * * districts, with a population of less than 50,000.'' There are 85,006 governmental entities in the United States. This number includes such entities as states, counties, cities, utility districts and school districts. We note that section 224 specifically excludes any utility which is cooperatively organized, or any person owned by the Federal Government or any State. For this reason, we believe that section 224 will have minimal if any affect upon small municipalities. Further, there are 18 states and the District of Columbia that regulate pole attachments pursuant to section 224(c)(1). Of the 85,006 governmental entities, 38,978 are counties, cities and towns. The remainder are primarily utility districts, school districts, and states. Of the 38,978 counties, cities and towns, 37,566 or 96%, have populations of fewer than 50,000.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

80. The rules adopted in the *Report and Order* may require a change in certain recordkeeping requirements for conduit systems. A utility will now have to maintain specific records relating to the number of linear meters, or feet, of conduit for the purpose of determining the net cost of conduit and the amount of conduit linear measurement in which a pole attachment exists. Although this requirement affects both large and small businesses equally, we believe that through the use of presumptions, specific accounts and publicly available data in our methodology, we have avoided a more extensive regulatory scheme which might have burdened small entities. We conclude that our rules will not disproportionately burden small entities.

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

81. Section 703 of the 1996 Act amended section 224 in several important ways to provide access to and rate regulation for pole attachments by cable operators and telecommunications carriers in order that they might compete in the market place to provide their respective services. The 1996 Act established a pole attachment rate methodology for telecommunications carriers that would not become effective

until February 8, 2001. Until that time, pole attachments by telecommunications carriers will be regulated in the same manner as pole attachment rates for cable operators under section 224(d). Prior to the 1996 Act, access to pole attachments was available only to cable operators and only under their franchise pursuant to section 621. With the legislative expansion of access and rate regulation, small entities have greater opportunity to develop the infrastructure necessary to compete in the cable and telecommunications marketplaces. We have been mindful to maintain simplicity whenever possible, and to provide methodologies consistent with availability to publicly verifiable data. In the NPRM, we sought comment to re-evaluate the formula methodologies used or proposed, to update our rules for accounting used in the formulas, and to provide a methodology for determining just and reasonable rates for pole attachments in conduit.

82. In accordance with the RFA, the Commission has endeavored to minimize significant impact on small entities. To minimize the burden on utility pole owners, including those that qualify as small entities, and to promote certainty and efficiency in determining the pole attachment rate for cable operators and telecommunications carriers, we have maintained our formula presumptions, including our one-foot presumption of space occupied by a pole attachment, and the presumptive amount of usable space on a pole. We have adopted a conduit methodology based on publicly available data and a half-duct presumption of capacity occupied by a pole attachment in a conduit system, to simplify the process of determining a just and reasonable pole attachment rate and to provide certainty for small entities preparing to enter the competitive marketplace. We have formalized the use of part 32 accounting for LECs. We have consolidated all formula elements, and accounts specified for use in the formulas, in this one document in order to provide ease of application by all parties.

83. Report to Congress: The Commission will send a copy of the *Report and Order*, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). A copy of the *Report and Order* and this FRFA (or summary thereof) will also be published in the **Federal Register**, see 5 U.S.C. 604(b), and will be sent to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. Paperwork Reduction Act of 1995 Analysis

84. The requirements adopted in the *Report and Order* have been analyzed with respect to the Paperwork Reduction Act of 1995 (the ''1995 Act'') and found to impose modified information collection requirements on the public. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to take this opportunity to comment on the information collection requirements contained in the *Report and Order*, as required by the 1995 Act. Public comments are due July 17, 2000. Comments should address: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

85. As stated above, written comments by the public on the modified information collection requirements are due July 17, 2000. Comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 12th Street, SW, Washington DC 20554, or via the Internet at jboley@fcc.gov. For additional information on the information collection requirements, contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

IX. Ordering Clauses

86. Pursuant to sections 1, 4(i), 224 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 224 and 303(r), the Commission's rules are hereby amended as set forth in the Rule Changes.

87. Section 1.1402 of the Commission's rules, as amended in the Rule Changes, will become effective June 16, 2000. Sections 1.1404 and 1.1409, as amended in the Rule Changes, contain information collection requirements that have not been approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date of these sections.

88. The Commission's Office of Media Relations, Reference Operations Division, SHALL SEND a copy of this Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedures, Cable television, Communications common carriers, Conduit, Pole attachments, Poles, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

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

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

2. Amend § 1.1402 to revise paragraphs (c), (i), (j) and (l) and add paragraph (n) to read as follows:

§ 1.1402 Definitions.

* * * * *

(c) With respect to poles, the term *usable space* means the space on a utility pole above the minimum grade level which can be used for the attachment of wires, cables, and associated equipment, and which includes space occupied by the utility. With respect to conduit, the term *usable space* means capacity within a conduit system which is available, or which could, with reasonable effort and expense, be made available, for the purpose of installing wires, cable and associated equipment for telecommunications or cable services, and which includes capacity occupied by the utility.

* * * * *

(i) The term *conduit* means a structure containing one or more ducts, usually placed in the ground, in which cables or wires may be installed.

(j) The term *conduit* system means a collection of one or more conduits together with their supporting infrastructure.

* * * * *

(l) With respect to poles, the term *unusable space* means the space on a utility pole below the usable space, including the amount required to set the depth of the pole.

* * * * *

(n) The term *inner-duct* means a duct-like raceway smaller than a duct that is inserted into a duct so that the duct may carry multiple wires or cables.

3. Amend § 1.1404 to remove paragraph (k), and redesignate paragraphs (l), (m), and (n) as (k), (l), and (m), respectively; and revise paragraphs (g), (h), and the third sentence of paragraph (j) to read as follows:

§ 1.1404 Complaint.

* * * * *

(g) For attachments to poles, where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim.

(1) The data and information shall include, where applicable:

(i) The gross investment by the utility for pole lines;

(ii) The investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(iii) The depreciation reserve from the gross pole line investment;

(iv) The depreciation reserve from the investment in crossarms and other items which do not reflect the cost of owning and maintaining poles, if available;

(v) The total number of poles:

(A) Owned; and

(B) Controlled or used by the utility. If any of these poles are jointly owned, the complaint shall specify the number of such jointly owned poles and the percentage of each joint pole or the number of equivalent poles owned by the subject utility;

(vi) The total number of poles which are the subject of the complaint;

(vii) The number of poles included in paragraph (g)(i)(vi) of this section that are controlled or used by the utility through lease between the utility and other owner(s), and the annual amounts paid by the utility for such rental;

(viii) The number of poles included in paragraph (g)(i)(vi) of this section that are owned by the utility and that are leased to other users by the utility, and the annual amounts paid to the utility for such rental;

(ix) The annual carrying charges attributable to the cost of owning a pole. These charges may be expressed as a percentage of the net pole investment. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which determines the treatment of accumulated deferred taxes if it is at issue in the proceeding and shall note the section which specifically determines the treatment and amount of accumulated deferred taxes.

(x) The rate of return authorized for the utility for intrastate service. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which establishes this authorized rate of return if the rate of return is at issue in the proceeding and shall note the section which specifically establishes this authorized rate and whether the decision is subject to further proceedings before the state regulatory body or a court. In the absence of a state authorized rate of return, the rate of return set by the Commission for local exchange carriers shall be used as a default rate of return;

(xi) The average amount of usable space per pole for those poles used for pole attachments (13.5 feet may be in lieu of actual measurement, but may be rebutted);

(xii) The average amount of unusable space per pole for those poles used for pole attachments (a 24 foot presumption may be used in lieu of actual measurement, but the presumption may be rebutted); and

(xiii) Reimbursements received from CATV operators and telecommunications carriers for non-recurring costs.

(2) Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from ARMIS, FERC 1, or other reports filed with state or federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

(h) With respect to attachments within a duct or conduit system, where it is claimed that either a rate is unjust or unreasonable, or a term or condition is unjust or unreasonable and examination of such term or condition requires review of the associated rate, the complaint shall provide data and information in support of said claim.

(1) The data and information shall include, where applicable:

(i) The gross investment by the utility for conduit;

(ii) The accumulated depreciation from the gross conduit investment;

(iii) The system duct length or system conduit length and the method used to determine it;

(iv) The length of the conduit subject to the complaint;

(v) The number of ducts in the conduit subject to the complaint;

(vi) The number of inner-ducts in the duct occupied, if any. If there are no inner-ducts, the attachment is presumed to occupy one-half duct.

(vii) The annual carrying charges attributable to the cost of owning conduit. These charges may be expressed as a percentage of the net linear cost of a conduit. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which determines the treatment of accumulated deferred taxes if it is at issue in the proceeding and shall note the section which specifically determines the treatment and amount of accumulated deferred taxes.

(viii) The rate of return authorized for the utility for intrastate service. With its pleading, the utility shall file a copy of the latest decision of the state regulatory body or state court which establishes this authorized rate of return if the rate of return is at issue in the proceeding and shall note the section which specifically establishes this authorized rate and whether the decision is subject to further proceedings before the state regulatory body or a court. In the absence of a state authorized rate of return, the rate of return set by the Commission for local exchange carriers shall be used as a default rate of return; and

(ix) Reimbursements received by utilities from CATV operators and telecommunications carriers for non-recurring costs.

(2) Data and information should be based upon historical or original cost methodology, insofar as possible. Data should be derived from ARMIS, FERC 1, or other reports filed with state or federal regulatory agencies (identify source). Calculations made in connection with these figures should be provided to the complainant. The complainant shall also specify any other information and argument relied upon to attempt to establish that a rate, term, or condition is not just and reasonable.

* * * * *

(j) * * * A utility must supply a cable television operator or telecommunications carrier the information required in paragraph (g), (h) or (i) of this section, as applicable, along with the supporting pages from its ARMIS, FERC Form 1, or other report to a regulatory body, within 30 days of the request by the cable television operator or telecommunications carrier. * * *

* * * * *

4. Amend § 1.1409 by redesignating paragraph (e)(3) as paragraph (e)(4); and revise paragraphs (e)(1) and (f), and add new paragraph (e)(3) to read as follows:

§ 1.1409 Commission consideration of the complaint.

* * * * *

(e) * * *

(1) The following formula shall apply to attachments to poles by cable operators providing cable services. This formula shall also apply to attachments to poles by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services until February 8, 2001:

$$\text{Maximum Rate} = \frac{\text{Space Occupied by Attachment}}{\text{Total Usable Space}} \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

* * * * *

(3) The following formula shall apply to attachments to conduit by cable operators providing cable services. This formula shall also apply to attachments to conduit by any telecommunications carrier (to the extent such carrier is not a party to a pole attachment agreement) or cable operator providing telecommunications services until February 8, 2001:

$$\text{Maximum Rate} = \underbrace{\left[\frac{1}{\text{Number of Ducts}} \times \frac{1\ \text{Duct}}{\text{No. of Inner Ducts}}\right]}_{\text{(Percentage of Conduit Capacity)}} \times \underbrace{\left[\text{No. of Ducts} \times \frac{\text{Net Conduit Investment}}{\text{System Duct Length}}\right]}_{\text{(Net Linear Cost of a Conduit)}} \times \text{Carrying Charge Rate}$$

If no inner-duct is installed the fraction, ''1 Duct divided by the No. of Inner-Ducts'' is presumed to be ½.

* * * * *

(f) Paragraphs (e)(2) and (e)(4) of this section shall become effective February 8, 2001 (*i.e.,* five years after the effective date of the Telecommunications Act of 1996). Any increase in the rates for pole attachments that results from the adoption of such regulations shall be phased in over a period of five years beginning on the effective date of such regulations in equal annual increments. The five-year phase-in is to apply to rate increases only. Rate reductions are to be implemented immediately. The determination of any rate increase shall be based on data currently available at the time of the calculation of the rate increase.

* * * * *

[FR Doc. 00–11911 Filed 5–16–00; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 660

[Docket No. 991223347–9347; I.D. 042600B]

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: This document clarifies tables 2,3,4, and 5 for Pacific Coast groundfish species and trip limits that were published in the **Federal Register** on May 4, 2000.

DATES: Effective 0001 hours local time May 1, 2000 (May 16, 2000 for the ''B'' platoon), unless modified, superseded or rescinded, until the effective date of the 2001 annual specifications and management measures for the Pacific Coast groundfish fishery, which will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne deReynier, Northwest Region, NMFS, 206–526–6140.

SUPPLEMENTARY INFORMATION: On May 4, 2000, at 65 FR 25881, NMFS announced changes to trip limits in the Pacific Coast groundfish fishery. Tables 2, 3, 4, and 5 are being republished in a logical and readable format.

In Section IV, tables 2, 3, 4, and 5 are republished as follows:

BILLING CODE 3510–22–F

Table 2.--Minor Rockfish Species (excludes thornyheads)

North of 40° 10' N. lat.	South of 40° 10' N. lat.
NEARSHORE	
black, Sebastes melanops	black, Sebastes melanops.
black and yellow, S. chrysolmelas	black and yellow, S. chrysolmelas.
blue, S. mystinus	blue, S. mystinus.
brown, S. auriculatus	brown, S. auriculatus.
calico, S. dalli	calico, S. dalli.
China, S. nebulosus	California scorpionfish, Scorpaena guttata.
copper, S. caurinus	China, Sebastes nebulosus.
gopher, S. carnatus	copper, S. caurinus.
grass, S. rastrelliger	gopher, S. carnatus.
kelp, S. atrovirens	grass, S. rastrelliger.
olive, S. serranoides	kelp, S. atrovirens.
quillback, S. maliger	olive, S. serranoides.
treefish, S. serriceps	quillback, S. maliger.
	treefish, S. serriceps.
SHELF	
bronzespotted, S. gilli	bronzespotted, S. gilli.
bocaccio, S. paucispinis	chameleon, S. phillipsi.
chameleon, S. phillipsi	dwarf-red, S. rufinanus.
chilipepper, S. goodei	flag, S. rubrivinctus.
cowcod, S. levis	freckled, S. lentiginosus.
dwarf-red, S. rufinanus	greenblotched, S. rosenblatti.
freckled, S. lentiginosus	greenspotted, S. chlorostictus.
greenblotched, S. rosenblatti	greenstriped, S. elongatus.
greenspotted, S. chlorostictus	halfbanded, S. semicinctus.
greenstriped, S. elongatus	honeycomb, S. umbrosus.
halfbanded, S. semicinctus	Mexican, S. macdonaldi.
honeycomb, S. umbrosus	pink, S. eos.
Mexican, S. macdonaldi	pinkrose, S. simulator.
pink, S. eos	pygmy, S. wilsoni.
pinkrose, S. simulator	redstriped, S. proriger.
pygmy, S. wilsoni	rosethorn, S. helvomaculatus.
redstriped, S. proriger	rosy, S. rosaceus.
rosethorn, S. helvomaculatus	silvergrey, S. brevispinis.
rosy, S. rosaceus	speckled, S. ovalis.
silvergrey, S. brevispinis	squarespot, S. hopkinsi.
speckled, S. ovalis	starry, S. constellatus.
squarespot, S. hopkinsi	stripetail, S. saxicola.
starry, S. constellatus	swordspine, S. ensifer.
stripetail, S. saxicola	tiger, S. nigrocinctus.
swordspine, S. ensifer	vermilion, S. miniatus.
tiger, S. nigorcinctus	yelloweye, S. ruberrimus.
vermilion, S. miniatus	yellowtail, S. flavidus.
yelloweye, S. ruberrimus	
SLOPE	
aurora, S. aurora	aurora, S. aurora.
bank, S. rufus	bank, S. rufus.
blackgill, S. melanostomus	blackgill, S. melanostomus.
darkblotched, S. crameri	darkblotched, S. crameri.
redbanded, S. babcocki	Pacific ocean perch (POP), S. alutus.
rougheye, S. aleutianus	redbanded, S. babcocki.
sharpchin, S. zacentrus	rougheye, S. aleutianus.
shortraker, S. borealis	sharpchin, S. zacentrus.
splitnose, S. diploproa	shortraker, S. borealis.
yellowmouth, S. reedi	yellowmouth, S. reedi.

Table 3. 2000 Trip Limits 1/ and Gear Requirements 2/ for Limited Entry Trawl Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	**Splitnose**-South	8,500 lb / 2 months		14,000 lb / 2 months			4,000 lb / month
5	**POP**-North	500 / month		2,500 lb / month			500 lb / month
6	**Sablefish**	7,000 lb / 2 months; 22-inch size limit 3/		10,000 lb / 2 months; 22-inch size limit 3/			3,500 lb / month ; 22-inch size limit 3/
7	**Longspine thornyhead**	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
8	**Shortspine thornyhead**	3,000 lb / 2 months		1,000 lb / 2 months			1,500 lb / month
9	**Dover sole**	55,000 lb / 2 months		20,000 lb / 2 months			20,000 lb/ month
10	**Arrowtooth flounder**	10,000 lb / trip		Small footrope--No pound limit; Large footrope--Included in "other flatfish" trip limit 2/			10,000 lb / trip
11	**Petrale sole**	No restriction	No limit but small footrope required	Small footrope--No pound limit; Large footrope--Included in "other flatfish" trip limit 2/			No restriction
12	**Rex sole**	No limit					
13	**Other flatfish 4/**	Small footrope--No pound limit; Large footrope--400 lb per trip 2/					
14	**Whiting shoreside 5/**	20,000 lb / trip		Primary season			20,000 lb / trip
15		before primary season					after primary season
16	**Use of small footrope bottom trawl or midwater trawl required for landing all the following species 6/:**						
17	**Minor Shelf rockfish**						
18	North	300 lb / month		1,000 lb / month			300 lb / month
19	South	500 lb / month		1,000 lb / month			500 lb / month
20	**Canary rockfish**	100 lb / month		300 lb / month			100 lb / month
21	**Widow rockfish**						
22	mid-water trawl	30,000 lb / 2 months		30,000 lb / 2 months			30,000 lb / 2 months
23	small footrope trawl	1,000 lb / month		1,000 lb / month			1,000 lb / month
24	**Yellowtail**-North 7/						
25	mid-water trawl	10,000 lb / 2 months		30,000 lb / 2 months			10,000 lb / 2 months
26	small footrope trawl	1,500 lb / month		1,500 lb / month			1,500 lb / month
27	**Bocaccio**-South 7/	300 lb / month		500 lb / month			300 lb / month
28	**Chilipepper**-South 7/						
29	mid-water trawl	25,000 lb / 2 months		25,000 lb / 2 months			25,000 lb / 2 months
30	small footrope trawl	7,500 lb / 2 months		7,500 lb / 2 months			7,500 lb / 2 months
31	**Cowcod** - South 7/	1 fish per landing		1 fish per landing			1 fish per landing
32	**Minor Nearshore rockfish**						
33	North	200 lb / month		200 lb / month			200 lb / month
34	South	200 lb / month		200 lb / month			200 lb / month
35	**Lingcod**	CLOSED		400 lb / month; 24-inch size limit 8/			CLOSED

1/ These trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40° 10' N. lat. to the US-Mexico border. 40° 10' N. lat. is about 20 nautical miles south of Cape Mendocino CA.

2/ Gear requirements and prohibitions are explained at paragraph IV.A.(14).

3/ No more than 500 lbs (227 kg) per trip may be sablefish smaller than 22 inches (56 cm) total length, which counts toward the cumulative limit.

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 3 with a trip limit (excludes rex sole).

5/ The whiting "per trip" limit in the Eureka area inside 100 fm is 10,000 lb / trip throughout the year (See IV.B.(3)(c)).

6/ Small footrope trawl means a bottom trawl net with a footrope no larger than 8 inches (20 cm) in diameter. Midwater gear also may be used; the footrope must be bare. See paragraph IV.A.(14).

7/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

8/ Lingcod must be greater than or equal to 24 inches (61 cm) total length. See IV.A.(6).

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4. 2000 Trip Limits 1/ for Limited Entry Fixed Gear

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV-DEC
1	**Minor slope rockfish**						
2	North	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
3	South	3,000 lb / 2 months		5,000 lb / 2 months			1,500 lb / month
4	**Splitnose-South**	8,500 lb/2 mo.		14,000 lb / 2 months			4,000 lb / month
5	**POP-North**	500 lb / month		2,500 lb / month			500 lb / month
6	**Sablefish** (daily trip limit fishery) 2/						
7	North of 36 ° N. lat.	300 lb / day, 2,100 lb / 2 months		300 lb / day, 2,400 lb / 2 months			300 lb / day, 2,400 lb / 2 months
8		or 1 landing above 300 lb but less than		(option to make one landing per week above			
9		600 lb/week, less than 1,800 lb / 2 mo		300 lb removed May 1; may be reinstated in July)			
10	South of 36 ° N. lat.	350 lb / day		350 lb / day			350 lb / day
11		or 1 landing above 350 lb		or 1 landing above 350 lb			or 1 landing above 350 lb
12		per week, up to 1,050 lb		per week, up to 1,050 lb			per week, up to 1,050 lb
13	**Longspine thornyhead**	12,000 lb / 2 months		4,000 lb / 2 months			6,000 lb / month
14	**Shortspine thornyhead**	1,000 lb / month		1,000 lb / month			1,000 lb / month
15	**Dover sole**	55,000 lb / 2 months		20,000 lb / 2 months			20,000 / month
16	**Arrowtooth flounder**	10,000 lb / trip		No restriction			10,000 lb / trip
17	**Petrale sole**	No restriction		No restriction			No restriction
18	**Rex sole**	No restriction		No restriction			No restriction
19	**Other flatfish 3/**	No restriction		No restriction			No restriction
20	**Shoreside whiting 4/**	20,000 lb / trip		Open			20,000 lb / trip
21	**Minor shelf rockfish**						
22	North	300 lb / month		1,000 lb / month			300 lb / month
23	South						
24	40°10'-36°00' N. lat.	500 lb / month	CLOSED 5/	1,000 lb / month			500 lb / month
25	South of 36°00' N. lat.	CLOSED	500 lb / month	1,000 lb / month			500 lb / month
26	**Canary-Coastwide**						
27	North	100 lb / month		300 lb / month			100 lb / month
28	South						
29	40°10'-36°00' N. lat.	100 lb / month	CLOSED	300 lb / month			100 lb / month
30	South of 36°00' N. lat.	CLOSED	100 lb / month	300 lb / month			100 lb / month
31	**Widow rockfish-Coastwide:**						
32	North	3,000 lb / month		3,000 lb / month			3,000 lb / month
33	South						
34	40°10'-36°00' N. lat.	3,000 lb/month	CLOSED	3,000 lb / month			3,000 lb / month
35	South of 36°00' N. lat.	CLOSED	3,000 lb/month	3,000 lb / month			3,000 lb / month
36	**Yellowtail-North 6/**	1,500 lb / month		1,500 lb / month			1,500 lb / month
37	**Bocaccio-South 6/**						
38	40°10'-36°00' N. lat.	300 lb / month	CLOSED	500 lb / month			300 lb / month
39	South of 36°00' N. lat.	CLOSED	300 lb / month	500 lb / month			300 lb / month
40	**Chilipepper-South 6/**						
41	40°10'-36°00' N. lat.	2,000 lb /month	CLOSED	2,000 lb / month			2,000 lb / month
42	South of 36°00' N. lat.	CLOSED	2,000 lb/month	2,000 lb / month			2,000 lb / month
43	**Cowcod - South 6/**						
44	40°10'-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing
45	South of 36°00'	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing
46	**Minor nearshore rockfish**						
47	North	2,400 lb/2 months, of which		3,000 lb/2 months, of which			3,000 lb/2 months, of which no
48		no more than 1,200 lb may be species		no more than 1,400 lb may be species			more than 1,400 lb may be species
49		other than black or blue rockfish 7/		other than black or blue rockfish 7/			other than black or blue rockfish 7/
50	South						
51	40°10'-36°00' N. lat.	1,000 lb / 2 months	CLOSED	1,300 lb / 2 months			1,300 lb / 2 months
52	South of 36°00' N. lat.	CLOSED	1,000 lb / 2 months	1,300 lb / 2 months			1,300 lb / 2 months
53	**Lingcod 8/**	CLOSED		400 lb / month; size limit 24 inches north, 26 inches south			CLOSED

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40 10' N. lat. to the US-Mexico border.

2/ The sablefish size limit does not apply during the daily trip limit fishery, but does apply during the "regular" and mop-up" seasons north of 36° N. lat. See IV.B.(2).

3/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 4 with a trip limit.

4/ The whiting "per trip" limit in the Eureka area for catch inside 100 fathoms is 10,000 lb / trip throughout the year.

5/ Closed means it is prohibited to take and retain, possess, or land the designated species in the time or area indicated (see IV.A.(7)).

6/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in trip limits for minor shelf rockfish (Table 2).

7/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

8/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 5. 2000 Trip Limits 1/ for All Open Access Gear except Exempted Trawl Gear Engaged in Fishing for Pink Shrimp *

Read Section IV. A. NMFS Actions before using this table.

line	Species/groups	JAN-FEB	MAR-APR	MAY-JUN	JULY-AUG	SEP-OCT	NOV	DEC
1	**Minor slope rockfish**							
2	North	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
3	South	500 lb / 2 months		500 lb / 2 months			500 lb / 2 months	
4	**Splitnose-South**	200 lb / month		200 lb / month			200 lb / month	
5	**POP--North**	100 lb / month		100 lb / month			100 lb / month	
6	**Sablefish 2/**							
7	North of 36 °	300 lb / day, but no more		300 lb / day, but no more			300 lb / day, but no more	
8		than 2,100 lb / 2 months		than 2,400 lb / 2 months			than 2,400 lb / 2 months	
9	South of 36 °	350 lb / day		350 lb / day			350 lb / day	
10	**Thornyheads (longspine and shortspine combined)**							
11	North of Pt. Conception	CLOSED 3/		CLOSED			CLOSED	
12	South of Pt. Conception	50 lb / day		50 lb / day			50 lb / day	
13	**Arrowtooth**	200 lb / month		200 lb / month			200 lb / month	
14	**Dover sole**	(included in "other" flatfish limit)						
15	**Petrale sole**	(included in "other" flatfish limit)						
16	**Nearshore flatfish**	(included in "other" flatfish limit)						
17	**"Other" flatfish 4/**	300 lb / month		300 lb / month			300 lb / month	
18	**Shoreside whiting**	300 lb / month		300 lb / month			300 lb / month	
19	**Minor shelf rockfish**							
20	North	100 lb / month		100 lb / month			100 lb / month	
21	South							
22	40°10'-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
23	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
24	**Canary**							
25	North	50 lb / month		50 lb / month			50 lb / month	
26	South							
27	40°10'-36°00' N. lat.	50 lb / month	CLOSED	50 lb / month			50 lb / month	
28	South of 36°00' N. lat.	CLOSED	50 lb / month	50 lb / month			50 lb / month	
29	**Widow**							
30	North	3,000 lb / month		3,000 lb / month			3,000 lb / month	
31	South							
32	40°10'-36°00' N. lat.	3,000 lb / month	CLOSED	3,000 lb / month			3,000 lb / month	
33	South of 36°00' N. lat.	CLOSED	3,000 lb / month	3,000 lb / month			3,000 lb / month	
34	**Yellowtail-North 5/**	100 lb / month		100 lb / month			100 lb / month	
35	**Bocaccio - South 5/**							
36	40°10'-36°00' N. lat.	200 lb / month	CLOSED	200 lb / month			200 lb / month	
37	South of 36°00' N. lat.	CLOSED	200 lb / month	200 lb / month			200 lb / month	
38	**Chilipepper-South 5/**							
39	40°10'-36°00' N. lat.	2,000 lb / month	CLOSED	2,000 lb / month			2,000 lb / month	
40	South of 36°00' N. lat.	CLOSED	2,000 lb / month	2,000 lb / month			2,000 lb / month	
41	**Cowcod - South 5/**							
42	40°10'-36°00' N. lat.	1 fish per landing	CLOSED	1 fish per landing			1 fish per landing	
43	South of 36°00' N. lat.	CLOSED	1 fish per landing	1 fish per landing			1 fish per landing	
44	**Minor nearshore rockfish**							
45	North	1,000 lb / 2 months, of which no more		1,500 lb / 2 months, of which no			1,500 lb / 2 months, of	
46		than 500 lb may be species		more than 700 lb may be species			which no more than 700 lb	
47		other than black or blue rockfish 6/		other than black or blue rockfish 6/7/			may be species other than black or blue rockfish 6/ 7/	
48	South							
49	40°10'-36°00' N. lat.	550 lb / 2 months	CLOSED	800 lb / 2 months			800 lb / 2 months	
50	South of 36°00' N. lat.	CLOSED	550 lb / 2 months	800 lb / 2 months			800 lb / 2 months	
51	**Lingcod 8/**	CLOSED		400 lb / month size limit 24 inches north, 26 inches south			CLOSED	

1/ Trip limits apply coastwide unless otherwise specified. North means 40° 10' N. lat. to the US-Canada border. "South" means 40°10' N. lat. to the US-Mexico border.

2/ There is no size limit for sablefish taken and retained with nontrawl gear in the open access fishery. See IV.B.2.

3/ Closed means it is prohibited to take and retain, possess, or land the species in the time or area indicated (see IV.A.(7)).

4/ Other flatfish means all flatfish listed at 50 CFR 660.302 except those in this Table 5 with a trip limit.

5/ Yellowtail rockfish and POP in the south and bocaccio, chilipepper, and cowcod rockfishes in the north are included in the trip limits for minor shelf rockfish in the appropriate area (Table 2).

6/ The "per trip" limit for black rockfish off Washington also applies. See paragraph IV.B.(4).

7/ Provisions for landing groundfish in Pacific City, OR are found at paragraph IV.C.(4).

8/ The size limit for lingcod is 24 inches (61 cm) in the north and 26 inches (66 cm) in the south, total length.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Dated: May 11, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–12425 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 000211039–0039–01; I.D. 051200B]

Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl 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 species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the second seasonal apportionment of the 2000 Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA has been caught.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 13, 2000, until 1200 hrs, A.l.t., July 4, 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 Pacific halibut bycatch allowance for the GOA trawl deep-water species fishery, which is defined at § 679.21(d)(3)(iii)(B), was established by the Final 2000 Harvest Specifications for Groundfish for the GOA (65 FR 8298, February 18, 2000) for the second season, the period April 1, 2000, through July 3, 2000, as 300 metric tons.

In accordance with § 679.21(d)(7)(i), the Administrator, Alaska Region, NMFS, has determined that the second seasonal apportionment of the 2000 Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA has been caught. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery are: all rockfish of the genera *Sebastes* and *Sebastolobus*, deep water flatfish, rex sole, arrowtooth flounder, and sablefish.

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 allowance specified for the trawl deep-water species fishery in the GOA. A delay in the effective date is impracticable and contrary to the public interest. The second seasonal apportionment of the Pacific halibut bycatch allowance 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 12, 2000.

George H. Darcy,

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

[FR Doc. 00–12370 Filed 5–12–00; 4:44 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 96
Wednesday, May 17, 2000

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 360

[Docket No. 98–064–2]

RIN 0579–AB07

Noxious Weed Regulations; Update of Current Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of comment period.

SUMMARY: We are extending the comment period for an advance notice of proposed rulemaking that considers revising the noxious weed regulations issued under the Federal Noxious Weed Act. This action will allow interested persons additional time to prepare and submit comments.

DATES: We invite you to comment on Docket No. 98–064–1. We will consider all comments that we receive by June 19, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 98–064–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 98–064–1.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Polly Lehtonen, Botanist, Permits and Risk Assessment, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–8896.

SUPPLEMENTARY INFORMATION:

Background

On March 20, 2000, we published in the **Federal Register** (65 FR 14927–14931, Docket No. 98–064–1) an advance notice of proposed rulemaking that considers revising the noxious weed regulations issued under the Federal Noxious Weed Act.

Comments on the advance notice were required to be received on or before May 19, 2000. We are extending the comment period on Docket No. 98–064–1 for an additional 30 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 2803 and 2809; 7 CFR 2.22, 2.80, and 371.2(c).

Done in Washington, DC, this 12th day of May 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–12436 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB52

General and Pre-Loan Policies and Procedures Common to Insured and Guaranteed Loans

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing to amending its regulations to modify the requirement that borrowers must seek bids from all sources if funding is requested for generation projects equal to or greater than 10 megawatt or for modifications to existing plants if it results in an increase in capacity of 10 percent or more. This proposed rule will allow RUS to determine when borrowers must seek bids from all sources on a case-by-case basis at the discretion of the Administrator.

In the final rule section of this **Federal Register**, RUS is publishing this action as a direct final rule without prior proposal because RUS views this as a non-controversial action and anticipates no adverse comments. If no adverse comments are received in response to the direct final rule, no further action will be taken on this proposed rule and the action will become effective at the time specified in the direct final rule. If RUS receives adverse comments, a timely document will be published withdrawing the direct final rule based on this action. Any parties interested in commenting on this proposed action should do so at this time.

DATES: Comments on this proposed action must be received on or before June 16, 2000.

ADDRESSES: Submit adverse comments or notice of intent to submit adverse comments to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, Stop 1522, 1400 Independence Avenue, SW, Washington, DC 20250–1522. Telephone (202) 720–9550. RUS requires a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Wei M. Moy, Chief, Power Resources & Planning Branch, Power Supply Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1568, 1400 Independence Avenue, SW, Washington, DC 20250–1568. Telephone: (202) 720–1438. FAX (202) 720–1401. E-mail: wmoy@rus.usda.gov.

SUPPLEMENTARY INFORMATION: See the Supplementary Information provided in the direct final rule located in the final rule section of this **Federal Register** for the applicable supplementary information on this section.

Dated: May 5, 2000.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 00–11985 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 00–030–1]

Change in Disease Status of Denmark Because of BSE

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations by adding Denmark to the list of regions where bovine spongiform encephalopathy exists because the disease has been detected in a native born animal in that region. Denmark is currently listed among the regions that present an undue risk of introducing bovine spongiform encephalopathy into the United States. Therefore, the effect of this action is a continued restriction on the importation of ruminants that have been in Denmark and meat, meat products, and certain other products of ruminants that have been in Denmark. This action is necessary in order to update Denmark's disease status regarding bovine spongiform encephalopathy.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by July 17, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–030–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–030–1.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Donna Malloy, Senior Staff Veterinarian, National Center for Import and Export, Products Program, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231; (301) 734–3277.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 93, 94, 95, and 96 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including bovine spongiform encephalopathy (BSE).

BSE is a neurological disease of bovine animals and other ruminants and is not known to exist in the United States.

It appears that BSE is primarily spread through the use of ruminant feed containing protein and other products from ruminants infected with BSE. Therefore, BSE could become established in the United States if materials carrying the BSE agent, such as certain meat, animal products, and animal byproducts from ruminants in regions in which BSE exists or in which there is an undue risk of introducing BSE into the United States, are imported into the United States and are fed to ruminants in the United States. BSE could also become established in the United States if ruminants from regions in which BSE exists, or in which there is an undue risk of introducing BSE into the United States, are imported into the United States.

Sections 94.18, 95.4, and 96.2 of the regulations prohibit or restrict the importation of certain meat and other animal products and byproducts from ruminants that have been in regions in which BSE exists or in which there is an undue risk of introducing BSE into the United States.

In § 94.18, paragraph (a)(1) lists the regions in which BSE exists. Paragraph (a)(2) lists the regions that present an undue risk of introducing BSE into the United States because their import requirements are less restrictive than those that would be acceptable for import into the United States and/or because they have inadequate surveillance. In § 94.18, paragraph (b) prohibits the importation of fresh, frozen, and chilled meat, meat products, and most other edible products of ruminants that have been in any region listed in paragraphs (a)(1) or (a)(2). Paragraph (c) restricts the importation of gelatin derived from ruminants that have been in any of these regions. Section 95.4 prohibits or restricts the importation of certain byproducts from ruminants that have been in any of these regions, and § 96.2 prohibits the importation of casings, except stomach casings, from ruminants that have been in any of these regions. Furthermore, regulations in 9 CFR part 93 pertaining to the importation of live animals provide that APHIS may deny the importation of ruminants from regions where a communicable disease such as BSE exists and from regions that present risks of introducing communicable diseases into the United States (See § 93.404(a)(3)).

Currently, Denmark is among the regions listed in § 94.18(a)(2), which are regions that present an undue risk of introducing BSE into the United States. However, on February 25, 2000, a case of BSE was confirmed in a native-born animal by Denmark's Ministry of Agriculture. Therefore, in order to update Denmark's disease status regarding BSE, we are proposing to amend the regulations by removing Denmark from the list of regions in § 94.18(a)(2) that present an undue risk of introducing BSE into the United States and adding Denmark to the list of regions in § 94.18(a)(1) where BSE is known to exist. The effect of this proposed action is a continued restriction on the importation of ruminants that have been in Denmark and meat and meat products, and certain other products of ruminants that have been in Denmark.

Executive Order 12866 and Regulatory Flexibility Act

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

We are proposing to amend the regulations by adding Denmark to the list of regions where BSE exists because the disease has been detected in a native born animal in that region.

Denmark is currently listed among the regions that present an undue risk of introducing BSE into the United States. Regardless of which of the two lists a region is on, the same restrictions apply to the importation of ruminants and meat, meat products, and most other products of ruminants that have been in the region. Therefore, this proposed action will not result in any change in the rules that apply to the importation of ruminants or meat, meat products, and certain other products of ruminants that have been in Denmark.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not

have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subject in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.18 [Amended]

2. Section 94.18 would be amended as follows:

a. In paragraph (a)(1), by adding the word ''Denmark,'' immediately after ''Belgium,''.

b. In paragraph (a)(2) by removing the word ''Denmark,''.

Done in Washington, DC, this 12th day of May 2000.

Craig A. Reed,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–12438 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–SW–10–AD]

Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Bell Helicopter Textron Canada (BHTC) Model 407 helicopters, that currently requires installing a tail rotor pitch-limiting left-pedal stop (pedal stop), installing an airspeed limitation placard, marking a never-exceed velocity (Vne) placard on all airspeed indicators, and revising the Limitations section of the Rotorcraft Flight Manual (RFM). This action would require installing a redesigned tail rotor system and modifying the vertical fin and horizontal stabilizer to allow restoring the Vne to 140 knots indicated airspeed (IAS). This proposal is prompted by design changes to the tail rotor system and modification of the pedal stop for airspeed actuation to eliminate a tail rotor strike to the tailboom. The actions specified by the proposed AD are intended to prevent the tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter.

DATES: Comments must be received on or before June 16, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–10–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: 9-asw-adcomments@faa.gov. Comments may be inspected at the Office of the Regional Counsel 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 BHTC, 12,800 Rue de l'Avenir, Mirabel, Quebec JON1LO, telephone (800) 463–3036, fax (514) 433–0272. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Sharon Miles, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5122, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted 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 mailed comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–SW–10–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, Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2000–SW–10–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Discussion

On March 30, 1999, the FAA issued AD 99–06–15, Amendment 39–11111 (64 FR 16801, April 7, 1999), to require installing a pedal stop and adjusting the rigging of the directional controls, installing an airspeed limitation placard, marking a new never-exceed velocity (Vne) limit on all airspeed indicators, and revising the Limitations section of the RFM. That action was

prompted by three accidents involving in-flight tail rotor blade strikes against the tailboom. The requirements of that AD are intended to prevent the tail rotor blades from striking the tailboom, separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter.

Since the issuance of that AD, the manufacturer has made a design change to the tail rotor system to eliminate tail rotor strikes to the tailboom, and also made design changes to the pedal stop.

BHTC has issued Bell Helicopter Textron Alert Service Bulletin (ASB) No. 407–99–27, Rev. A, dated June 9, 1999, and Bell Helicopter Textron Technical Bulletin No. 407–99–17, dated April 15, 1999, both of which concern replacing the tail rotor; ASB 407–99–33, Revision A, dated March 10, 2000, which concerns installing a pedal stop and restoring the Vne to 140 knots IAS; and Bell Helicopter Textron Technical Bulletin No. 407–96–2, Revision A, dated March 11, 1997, which concerns modifying the vertical fin and horizontal stabilizer. Transport Canada classified these service bulletins as mandatory and issued AD No. CF–1998–36R7, dated February 1, 2000, in order to assure the continued airworthiness of these helicopters in Canada.

This helicopter model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, Transport Canada, which is the airworthiness authority for Canada, has kept the FAA informed of the situation described above. The FAA has examined the findings of the Transport Canada, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other BHTC Model 407 helicopters of the same type design, the proposed AD would supersede AD 99–06–15 to require installing a redesigned tail rotor system, modifying the vertical fin and horizontal stabilizer, and restoring the Vne to 140 knots IAS.

The FAA estimates that 200 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 80 work hours per helicopter to perform the modifications and installations, and that the average labor rate is $60 per work hour. Required parts would cost approximately $24,161 per helicopter; however, the manufacturer has stated they will provide these parts at no cost. Additionally, the manufacturer has stated they will reimburse the cost of labor up to $4,400. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,792,200 or $28,961 per helicopter, assuming no costs are reimbursed.

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 removing Amendment 39–11111 (64 FR 16801, April 7, 1999), and by adding a new airworthiness directive (AD), to read as follows:

Bell Helicopter Textron Canada: Docket No. 2000–SW–10–AD. Supersedes AD 99–06–15, Amendment 39–11111, Docket No. 99–SW–16–AD.

Applicability: Model 407 helicopters, certificated in any category.

Note 1: This AD applies to each helicopter 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 helicopters 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 (d) 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 the tail rotor blades from striking the tailboom, which could result in separation of the aft section of the tailboom with the tail rotor gearbox and vertical fin, and subsequent loss of control of the helicopter, accomplish the following:

(a) Before further flight:

(1) Install a stop that limits the maximum distance that the left pedal can travel in accordance with Part I of the Accomplishment Instructions in Bell Helicopter Textron Canada Technical Bulletin 407–98–13, dated December 12, 1998 (TB).

(2) Adjust the rigging of the directional controls in accordance with Part II of the Accomplishment Instructions in the TB.

(3) Install the airspeed limitation placard shown in Figure 1 of this AD so that it completely covers and obscures the airspeed limitation placard, P/N 407–070–201–103. Ensure that the replacement placard is at least 2 1/16-inches tall and 3 9/16-inches long.

FIGURE 1.—407 AIRSPEED LIMITATIONS—KNOTS—IAS

[AD 99–06–15]

OAT	Pressure altitude FX × 1000										
C°	0	2	4	6	8	10	12	16	16	18	20
52	98	93	88								
40	100	95	91	86	81	76					
20	100	100	95	90	85	80	76	71	66	61	
0	100	100	100	95	90	85	80	75	70	65	60
−20	100	100	100	100	95	90	85	80	75	70	65
−40	97	93	88	83	79	74	70	65	61		

Maximum Autorotation VNE 100 KIAS

(4) Install a redline at a Vne of 100 KIAS on all airspeed indicators. Remove or obscure any previously installed lines or arcs above 100 KIAS. If the redline is installed on the instrument glass, also install a slippage mark on the glass and on the instrument case.

(5) Add the following statement to the Limitations section of the Rotorcraft Flight Manual (RFM):

When operating at an airspeed of 60 to 100 KIAS, maintain yaw trim within one ball diameter of the centered position of the turn and bank (slip) indicator, and avoid sudden or large directional control inputs in flight.

(6) Mark the airspeed limitations placard in Figure 1–3 in the RFM to indicate that it has been superseded by this AD, and insert a copy of this AD into the RFM. Also, mark the airspeed indicator in Figure 1–5 of the RFM to indicate a Vne of 100 KIAS.

(7) This AD revises the limitations section of BHTC Model 407 RFM by replacing sheet 1 of Figure 1–3 in the RFM with Figure 1 of this AD, revising sheet 3 of Figure 1–5 of the RFM, and adding an operational limitation for allowable yaw trim and directional control input.

(8) Report any uncommanded right yaw, uncommanded movement of the pedals during flight, or tail rotor blade contact with the tailboom within 24 hours of the occurrence to the Manager, Regulations Group, telephone (817) 222–5111. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120–0056.

(b) Before further flight after January 31, 2001:

(1) Remove and replace the existing tail rotor with tail rotor installation, P/N 407–012–100–109, in accordance with Part II of Bell Helicopter Textron Technical Bulletin 407–99–17, dated April 15, 1999.

(2) Modify the vertical fin and horizontal stabilizer in accordance with Bell Helicopter Textron Technical Bulletin No. 407–96–2, Revision A, dated March 11, 1997.

(3) Install the tail rotor airspeed-actuated pedal stop kit, install the new airspeed limitation decals, and remove the temporary instrument markings and RFM changes in accordance with the Accomplishment Instructions in Parts I, II, and III of Bell Helicopter Textron Alert Service Bulletin 407–99–33, Revision A, dated March 10, 2000.

(c) Accomplishing the requirements of paragraph (b) of this AD is terminating action for the requirements of this AD.

(d) 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, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

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

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

Note 3: The subject of this AD is addressed in Transport Canada (Canada) AD CF–98–36R7, dated February 1, 2000.

Issued in Fort Worth, Texas, on May 5, 2000.

Eric Bries,

Acting Manager, Rotorcraft Directorate,, Aircraft Certification Service.

[FR Doc. 00–12357 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–00–009]

RIN 2115–AA97

Safety Zone: OPSAIL 2000 Fireworks Displays and Search and Rescue Demonstrations, Port of New York/New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish four temporary safety zones for fireworks displays located on New York Harbor, the East River, and Hudson River, and one temporary safety zone for Search and Rescue demonstrations on the Hudson River. This action is necessary to provide for the safety of life on navigable waters during the events. This action is intended to restrict vessel traffic in portions of New York Harbor, the East River, and the Hudson River.

DATES: Comments and related material must reach the Coast Guard on or before May 31, 2000.

ADDRESSES: You may mail comments and related material to Waterways Oversight Branch (CGD01–00–009), Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305. The Waterways Oversight Branch of Coast Guard Activities New York maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room 205, Coast Guard Activities New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–00–009), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

The Coast Guard is limiting the comment period for this NPRM to 14 days because the Coast Guard did not know about the final event plans until May 1, 2000. Further, these proposed zones are in effect in New York Harbor only and they are for four or six hour events. Finally, there is not sufficient time to publish a Temporary final rule 30 days before the events and provide a longer comment period than 14 days.

Public Meeting

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

Background and Purpose

The Coast Guard proposes to establish four temporary safety zones for fireworks displays, and one temporary safety zone for Search and Rescue demonstrations being held in conjunction with OPSAIL 2000.

Macy's/OPSAIL 2000 Fireworks

The Coast Guard proposes to establish four temporary safety zones for the Macy's/OPSAIL 2000 fireworks display in New York Harbor, the East River, and Hudson River, on July 4, 2000. The first proposed safety zone includes all waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42′15.5″N 074°01′07″W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41′34.5″N 074°01′11″W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41′25.3″N 074°00′42.5″W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn through the southern point of Roosevelt Island from East 47th Street, Manhattan to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area inside the safety zone at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn through the East River Main Channel Lighted Buoy 18 (LLNR 27335), to a point on the Brooklyn shore at North 9th Street. All vessels must be in this location by 6:30 p.m. (e.s.t.) on July 4, 2000.

Once in position within the zone, all vessels must remain in position until released by the Captain of the Port, New York. On-scene-patrol personnel will monitor the number of designated vessels taking position in the viewing area of the zone. If it becomes apparent that any additional spectator vessels in the viewing area will create a safety hazard, the patrol commander may prevent additional vessels from entering it. After the event has concluded and the fireworks barges have safely relocated outside of the main channel, vessels will be allowed to depart the viewing area as directed by the patrol commander.

We created the viewing area within this safety zone in order to reduce significant safety hazards in this area of the East River, due in great part, to the extremely strong currents. Based on experience from similar events in this area of the East River, we are concerned that smaller spectator craft located in between the two fireworks barge sites could drift into the fallout zone of either barge site. Additionally, experience from previous events has also shown that having large and small craft located in a confined area presents safety hazards for both sized vessels due to vessel wake, anchor swing radii, and restricted visibility of larger vessels in a confined area.

One safety zone is required for this large section of the East River because the Coast Guard has a limited amount of assets available to patrol this event of national significance. If we made this zone into two zones, we could not adequately enforce the boundaries of both zones, and the safety of the port and the mariners would be unacceptably compromised because of the two nearby fireworks barge locations in a confined waterway with significant currents.

The Staten Island Ferries may continue services to their ferry slip at Whitehall Street, The Battery, Manhattan, New York. Continuing ferry services in the southwestern portion of the safety zone will not create a hazard nor be threatened by the fireworks display because Vessel Traffic Services New York will monitor and control the transits of these ferries. Failure to allow these continued ferry services will have a negative impact on residents of Staten Island, New York, and those persons traveling to and from Manhattan at the end of the holiday weekend.

The second proposed safety zone includes all waters of the Hudson River north of a line drawn from the southwest corner of Pier 94, Manhattan, to 40°46′31.3″N, 074°00′37.9″W (NAD 1983) onshore in Weehawken, NJ, and south of a line drawn from the northeast corner of Pier D, Weehawken, NJ, to the northwest corner of the northern pier of the West 30th Street Heliport in Manhattan.

The third proposed safety zone includes all waters of Upper New York Bay, east of Liberty Island, bound by the following points: 40°41′33.2″N 074°02′24.4″W; 40°41′11.3″N 074°02′44.4″W; 40°41′02.1″N 074°02′25.1″W; 40°41′09.1″N 074°02′10.2″W; 40°41′25.6″N 074°02′09.6″W (NAD 1983); thence to the point of beginning.

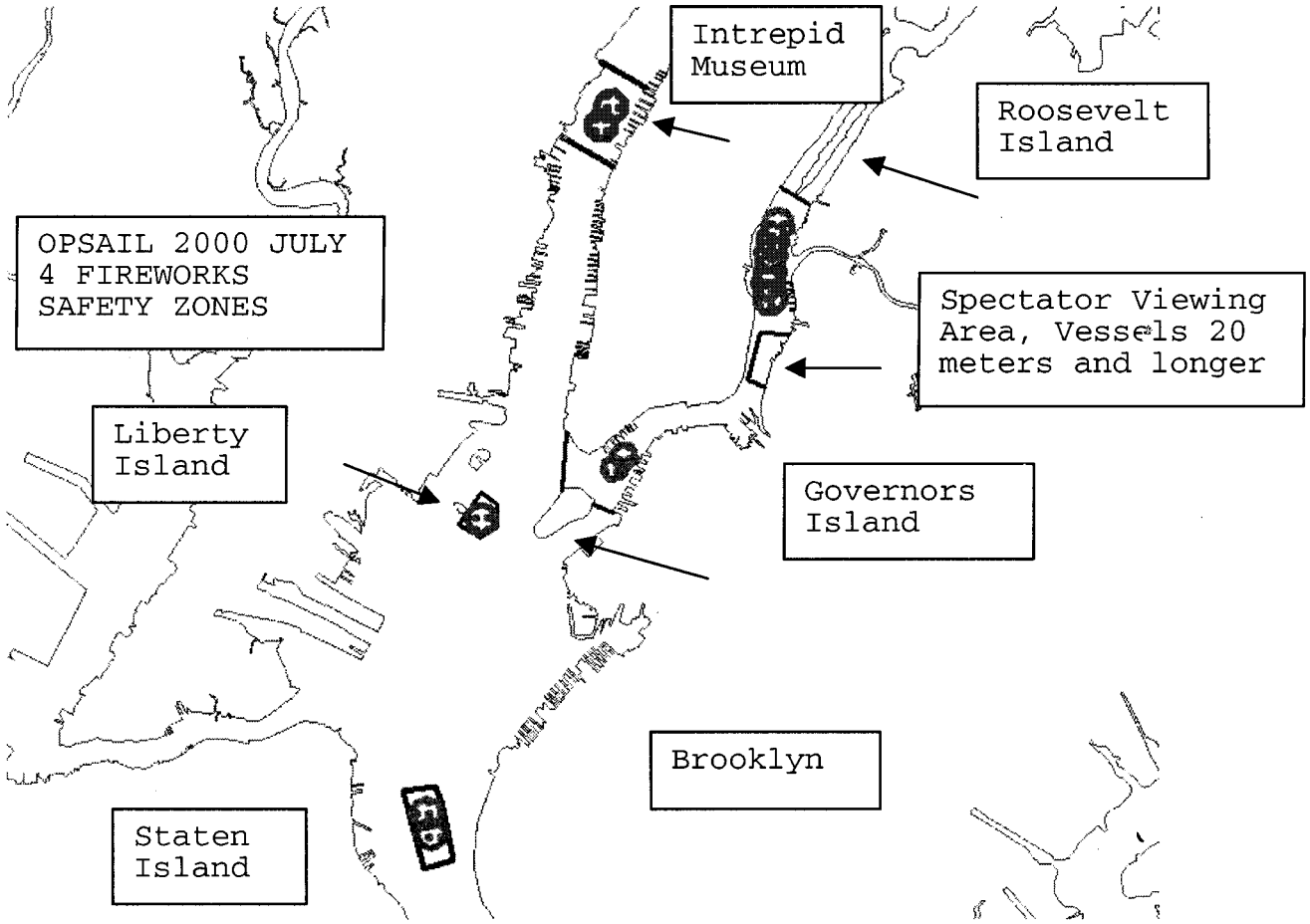
The fourth proposed safety zone includes all waters of Anchorage Channel, Upper New York Bay, bound by the following points: 40°38′12.4″N 074°03′05.6″W; 40°38′01.5″N 074°03′00.7″W; 40°37′21.0″N 074°02′50.0″W; 40°37′15.6″N 074°03′16.6″W; 40°38′08.3″N 074°03′37.4″W (NAD 1983); thence to the point of beginning.

The proposed safety zones are effective from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on July 4, 2000. If the event is cancelled due to inclement weather, then this section is effective from 6:30 p.m. (e.s.t) until 11:30 p.m. (e.s.t.) on July 5, 2000. The proposed safety zones prevent vessels from transiting these portions of Upper New York Bay, the East River and the Hudson River, and is needed to protect boaters from the hazards associated with fireworks launched from 13 separate barges in the area. No vessel may enter the safety zones without permission of the Captain of the Port, New York.

These safety zones cover the minimum area needed and impose the minimum restrictions necessary to ensure the protection of all vessels and

the fireworks handlers aboard the barges.

Public notifications will be made prior to the event via Local Notice to Mariners, marine information broadcasts, facsimile, OPSAIL Inc.'s website, and Macy's waterways telephone ''hotline'' at 212–494–5247, which is scheduled to be activated approximately June 1, 2000.



Search and Rescue Demonstrations

The Coast Guard also proposes to establish a temporary safety zone for the OPSAIL Search and Rescue demonstrations held on and over the Hudson River between Piers 83 and 90. This proposed safety zone includes all waters of the Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46′10″ N, 074°00′113″1 W (NAD 1983), south to approximate position 40°45′154″1 N, 074°00′125″1 W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall. This proposed safety zone is effective from 12 p.m. (e.s.t.) until 6 p.m. (e.s.t.), Thursday, July 6, through Saturday, July 8, 2000. It is needed to protect boaters and demonstration participants from the hazards associated with United States Military personnel demonstrating the capabilities of aircraft and watercraft in a confined area of the Hudson River. This safety zone prevents vessels from transiting only a portion of the Hudson River. Marine traffic will still be able to transit through the western 600 yards of the 950-yard wide Hudson River during the Search and Rescue demonstrations. Vessels moored at piers within the safety zone; however, will not be allowed to transit from their moorings without permission from the Captain of the Port, New York, during the effective periods of the safety zone. The Captain of the Port does not anticipate any negative impact on recreational or commercial vessel traffic due to this safety zone.

Public notifications will be made prior to the Search and Rescue Demonstrations via Local Notice to Mariners, marine information broadcasts, facsimile, and OPSAIL Inc.'s website.

Discussion of Proposed Rule

The proposed sizes of the fireworks safety zones were determined using National Fire Protection Association and New York City Fire Department standards for 10–12 inch mortars fired from a barge, combined with the Coast Guard's knowledge of tide and current conditions in these areas. These events are being held in conjunction with OPSAIL 2000. A NPRM was published for OPSAIL 2000 in the **Federal Register** on February 7, 2000 (65 FR 5833), a correction to this NPRM was published on February 14, 2000 (65 FR 7333). This proposed regulation would establish five safety zones. The regulations will be in effect at various times in the Port of New York/New Jersey during the period July 4—8, 2000. This proposed rulemaking is necessary to ensure the safety of life on the navigable waters of the United States and to give the marine community the opportunity to comment on these events.

Regulatory Evaluation

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

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

Although this regulation prevents traffic from transiting a portion of New York Harbor, the Hudson River, and East River, 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 Local Notice to Mariners, facsimile, marine information broadcasts, the sponsor's website and phone hotline, New York Harbor Operations Committee meetings, public meetings for maritime groups, and New York area newspapers, so mariners can adjust their plans accordingly. At no time will commercial shipping access to Port Newark/Port Elizabeth facilities be prohibited. Access to those areas may be accomplished using Raritan Bay, Arthur Kill, Kill Van Kull, and Newark Bay as an alternate route. This will allow the majority of the maritime industrial activity in the Port of New York/New Jersey to continue, relatively unaffected. Similar regulated areas were established for the 1986 and 1992 OPSAIL events, the annual Macy's July 4th fireworks display, and the annual Fleet Week Sea and Air demonstrations. Based upon the Coast Guard's experiences learned from these previous events of a similar magnitude, these proposed 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. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

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

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 proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in portions of Lower and Upper New York Bay, the Hudson River, and East River during various times from July 4–8, 2000. These regulations would not have a significant economic impact on a substantial number of small entities for the following reasons. Although these regulations would apply to a substantial portion of the Port of New York/New Jersey, designated areas for viewing the Fourth of July Fireworks are being established to allow for maximum use of the waterways by commercial tour boats that usually operate in the affected areas. Maritime traffic would also be able to transit around the areas where the Search and Rescue demonstrations are being held. 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. The Coast Guard is also holding public meetings with maritime groups to explain the schedule of events and approved spectator craft viewing areas. In addition, the sponsoring organization, OPSAIL Inc., is planning to publish information of the event in local newspapers, pamphlets, and television and radio broadcasts.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add temporary § 165.T01–009 to read as follows:

§ 165.T01–009 Safety Zones: OPSAIL 2000 Fireworks Displays, and Search and Rescue Demonstrations, Port of New York/New Jersey.

(a) *Safety Zones Locations and Enforcement Periods.*

(1) *East River Fireworks Safety Zone:* All waters of the East River east of a line drawn from the Fireboat Station Pier, Battery Park City, in approximate position 40°42′15.5″N 074°01′07″ W (NAD 1983) to Governors Island Light (2) (LLNR 35010), in approximate position 40°41′34.5″N 074°01′11″ W (NAD 1983); north of a line drawn from Governors Island, in approximate position 40°41′25.3″N 074°00′42.5″W (NAD 1983) to the southwest corner of Pier 9A, Brooklyn; south of a line drawn through the southern point of Roosevelt Island from East 47th street, Manhattan to 46 Road, Brooklyn, and all waters of Newtown Creek west of the Pulaski Bascule Bridge.

(2) *Hudson River Fireworks Safety Zone.* All waters of the Hudson River north of a line drawn from the southwest corner of Pier 94, Manhattan, to 40°46′31.3″N, 074°00′37.9″W (NAD 1983) onshore in Weehawken, NJ, and south of a line drawn from the northeast corner of Pier D, Weehawken, NJ, to the northwest corner of the northern pier of the West 30th Street Heliport in Manhattan.

(3) *Liberty Island Fireworks Safety Zone.* All waters of Upper New York Bay, east of Liberty Island, bound by the following points: 40°41′33.2″N 074°02′24.4″W; 40°41′11.3″N 074°02′44.4″W; 40°41′02.1″N 074°02′25.1″W; 40°41′09.1″N 074°02′10.2″W; 40°41′25.6″N 074°02′09.6″W (NAD 1983); thence to the point of beginning.

(4) *Anchorage Channel Fireworks Safety Zone.* All waters of Anchorage Channel, Upper New York Bay, bound by the following points: 40°38′12.4″N 074°03′05.6″W; 40°38′01.5″N 074°03′00.7″W; 40°37′21.0″N 074°02′50.0″W; 40°37′15.6″N 074°03′16.6″W; 40°38′08.3″N 074°03′37.4″W (NAD 1983); thence to the point of beginning.

(5) *Search and Rescue Demonstrations Safety Zone:* All waters of Hudson River bound by the following points: from the southeast corner of Pier 90, Manhattan, where it intersects the seawall, west to approximate position 40°46′10″ N, 074°00′13″ W (NAD 1983), south to approximate position 40°45′54″ N, 074°00′25″ W (NAD 1983), then east to the northeast corner of Pier 83 where it intersects the seawall.

(6) *Enforcement period.* Paragraphs (a)(1) through (a)(4) are effective from 6:30 p.m. (e.s.t.) until 11:30 p.m. (e.s.t.) on Tuesday, July 4, 2000. If the event is cancelled due to inclement weather, then paragraphs (a)(1) through (a)(4) are effective from 6:30 p.m. (e.s.t.) to 11:30 p.m. (e.s.t.) on Wednesday, July 5, 2000.

(7) *Enforcement period.* Paragraph (a)(5) is effective daily from 12 p.m. (e.s.t.) until 6 p.m. (e.s.t.) from Thursday, July 6, through Saturday, July 8, 2000.

(b) *Effective period.* This section is effective from 6:30 p.m. (e.s.t.) on July 4, 2000, until 6 p.m. (e.s.t.) on July 8, 2000.

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

(2) No vessels will be allowed to transit the safety zone without the permission of the Captain of the Port, New York.

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

(4) Vessels may remain in the safety zone described in paragraph (a)(1) for the purpose of viewing the event in accordance with the following pre-established viewing area: Vessels equal to or greater than 20 meters (65.6 feet) in length, carrying persons for the purpose of viewing the fireworks, may take position in an area at least 200 yards off the bulkhead on the west bank and just off the pierhead faces on the east bank of the East River between the Williamsburg Bridge and a line drawn through the East River Main Channel Lighted Buoy 18 (LLNR 27335), to a point on the Brooklyn shore at North 9th Street. All vessels must be positioned in this viewing area within the safety zone by 6:30 p.m. (e.s.t.) on July 4, 2000.

Dated: May 11, 2000.

R.E. Bennis,

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

[FR Doc. 00–12415 Filed 5–12–00; 5:05 pm]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 226–0186b; FRL–6606–4]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP) for the Antelope Valley Air Pollution Control District (AVAPCD). There are six revisions: three rule recissions with accompanying negative declarations for source categories that emit volatile organic compounds (VOC); two negative declarations for source categories that emit oxides of nitrogen (NO_X), and one rule recission for a source category that emits oxides of sulfur (SO_X). The intended effect of this action is to bring the AVAPCD SIP up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing the approval of these recissions from the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. EPA is approving these revisions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all

public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Written comments must be received by June 16, 2000.

ADDRESSES: Comments should be addressed to: Andrew Steckel, Chief, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule revisions and EPA's technical support document of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

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

Antelope Valley Air Pollution Control District, 43301 Division Street, Suite 206, Lancaster, CA 93539–4409

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1184).

SUPPLEMENTARY INFORMATION: The rules being approved for recission and the negative declarations being approved for the Antelope Valley Air Pollution Control District (AVAPCD) portion of the California SIP are listed in the following Table:

SUBMITTED RECISSIONS AND NEGATIVE DECLARATIONS

Rule No. and title	Adoption date	Submittal date	Type of revision
1105, Fluid Catalytic Cracking Units—Oxides of Sulfur	04–21–98	05–13–99	Recission.
1109, Emissions of Oxides of Nitrogen from Boilers and Process Heaters in Petroleum Refineries.	04–21–98	05–13–99	Negative Declaration.
1112, Emissions of Oxides of Nitrogen from Cement Kilns	03–16–99	07–23–99	Negative Declaration.
1115, Motor Vehicle Assembly Line Coating Operations	11–18–97	01–12–99	Recission/Negative Declaration.
1117, Emissions of Oxides of Nitrogen from Glass Melting Furnaces	03–16–99	07–23–99	Recission/Negative Declaration.
1123, Refinery Process Turnarounds	11–08–97	02–16–99	Recission/Negative Declaration.

The rule recissions and negative declarations listed above were submitted to EPA by the California Air Resources Board (CARB) on the dates indicated. For further information, please see the information provided in the direct final action that is located in the rules section of this **Federal Register**.

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

Dated: May 3, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 00–11997 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE87

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for the Plant *Gaura neomexicana* ssp. *coloradensis*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: We, the Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), reopen the comment period on the proposal to list the plant *Gaura neomexicana* ssp. *coloradensis* (Colorado butterfly plant) as a threatened species. The comment period is extended to accommodate the public notice requirement of the Act and to consider any new scientific information. In addition, reopening of the comment period will allow further opportunity for all interested parties to submit comments on the proposal, which was published on March 24, 1998 (63 FR 14060). We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The reopened comment period closes June 16, 2000.

ADDRESSES: Copies of the proposed rule are available on the World Wide Web at <mountain-prairie.fws.gov/endspp/plants/>. You may also request copies from, and submit comments and materials concerning this proposed rule to, the Field Supervisor, U.S. Fish and Wildlife Service, 4000 Airport Parkway, Cheyenne, Wyoming 82001. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mike Long, Field Supervisor, Wyoming Field Office (see **ADDRESSES** section), telephone 307/772–2374; facsimile 307/772–2358.

SUPPLEMENTARY INFORMATION:

Background

On March 24, 1998, we published a rule proposing threatened status for *Gaura neomexicana* ssp. *coloradensis* in the **Federal Register** (63 FR 14060). The original comment period closed on May 26, 1998. Section 4(b)(5)(D) of the Act (16 U.S.C. 1531 *et seq.*) requires us to ''publish a summary of the proposed regulation in a newspaper of general circulation in each area of the United States in which the species is believed to occur.'' Due to an oversight, we failed to complete this requirement. To correct the oversight, we are reopening the comment period for this proposal to list *G.n.* ssp. *coloradensis* and publishing the required notices. The comment period now closes on June 16, 2000. Written comments should be submitted to the Service (see **ADDRESSES** section).

Gaura neomexicana ssp. *coloradensis* is a short-lived, perennial herb endemic to moist soils in mesic or wet meadows of floodplain areas in southeastern Wyoming, northcentral Colorado, and extreme western Nebraska. This early to mid-seral stage species occurs primarily in habitats created and maintained by streams active within their floodplains, with vegetation that is relatively open and not overly dense or overgrown. The disturbance of riparian areas that contain native grasses by agricultural conversion, water diversions, channelization, and urban development threaten *G.n.* ssp. *coloradensis* by

changing habitat significantly enough to preclude survival of viable populations.

Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size or trend of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species;

(5) Biological or physical elements that best describe *Gaura neomexicana* ssp. *coloradensis* habitat that could be essential for the conservation of the species;

(6) Information regarding genetic differences and similarities within and between populations of *Gaura neomexicana* ssp. *coloradensis;*

(7) Possible alternative noxious weed control, grazing, farming, and water management practices that will reduce or eliminate impacts to *Gaura neomexicana* ssp. *coloradensis;* and

(8) Other management strategies that will conserve the species throughout its range.

Comments previously submitted during the first comment period need not be resubmitted, as they will be fully considered in the final determination.

Author. The primary author of this document is Mary Jennings of the Wyoming Field Office (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: May 2, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00–12122 Filed 5–16–00; 8:45 am]

BILLING CODE 4310–55–U

Notices

Federal Register

Vol. 65, No. 96

Wednesday, May 17, 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

Rural Business-Cooperative Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Proposed collection, comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Business-Cooperative Service's (RBS) intention to request an extension for a currently approved information collection in support of the program for Rural Cooperative Development Grants.

DATES: Comments on this notice must be received by July 17, 2000, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: James E. Haskell, Assistant Deputy Administrator, Cooperative Services, Rural Business-Cooperative Service, U.S. Department of Agriculture, Stop 3250, Room 4016, South Agriculture Building, 1400 Independence Avenue, SW., Washington, DC 20250–3250. Telephone (202) 720–8460.

SUPPLEMENTARY INFORMATION:

Title: Rural Cooperative Development Grants.

OMB Number: 0570–0006.

Expiration Date of Approval: September 30, 2000.

Type of Request: Intent to extend the clearance for collection of information under RD Instruction 4282–F, Rural Cooperative Development Grants.

Abstract: The primary purpose of the Rural Business-Cooperative Service (RBS) is to promote understanding, use, and development of the cooperative form of business as a viable option for enhancing the income of agricultural producers and other rural residents. The primary objective of the Rural Cooperative Development Grant program is to improve the economic condition of rural areas through cooperative development. Grants will be awarded on a competitive basis to nonprofit corporations and institutions of higher education based on specific selection criteria.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 24 hours per grant application.

Respondents: Nonprofit corporations and institutions of higher education.

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 50.

Estimated Total Annual Burden on Respondents: 1,848 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Division, at (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of RBS, including whether the information will have practical utility; (b) the accuracy RBS 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 may be sent to Cheryl Thompson, Regulations and Paperwork Management Division, U.S. Department of Agriculture, Rural Development, Stop 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: May 10, 2000.

Dayton J. Watkins,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 00–12334 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–XY–U

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Arkansas Electric Cooperative Corporation; Notice of Intent

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Assessment.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS), pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR Part 1794) proposes to prepare an Environmental Assessment related to possible financial assistance to Arkansas Electric Cooperative Corporation for the construction of a 153 megawatt (MW) combustion turbine electric generating plant in southwest Arkansas.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Engineering and Environmental Staff, Rural Utilities Service, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571, telephone (202) 720–0468. The E-mail address is bquigel@rus.usda.gov.

SUPPLEMENTARY INFORMATION: Arkansas Electric Cooperative Corporation proposes to construct the plant at a 159 acre site east of Fulton, Arkansas. Fulton is located in Hempstead County.

The project, as proposed, would consist of a 153 MW gas-fired, simple cycle combustion turbine and a water-cooled generator. The plant will have a 90-foot exhaust stack, step-up and auxiliary transformers, motor control centers, bus ductwork, an electric substation, and control, maintenance, and operations buildings. The project would require 4 miles of 115 kV transmission line to tie the plant to the existing transmission grid. (The transmission line will be built to 161 kV specifications in anticipation that additional transmission line capacity may be needed in the future.)

The facility will be designed to accommodate conversion of the plant to combined cycle operation, but will be initially operated as a simple cycle plant. The site will also be designed to accommodate the addition of one or more simple or combined cycle units. However, the Environmental

Assessment announced herein will cover only the initial 153 MW simple cycle plant and related electric transmission line as only the 153 MW unit is being considered for RUS financial assistance.

The alternative to be considered by RUS to providing financial assistance to Arkansas Electric Cooperative Corporation for the construction of the 153 MW plant would be to take no action and, therefore, not provide financial assistance.

Upon completion of the Environmental Assessment, the document will be made available for public review for 30 days. Should RUS determine that the overall impacts of the construction and operation of the plant will not have a significant impact on the quality of the human environment, it will prepare and publish a finding of no significant impact (FONSI).

Availability of the Environmental Assessment and notification of a FONSI will be published in the **Federal Register** and in newspapers with a general circulation in the project area.

Any final action by RUS related to the proposed project will be subject to, and contingent upon, compliance with environmental review requirements prescribed by CEQ and RUS regulations.

Dated: May 11, 2000.

Mark Plank,

Acting Director, Engineering and Environmental Staff.

[FR Doc. 00–12440 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zone Board

[Docket 19–2000]

Foreign-Trade Zone 165—Midland, TX; Application for Subzone, Phillips Petroleum Company (Oil Refinery Complex), Borger, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Midland, grantee of FTZ 165, requesting special-purpose subzone status for the oil refinery complex of Phillips Petroleum Company, located in Borger, Texas. 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 (130,000 BPD capacity, 246 storage tanks with 10.3 million barrel capacity) is located at two sites in Borger, Texas: Site 1 (6,045 acres)—main refinery complex, located at Spur 119 North, Borger; Site 2 (585 acres)—crude oil tank farm, located on Highway 136, Borger, 5 miles north of the main refinery complex. The refinery is used to produce fuels, liquid petroleum gases, and refinery by-products including gasoline, jet fuel, aviation gas, distillates, residual fuels, naphthas, motor fuel blendstocks, butane, isobutane, butadiene, propane, benzene, toluene, xylene, acyclic and cyclic hydrocarbons, hydrogen sulfide, carbon black oil, petroleum coke, asphalt and sulfur. Some 10 percent of the crude oil (60 percent of inputs) is sourced from abroad. The application also indicates that the company may in the future import under FTZ procedures some naphthas, virgin gas oil, natural gas condensate and motor fuel blendstocks.

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 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 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:

Office of the Port Director, U.S. Customs Service, 10801 Airport Blvd., Amarillo, TX 79111

Office of the Executive Secretary, Foreign-Trade Zone Board, Room 4008, U.S. Department of Commerce, 14th and Pennsylvania Avenue, N.W., Washington, DC 20230

Dated: May 7, 2000.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 00–12327 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–506]

Porcelain-on-Steel Cooking Ware From the People's Republic of China: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 26, 2000, the Department of Commerce (''the Department'') initiated an administrative review of the antidumping duty order on porcelain-on-steel cooking ware from the People's Republic of China (''PRC'') for one manufacturer/exporter of the subject merchandise, Clover Enamelware Enterprise, Ltd. of China (''Clover''), and its Hong Kong affiliated reseller, Lucky Enamelware Factory Ltd. (''Lucky''), collectively referred to as Clover/Lucky, for the period December 1, 1998 through November 30, 1999. The Department is rescinding this review after receiving a timely withdrawal from the Petitioner, Columbian Home Products, of its request for review.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Russell Morris, Group II, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–1775.

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 Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1999).

Background

On December 30, 1999, Petitioner requested that the Department conduct an administrative review of Clover/Lucky, manufacturer and/or reseller of the subject merchandise in the PRC for the period December 1, 1998 through November 30, 1999. On January 26, 2000, the Department published in the

Federal Register a notice of initiation of administrative review with respect to Clover/Lucky for the period December 1, 1998 through November 30, 1999. *See, Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 65 FR 4228 (January 26, 2000). On April 25, 2000, Petitioner requested that it be allowed to withdraw its request for a review and that the review be terminated.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Because the Petitioner's request for termination was submitted within the 90-day time limit, and there were no requests for review from other interested parties, we are rescinding this review. We will issue appropriate appraisement instructions directly to the U.S. Customs Service. This notice is in accordance with section 777(i) of the Act and 19 CFR 351.213(d)(4).

Dated: May 8, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Import Administration, Group II.

[FR Doc. 00–12326 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–808]

Stainless Steel Wire Rod From India; 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 of stainless steel wire rod from India.

SUMMARY: On January 11, 2000, the Department of Commerce (''the Department'') published in the **Federal Register** the preliminary results and partial rescission of its administrative review of the antidumping duty order on stainless steel wire rod from India (65 FR 1597). This review covers Viraj Group Ltd., (''Viraj''), a manufacturer and exporter of subject merchandise to the United States. The period of review is December 1, 1997 through November 30, 1998.

Based on our analysis of the comments received, we have changed our results from the preliminary results of review. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled ''Final Results of the Review.''

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, Laurel LaCivita or Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0414, (202) 482–4243 or (202) 482–3818, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1998).

Background

On January 11, 2000, the Department published in the **Federal Register** (65 FR 1597) the preliminary results and partial rescission of its administrative review of the antidumping duty order on stainless steel wire rod from India (''*Preliminary Results*''). As we stated in that notice, this review was rescinded with respect to Mukand, Ltd. and Panchmahal Steel Ltd., pursuant to timely requests for withdrawal of their review requests. We invited parties to comment on our preliminary results of review.

We have now completed the administrative review in accordance with section 751 of the Act.

Scope of the Review

The product covered by this review is stainless steel wire rod from India. This merchandise is classifiable under Harmonized Tariff Schedule (''HTS'') subheadings 7221.00.0005, 7221.00.0015, 7221.00.0020, 7221.00.0030, 7221.00.0040, 7221.00.045, 7221.00.0060, 7221.00.0075, and 7221.00.0080. Although the HTS subheadings are provided for convenience and for U.S. Customs purposes, the written description of the scope of this finding remains dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the ''Issues and Decision Memorandum'' (''*Decision Memorandum*'') from Joseph A. Spetrini, Deputy Assistant Secretary, Import Administration, to Troy H. Cribb, Acting Assistant Secretary for Import Administration, dated May, 10, 2000, which is hereby adopted in this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum,* is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, Room B–099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *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 changed our results from the preliminary results of review. For the final results of review, Viraj's duty drawback claims have not been allowed.

Final Results of Review

We determine that the following percentage margin exists for the period December 1, 1997, through November 30, 1998:

Manufacturer/exporter/reseller	Margin (percent)
Viraj Impoexpo, Ltd	11.88

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates. We divided the total dumping margins for the reviewed sales by the entered quantity of those reviewed sales for Viraj. We will direct Customs to assess the resulting unit margins against the entered quantity for the subject merchandise on each of Viraj's entries during the review period.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of stainless steel wire rod from India entered, or withdrawn from warehouse, for consumption on or after the date of

publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Viraj will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews conducted by the Department, the cash deposit rate will be the ''all others'' rate, which is 48.80 percent.

The cash deposit rate has been determined on the basis of the selling price to the first unaffiliated U.S. customer. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 771(i) of the Act.

Dated: May 10, 2000.

Troy H. Cribb,

Acting Assistant Secretary for Import Administration.

Appendix 1—Issues in Decision Memorandum

Comments and Responses

1. Valuation of Raw Material Inputs
2. Modvat Tax
3. Duty Drawback
4. Date of Currency Conversion
5. Interest Expense
6. Double-Counting of Profit
7. Clerical Error

[FR Doc. 00–12432 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040400C]

Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Correction

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

ACTION: Correction to announcement of receipt of an application for an exempted fishing permit (EFP).

SUMMARY: This document contains a correction to an announcement of receipt of an application for an EFP for northern anchovy in an area off San Francisco ordinarily closed to vessels fishing to reduce the catch into products such as fish meal and oil, that was published in the **Federal Register** on May 3, 2000.

FOR FURTHER INFORMATION CONTACT: James Morgan at 310–980–4036.

SUPPLEMENTARY INFORMATION: On May 3, 2000, at 65 FR 25709, NMFS announced receipt of an application for an EFP to harvest northern anchovy off the coast of California in a closed area off of Farallon Islands. That document contained incorrect dates for the Pacific Fishery Management Council meeting.

Correction

On page 25709, in the second column, in the second complete paragraph, in the second line, ''June 23–26, 2000,'' should read ''June 26–30, 2000''.

Dated: May 12, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–12426 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–22–F

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission, Washington, DC 20207.

TIME AND DATE: Thursday, May 25, 2000, 2 p.m.

LOCATION: Room 410, East West Towers, 4330 East West Highway, Bethesda, MD.

STATUS: Part open to the public; part closed.

MATTERS TO BE CONSIDERED:

Open to the Public

1. CPSC Vice Chairman.

The Commission will elect a Vice Chairman.

Closed to the Public

2. Compliance Status Report.

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207; (301) 504–0800.

Dated: May 15, 2000.

Sadye E. Dunn,

Secretary.

[FR Doc. 00–12551 Filed 5–15–00; 2:52 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Grant Applications Under Part D, Subpart 2 of the Individuals With Disabilities Education Act; Correction

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards for fiscal year (FY) 2000; correction.

SUMMARY: On April 28, 2000, a notice inviting applications for new awards under the Office of Special Education and Rehabilitative Services; Grant Applications under Part D, Subpart 2 of the Individuals with Disabilities Education Act was published in the **Federal Register** (65 FR 25156). The notice included an ''Estimated Project Awards'' section in the Parent Training and Information Centers priority that listed project award amounts for State awards, including Virgin Islands and American Samoa, and interim State awards (65 FR 25167). Information

stating that other awards may also be made to authorized entities in Guam, the Commonwealth of the Northern Mariana Islands, and the freely associated States, was inadvertently omitted from this section. In addition, the notice contained a ''chart'' that provided closing dates and other information regarding the transmittal of applications for the Fiscal Year 2000 competitions. This notice will correct the ''Estimated Project Awards'' section and the ''chart'' (65 FR 25170) by including the following information, ''Awards may also be made under the Parent Training and Information Centers competition (CFDA 84.328M) to authorized entities in Guam, the Commonwealth of the Northern Mariana Islands, and the freely associated States. However, maximum funding levels have not been specified.''

Note to applicants: Potential applicants should consult the statement of the final priority published on April 28, 2000 (65 FR 25156) to ascertain the substantive requirements for their applications.

Correction

1. In the **Federal Register** of April 28, 2000 (65 FR 25167), in the third column, after the listing ''New York (Interim Awards)—$339,800'' correct the ''Estimated Project Awards'' section by adding the following paragraph to read:

Awards may also be made under the Parent Training and Information Centers competition (CFDA 84.328M) to authorized entities in Guam, the Commonwealth of the Northern Mariana Islands, and the freely associated States. However, maximum funding levels have not been specified.

2. In the **Federal Register** of April 28, 2000 (65 FR 25170) correct footnote 1 of the chart to read as follows:

The Assistant Secretary rejects and does not consider an application that proposes a budget exceeding the amount listed for any single budget period of 12 months. Awards may also be made under the Parent Training and Information Centers competition (CFDA 84.328M) to authorized entities in Guam, the Commonwealth of the Northern Mariana Islands, and the freely associated States. However, maximum funding levels have not been specified.

FOR FURTHER INFORMATION CONTACT: For further information on this priority contact Debra Sturdivant, U.S. Department of Education, 400 Independence Avenue, SW, room 3317, Switzer Building, Washington, DC 20202–2641. FAX: (202) 205–8717 (FAX is the preferred method for requesting information). Telephone: (202) 205–8038. Internet: Debra_Sturdivant@ed.gov.

If you use a TDD you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC. area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Dated: May 11, 2000.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 00–12371 Filed 5–16–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

DEPARTMENT OF LABOR

Office of School-to-Work Opportunities; Advisory Council for School-to-Work Opportunities, Notice of Open Meeting

SUMMARY: The Advisory Council for School-to-Work Opportunities was established by the Departments of Education and Labor to advise the Departments on implementation of the School-to-Work Opportunities Act. The Council shall assess the progress of School-to-Work (STW) Opportunities systems development and program implementation; make recommendations regarding progress and implementation of the School-to-Work Opportunities initiative; advise on the effectiveness of the new Federal role in providing venture capital to States and localities to develop STW systems and act as advocates for implementing the STW on behalf of their stakeholders.

TIME AND PLACE: The Advisory Council for School-to-Work Opportunities will have an open meeting on Wednesday, May 31, 2000 from 8:30 am to 5 pm and on Thursday, June 1, 2000, from 8 am to 4 The meeting will be held at the Washington Court Hotel, Washington, DC.

AGENDA: The agenda for the meeting on Wednesday, May 31 begins with opening remarks by the Co-Chair of the Advisory Council Jacquelyn Belcher, President, Perimeter College of Decatur, Georgia. Following the opening, the Council will meet with senior representatives of the Departments of Education and Labor, the State Directors for School-to-Work and others involved in School-to-Work system-building to engage in a review of the STW initiative. On Thursday, June 1, Council Chair John McKernan, President of McKernan Enterprises, Portland, Maine will reconvene the Council to continue the discussion of issues related to sustainability of the School-to-Work initiative with the State Directors for STW, with Department of Education and Labor officials and other national, state and local policymakers.

PUBLIC PARTICIPATION: The meetings on Wednesday, May 31 and Thursday, June 1 will be open to the public. Seats will be reserved for the media. Individuals with disabilities in need of special accommodations should contact the Designated Federal Official (DFO), listed below, at least 7 days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Stephanie J. Powers, Designated Federal Officials (DFO), Advisory Council for School-to-Work Opportunities, Office of School-to-Work Opportunities, 400 Virginia Avenue, SW, Room 210, Washington, DC 202/401–6222. (This is not a toll free number.)

Signed at Washington, DC, this 12th day of May, 2000.

Raymond L. Bramucci,

Assistant Secretary for Employment and Training.

Robert Muller,

Acting Assistant Secretary for Vocational and Adult Education.

[FR Doc. 00–12401 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, June 7, 2000, 6:00–9:30 p.m.

ADDRESSES: Garden Plaza, 215 S. Illinois Avenue, Oak Ridge, TN.

FOR FURTHER INFORMATION CONTACT: Theresa Perry, Federal Coordinator, Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831, (865) 576–8956.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Overview of the Oak Ridge Reservation Watersheds, presented by DOE/ORO EM.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Carol Davis at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the end of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Teresa Perry, Department of Energy, Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831 or by calling her at (423) 576–8956.

Issued at Washington, DC on May 12, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–12397 Filed 5–16–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford Site. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, June 1, 2000: 9:00 a.m.–5:00 p.m.; Friday, June 2, 2000: 8:30 a.m.–4:00 p.m.

ADDRESSES: Eastern Oregon State University Hoke College Center Multi-Purpose Room La Grande, Oregon

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7–75), Richland, WA, 99352; Ph: (509) 373–5647; Fax: (509) 376–1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

—Environment, Safety, and Health
—Environmental Restoration
—Area 100 Remedial Investigation/Feasibility Study
—Area 300 Remedial Investigation/Feasibility Study
—Update on Ground Water/Vadose Zone
—Tank Waste Remediation (DOE Office of River Protection)
—Interim Stabilization of Single Shell Tanks
—Tank Waste Treatment
—Plutonium Finishing Plant—Path Forward
—Committee Updates
—Draft Site Specific Advisory Board Statement of Principles

Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling her at (509) 373–5647.

Issued at Washington, DC on May 12, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–12398 Filed 5–16–00; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Request for Emergency Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Agency information collection activities: Request for emergency review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for emergency processing under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*) by Monday, May 22, 2000. The reason for this emergency clearance request is to obtain data from customers whose natural gas shipments may have been interrupted during December 1999, and January and February 2000. The data are needed for responding to requests from the Secretary of Energy and Congress by the end of July 2000, regarding the impact of interruptible natural gas contracts on home heating oil supplies in the Northeastern United States during December 1999, and January and February 2000.

The Supplementary Information contains the following: (1) The collection number and title; (2) a summary of the collection of information, which includes the sponsor (*i.e.*, the DOE component),

current OMB document number (where applicable), type of request (new, revision, extension, or reinstatement), response obligation (mandatory, voluntary, or required to obtain or retain benefits); (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents, times the proposed frequency of response per year, times the average hours per response).

DATES: Comments must be filed by Friday, May 19, 2000.

ADDRESSES: Address comments to the Mr. Erik Godwin, Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place N.W., Washington, DC 20503. (Mr. Godwin may be reached by telephone at (202) 395–3084. Comments should also be addressed to the Statistics and Methods Group at the address immediately below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 426–1103, FAX at (202) 426–1081, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review is:

1. EIA–904, ''Fuel Used to Replace Natural Gas During Natural Gas Service Interruptions in the Northeast.''

2. The Energy Information Administration plans to collect information from up to 400 companies whose supply of natural gas may have been interrupted during December 1999, or January or February 2000. The form will request information on natural gas and liquid fuel purchases; natural gas and liquid fuels consumed in the period; and fuel storage capacity and inventories. This is a new survey and a new OMB number is being requested. The response obligation will be mandatory.

3. The data will be collected, then summarized and analyzed, and, thereafter, be used for responding to a request from the Secretary of Energy and Congress regarding the level and extent of natural gas interruptions in the Northeastern United States, during December 1999, and January and February 2000.

4. Respondents will be customers of local distribution companies and pipeline companies with interruptible service contracts. These customers may have had their supply of natural gas interrupted, during December 1999, or January or February 2000. The companies were identified by collecting information from natural gas local distribution companies and natural gas pipeline companies in the Northeastern United States.

5. The reporting burden is expected to be 2400 hours (400 respondents × 1 response × 6 hours).

Statutory Authority: Sections 3506(c) and 3507(j) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, DC May 12, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–12499 Filed 5–16–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–1655–001]

Southern Company Services, Inc.; Notice of Filing

May 11, 2000.

Take notice that on May 8, 2000, Southern Company Services, Inc. (SCSI), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as the Operating Companies), submitted for filing a response to the Staff's deficiency letter issued in this docket on April 14, 2000.

Copies of the filing were served on all intervenors in the proceeding and upon the affected State 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 285.214). All such motions and protests should be filed on or before May 22, 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. 00–12330 Filed 5–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

May 11, 2000.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project No.:* 178.

c. *Date filed:* April 14, 2000.

d. *Submitted By:* Pacific Gas and Electric Company.

e. *Name of Project:* Kern Canyon.

f. *Location:* On the Kern River in Kern County, California.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to Section 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the license at Pacific Gas and Electric Company, 77 Beal Street, San Francisco, California 94105. Interested parties can contact Cheryl Watkins on (415) 973–2189.

i. *FERC Contact:* Patricia W. Gillis, (202) 208–0735, *patricia.gillis@ferc.fed.us.*

j. *Expiration Date of Current License:* April 30, 2005.

k. The project consists of a dam, reservoir, tunnel, penstock, a powerhouse with one generator with a rated capacity of 10,600 kVA and transmission line.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 178. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2003.

m. A copy of the notice of intent 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. The notice 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.

David P. Boergers,

Secretary.

[FR Doc. 00–12328 Filed 5–16–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

May 11, 2000.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project No.:* 2174.

c. *Date filed:* March 29, 2000.

d. *Submitted By:* Southern California Edison Company.

e. *Name of Project:* Portal.

f. *Location:* Upper San Joaquin River Basin, Rancheria Creek and Big Creek in Fresno County, California.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to Section 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the licensee at Southern Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770. Interested parties can contact Stephen E. Pickett (818) 302–1564.

i. *FERC Contact:* Patricia W. Gillis, (202) 208–0735, *patricia.gillis@ferc.fed.us.*

j. *Expiration Date of Current License:* March 31, 2005.

k. The project consists of a dam having a 325 acre-feet storage capacity, 6-mile long water conveyance tunnel, steel penstock, powerhouse having an installed capacity of 10.8 MW, 33-kV transmission line and appurtenant facilities,

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2174. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 2003.

m. A copy of the notice of intent is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The notice 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.

David P. Boergers,

Secretary.

[FR Doc. 00–12329 Filed 5–16–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6700–8]

Agency Information Collection Activities; Submission of EPA ICR No. 1911.01 to OMB for Review and Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) entitled: Data Acquisition for Anticipated Residue and Percent of Crop Treated (EPA ICR No. 1911.01), has been forwarded to the Office of Management and Budget (OMB) for review and approval pursuant to the OMB procedures in 5 CFR 1320.12. The ICR, which is abstracted below, describes the nature of the information collection and its estimated cost and burden. The Agency is requesting that OMB approve this new ICR for a three year period. A **Federal Register** notice announcing the Agency's intent to seek OMB approval for this new ICR and a 60-day public comment opportunity, requesting comments on the request and the contents of the ICR, was issued on August 4, 1999 (64 FR 42362). EPA did not receive any comments on this ICR during the comment period.

DATES: Additional comments may be submitted on or before June 16, 2000.

FOR FURTHER INFORMATION OR A COPY CONTACT: Sandy Farmer by phone at 202–260–2740, or via e-mail at ''farmer.sandy@epa.gov'', or download a copy of the ICR off the Internet at *http://www.epa.gov/icr.* Please refer to EPA ICR No. 1911.01.

ADDRESSES: Send comments, referencing EPA ICR No. 1911.01, to the following addresses:

Ms Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; and to:

Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

SUPPLEMENTARY INFORMATION:

Title: Data Acquisition for Anticipated Residue and Percent of Crop Treated.

Abstract: Under this ICR, EPA will issue a DCI to affected registrants under the authority of FIFRA section 3(c)(2)(B). Currently, there are two main categories of applications subject to this collection: those requiring submission of a full complement of supporting data, (*e.g.*, new chemicals, and biorationals); and those requiring submission of little or no data, (*e.g.*, ''me-too'' products) for previously registered chemicals and use patterns. Applicants for a ''me-too'' product (*i.e.*, a pesticide claimed to be substantially similar in composition and use to a product previously registered by the EPA) may be required only to use EPA Form 8570–34 (''Certification with Respect to Citation of Data'') and EPA Form 8570–35 (''Data Matrix'') to certify that the applicant intends to rely on data previously submitted to the EPA by another producer, the applicant has contacted the appropriate company (owning the data that the applicant is referencing), and the applicant has offered to pay reasonable compensation for the use of the data.

If EPA relies on ARs data when establishing or reassessing a tolerance, it must issue a DCI, and if the EPA used the percent of crop treated data estimates for a tolerance action, it may issue a DCI. A DCI is a letter sent to the registrant explaining the data submission requirement, requests specific data, sets out a time frame for a response to EPA, and provides applicable forms and guidelines to assist the registrant with the completion of the DCI request. A registrant must respond within 90 days of receipt of the DCI. The response must describe plans to submit the required data in accordance with time frame specified, and, if applicable, contain suggested protocols for monitoring studies. Failure to generate the requested data, or respond to the DCI in a timely manner could result in Agency action to modify or revoke the tolerance.

Burden Statement: The annual ''respondent'' burden for this ICR is estimated to range from 59 hours to 13,636 hours per response, depending on the type of DCI.

According to the Paperwork Reduction Act, ''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. For this collection, it is the time reading the regulations, planning the necessary data collection activities, conducting tests, analyzing data, generating reports and completing other required paperwork, and storing, filing, and maintaining the data. The agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this information collection appear at the beginning and the end of this document. In addition OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9 and 48 CFR Chapter 15.

Respondents/Affected Entities: Pesticide registrants.

Estimated Number of Annual Respondents: 31.

Frequency of Response: Once. Five years after tolerance decision.

Estimated number of annual responses for each respondent: 1.

Estimated Total Annual Burden: 29,807 hours.

Estimated Total Annualized Burden Costs: $2,773,866.

Dated: May 10, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–12392 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6700–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Emission Standards for Hazardous Air Pollutants (NESHAP) for Perchloroethylene (PCE) Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP for Perchloroethylene (PCE) Dry Cleaning Facilities Subpart M, OMB Control Number 2060–0234 and expiration date of 6/30/00. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 16, 2000.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No.1415.04.

For technical questions about the ICR contact Joyce Chandler at (202) 564–7073, by email at chandler.joyce@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: National Emission Standards for Hazardous Air Pollutants for Perchloroethylene (PCE) Dry Cleaning Facilities Subpart M (OMB Control No. 2060–0234; EPA ICR No. 1415.04) expiring 6/30/00. This is a request for extension of a currently approved collection.

Abstract: These standards apply to owners or operators of dry cleaning facilities that use perchloroethylene (PCE). Owners or operators of such facilities must provide EPA, or the delegated State regulatory authority, with the one-time notifications and reports. The owners or operators must also perform weekly monitoring (or biweekly for the smallest facilities) and must keep records for 5 years. The notification and reports enable EPA or the delegated State regulatory authority to determine whether the appropriate control technology is installed and properly operated and maintained, and to schedule inspections and/or compliance assistance activities. The responses to this information collection are mandatory under Clean Air Act section 112 and 40 CFR part 63, subpart M. The responses are not anticipated to be kept confidential due to the nature of the information collected; however, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in 40 CFR part 2. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/29/99 (64 FR 58396); No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 230 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Dry Cleaning Plants.

Estimated Number of Respondents: 25,090.

Frequency of Response: 2 per new facility.

Estimated Total Annual Hour Burden: 1,212,129.

Estimated Total Annualized Capital and Operating & Maintenance Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1415.04 and OMB Control No. 2060–0234 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Ave, NW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 10, 2000.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 00–12393 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6700–5]

Integrated Risk Information System (IRIS): Announcement of 2000 Program—Addendum; Request for Information

AGENCY: Environmental Protection Agency.

ACTION: Notice; addendum to announcement of IRIS 2000 program and request for scientific information on health effects that may result from chronic exposure to chemical substances.

SUMMARY: The Integrated Risk Information System (IRIS) is an Environmental Protection Agency (EPA) data base that contains EPA scientific consensus positions on human health effects that may result from chronic exposure to chemical substances in the environment. On January 12, 2000, EPA announced the 2000 IRIS agenda and solicited scientific information from the public for consideration in assessing health effects from specific chemical substances. This notice adds the chemical substances hexachlorobenzene and hexahydro-1,3,5-trinitro-triazine (''RDX'') to the IRIS agenda, and solicits scientific data and evaluations for consideration in EPA's assessments.

DATES: Please submit information in response to this notice by July 17, 2000.

ADDRESSES: Please send relevant scientific information to the IRIS Submission Desk in accordance with the instructions provided under ''Submission of Information'' in this notice.

FOR FURTHER INFORMATION CONTACT: For information on the IRIS program, contact Amy Mills, National Center for Environmental Assessment (mail code 8601D), U.S. Environmental Protection Agency, Washington, DC 20460, or call (202) 564–3204, or send electronic mail inquiries to mills.amy@epa.gov. For general questions about access to IRIS, or the content of IRIS, please call the Risk Information Hotline at (513) 569–7254.

SUPPLEMENTARY INFORMATION:

Background

IRIS is an EPA data base containing Agency consensus scientific positions on potential adverse human health effects that may result from chronic (or lifetime) exposure to chemical substances found in the environment. IRIS currently provides health effects information on over 500 specific chemical substances.

IRIS contains chemical-specific summaries of qualitative and quantitative health information in support of the first two steps of the risk assessment process, i.e., hazard identification and dose-response evaluation. IRIS information includes the reference dose for noncancer health effects resulting from oral exposure, the reference concentration for noncancer health effects resulting from inhalation exposure, and the carcinogen assessment for both oral and inhalation exposure. Combined with specific situational exposure assessment information, the summary health hazard information in IRIS may be used as a source in evaluating potential public health risks from environmental contaminants.

The IRIS Program

EPA's process for developing IRIS consists of: (1) An annual **Federal Register** announcement of EPA's IRIS agenda and call for scientific information from the public on the selected chemical substances, (2) a search of the current literature, (3) development of health assessments and draft IRIS summaries, (4) peer review within EPA, (5) peer review outside EPA, (6) EPA consensus review and management approval, (7) preparation of final IRIS summaries and supporting documents, and (8) entry of summaries and supporting documents into the IRIS data base.

Purpose of This Notice

EPA is adding the chemical substances hexachlorobenzene (CAS No. 118–74–1) and hexahydro-1,3,5-trinitro-triazine or ''RDX,'' (CAS No.121–82–4) to its assessment agenda for fiscal year 2000. EPA is hereby requesting scientific information from the public for consideration in these two assessments.

As described in the January 12, 2000, **Federal Register** document (63 FR 1863) announcing the IRIS agenda for fiscal year 2000, EPA is testing ways to cooperate with external parties, including other government agencies, in the development of supporting documentation for IRIS. The Agency is initiating these two assessments to build upon a common interest with other federal agencies. EPA's Superfund program has identified a strong need to update the existing IRIS entry for hexachlorobenzene. This substance is frequently found at Superfund sites and is critical to a number of human health risk assessments. Concurrently, the Agency for Toxic Substances and Disease Registry (ATSDR) has identified hexachlorobenzene as a priority substance for developing a revised Toxicological Profile. EPA and ATSDR will therefore coordinate their efforts in developing the IRIS Toxicological Review and the revised ATSDR Toxicological Profile for Hexachlorobenzene. Similarly, the U.S. Army has identified a strong need to update the existing IRIS entry for RDX, which frequently occurs at federal facilities operated by the U.S. Army and is critical to a number of human health risk assessments. EPA and the U.S. Army will coordinate their efforts in developing a Toxicological Review for RDX. New scientific information is available to evaluate and reassess the potential health effects of both substances.

These joint efforts with other federal agencies is a pilot effort to utilize federal resources more effectively and provide more consistent information to the public. Completion of the hexachlorobenzene and RDX assessments and addition to the IRIS data base is expected by fiscal year 2002.

Submission of Information

As in previous **Federal Register** documents announcing the annual IRIS agenda, EPA is soliciting public information on hexachlorobenzene and RDX. While EPA conducts a thorough literature search for each chemical substance, there may be other articles or unpublished studies we are not aware of. We would greatly appreciate receiving scientific information from the public during the information gathering. Interested persons should provide scientific comments, analyses, studies, and other pertinent scientific information. The most useful documents for EPA are unpublished studies or other primary technical sources that we may not otherwise obtain through open literature searches. Also note that if you have submitted certain information previously, there is no need to resubmit that information. Information from the public is being solicited for 60 days via this notice.

Procedures for Submission

As described in the January 12, 2000, **Federal Register** document, submissions will be handled in a three-step process:

1. Submission Inventory: First, you should simply provide a list within 60

days of this notice briefly identifying all the information (reports, papers, articles, etc.) you wish to submit. The list should specify by name and CASRN (Chemical Abstract Service Registry Number) the chemical substance(s) to which the information pertains, state the type of assessment that is being addressed (e.g., carcinogenicity), and describe briefly the information to be submitted for consideration. Where possible, documents should be listed in scientific citation format, that is, author(s), title, journal, and date. Your cover letter should: state that the correspondence is an IRIS submission, describe in general terms the purpose of the submission, and include names, addresses, and telephone numbers of persons to contact for additional information. Mail two copies of the submission to the IRIS Submission Desk, c/o Courtney R. Johnson, National Center for Environmental Assessment (8601D), U.S. Environmental Protection Agency, Washington, DC 20460.

Alternatively, you may submit the submission inventory and cover letter electronically to IRIS.desk@epa.gov. Electronic information must be submitted in WordPerfect or as an ASCII file. Information will also be accepted on 3.5'' disks. All information in electronic form must be identified as an IRIS submission.

2. EPA Replies to Submission Inventory: In the second step, EPA will compare the submission inventory to existing files and identify the information that should be submitted. This step will help prevent an influx of duplicative information. You will receive notification requesting full submission of the selected material.

3. Full Submission of Selected Material: In the third step, you should send in the information indicated by EPA within 30 days of EPA's reply. Prompt response to EPA will ensure that your material can be considered in the assessment in a timely fashion. Submittals should include a cover letter addressing all of the points in item 1 above. In addition, when you submit results of new health effects studies concerning existing substances on IRIS, you should include a specific explanation of how and why the study results could change the information in IRIS.

Please send two copies, at least one of which should be unbound, to the IRIS Submission Desk, as described in Step 1. The IRIS Submission Desk will acknowledge receipt of your information.

Confidential Business Information (CBI) should not be submitted to the IRIS Submission Desk. CBI must be submitted to the appropriate EPA office via established procedures for submission of CBI (see 40 CFR, part 2, subpart B). If you believe that a CBI submission contains information with implications for IRIS, please note that in the cover letter accompanying the submission to the appropriate office.

You may also request to augment your submission with a scientific briefing to EPA staff. Such requests should be made directly to Amy Mills, IRIS Program Manager (see **FOR FURTHER INFORMATION CONTACT**).

Dated: May 4, 2000.

William H. Farland,

Director, National Center for Environmental Assessment.

[FR Doc. 00–12394 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00660; FRL–6559–6]

FIFRA Scientific Advisory Panel; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a 2–day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA) Scientific Advisory Panel (SAP) to review the following set of scientific issues being considered by the Agency pertaining to Consultation: National Drinking Water Survey Design for Assessing Chronic Exposure and Mammalian Toxicity Assessment Guidelines for Protein Plant-Pesticides. The meeting is open to the public. Seating at the meeting will be on a first-come basis. Individuals requiring special accommodations at this meeting, including wheelchair access, should contact Larry Dorsey or Paul Lewis at the address listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the meeting so that appropriate arrangements can be made.

DATES: The meeting will be held on Tuesday, June 6 and Wednesday, June 7, 2000, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA. The telephone number for the Sheraton hotel is: (703) 486–1111.

Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your request must identify docket control number OPP–00660 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Larry Dorsey or Paul Lewis, Designated Federal Officials, FIFRA SAP (7101C), Office of Science Coordination and Policy, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5369; fax number: (703) 605–0656; e-mail address: dorsey.larry or lewis.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are or may be required to conduct testing of chemical substances under the Food Quality Protection Act (FQPA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**. This 2-day meeting concerns several scientific issues undergoing consideration within the EPA Office of Pesticide Programs (OPP). The topics to be discussed are the following:

Session 1—Under the FQPA, drinking water is considered in aggregate exposure asssesements for pesticide tolerance reassessments. Since targeted monitoring data are needed for refined exposure assessments, OPP has proposed a design framework for assessing annual average pesticide concentrations in surface waters used as drinking water. Details of survey design issues and options will be presented on OPP's proposed design framework and on an independently proposed design framework.

Session 2—For this session, the Agency is soliciting guidance from the Panel on the assessment of the potential mammalian toxicity of proteins expressed as plant-pesticides. Questions will be presented on the use of animo acid homology with known toxins, *in-vitro* digestibility, dietary exposure, mechanisms of toxicity and other topics regarding the assessment of introduced proteins for potential mammalian toxicity.

Copies of the Panel's report of their recommendations will be available approximately 45 working days after the meeting and will be posted on the FIFRA SAP web site. Or, copies may be obtained by contacting the Public Information and Records Integrity Branch (PIRIB) at the address and telephone number listed below in Unit II–2.

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. A meeting agenda is available at present and copies of EPA background documents for the meeting will be available by middle May, 2000. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, from the FIFRA/SAP Internet Home Page at http://www.epa.gov/scipoly/sap/. To access this document, on the Home Page, select ''**Federal Register** *Notice Announcing This Meeting*.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00660. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the session topics listed under Unit I of **SUPPLEMENTARY INFORMATION**, including any information claimed as Confidential Business Information (CBI). This administraive record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00660 in the subject line on the first page of your request. Members of the public wishing to submit comments should contact the persons listed above in **FOR FURTHER INFORMATION CONTACT** to confirm that the meeting date and the agenda have not been modified or changed.

Interested persons are permitted to file written statements before the meeting. To the extent that time permits, and upon advanced written request to the persons listed above in **FOR FURTHER INFORMATION CONTACT**, interested persons may be permitted by the Chair of the FIFRA SAP to present oral statements at the meeting. The request should identify the name of the individual making the presentation, the organization (if any) the individual will represent, and any requirements for audiovisual equipment (e.g., overhead projector, 35mm projector, chalkboard, etc.) There is no limit on the length of written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately 5 minutes. The Agency also urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral or written statements at the meeting should contact the persons listed above in **FOR FURTHER INFORMATION CONTACT** and submit 30 copies of their presentation and/or remarks to the Panel. The Agency encourages that written statements be submitted before the meeting to provide Panel Members the time necessary to consider and review the comments.

1. *By mail*. You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your request electronically by e-mail to: ''opp-docket@epa.gov.'' Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00660. You may also file a request online at many Federal Depository Libraries.

List of Subjects

Environmental protection.

Dated: May 11, 2000.

Martha Shimkin,

Acting Director, Office of Science Coordination and Policy.

[FR Doc. 00–12378 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6701–9]

Meeting of the Ozone Transport Commission for the Northeast United States

AGENCY: Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: The United States Environmental Protection Agency is announcing the 2000 Annual Meeting of the Ozone Transport Commission. This meeting is for the Ozone Transport Commission to deal with appropriate matters within the Ozone Transport Region in the Northeast and Mid-Atlantic States, as provided for under the Clean Air Act Amendments of 1990. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92–463, as amended.

DATES: The meeting will be held on June 1, 2000 from 8:30 a.m. to approximately 1 p.m.

PLACE: The meeting will be held at the Harraskeet Inn, 162 Main Street, Freeport, Maine 04032; (800) 342–6423.

FOR FURTHER INFORMATION CONTACT: Judith M. Katz, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; (215) 814–2900.

FOR DOCUMENTS AND PRESS INQUIRIES CONTACT: Bruce S. Carhart, Ozone Transport Commission, 444 North Capitol Street N.W., Suite 638, Washington, DC 20001; (202) 508–3840; e-mail: ozone@sso.org; website: http://www.sso.org/otc

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1990 contain at Section 184 provisions for the ''Control of Interstate Ozone Air Pollution.'' Section 184(a) establishes an ''Ozone Transport Region'' (OTR) comprised of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New

Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, parts of Virginia and the District of Columbia.

The Assistant Administrator for Air and Radiation of the Environmental Protection Agency convened the first meeting of the commission in New York City on May 7, 1991. The purpose of the Ozone Transport Commission is to deal with ground level ozone formation, transport, and control within the OTR.

The purpose of this notice is to announce that this Commission will meet on June 1, 2000. The meeting will be held at the address noted earlier in this notice.

Section 176A(b)(2) of the Clean Air Act Amendments of 1990 specifies that the meetings of the Ozone Transport Commission are not subject to the provisions of the Federal Advisory Committee Act. This meeting will be open to the public as space permits.

Type of Meeting: Open.

Agenda: Copies of the final agenda will be available from Lisa Sims of the OTC office (202) 508–3840 (by e-mail: ozone@sso.org or via our website at http://www.sso.org/otc) on Thursday, May 25, 2000. The purpose of this meeting is to review air quality needs within the Northeast and Mid-Atlantic States, including reduction of motor vehicle and stationary source air pollution. The OTC is also expected to address issues related to the transport of ozone into its region, including actions by EPA under Sections 110 and 126 of the Clean Air Act, to evaluate the potential for additional emission reductions through new air pollution control measures, and to discuss market-based programs which could aid in the reduction of the pollutants that cause ozone.

Dated: May 10, 2000.

Bradley M. Campbell,

Regional Administrator, EPA Region III.

[FR Doc. 00–12386 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–181076; FRL–6557–6]

Buprofezin; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Department of Pesticide Regulation to use the pesticide buprofezin (CAS No. 95737–68–1) to treat up to 100,000 acres of cotton to control whiteflies. The Applicant proposes the use of a new chemical which has not been registered by the EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments, identified by docket control number OPP–181076, must be received on or before June 16, 2000.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181076 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–9356; fax number: (703) 308–5433; e-mail address: beard.andrea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in this document. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–181076. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–181076 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200

Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–181076. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the proposed rule or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action Is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. California Department of Pesticide Regulation has requested the Administrator to issue a specific exemption for the use of buprofezin on cotton to control silverleaf whitefly. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that a new strain, or possibly a new species, of whitefly, referred to as the strain B of sweet potato whitefly, or the silverleaf whitefly, has been a major pest of cotton since the early 1990s. Since that time, this pest has caused extensive damage to cotton and vegetable crops. The Applicant claims that adequate control will not be achieved with currently registered products and alternative cultural practices. The Applicant points out that large populations of silverleaf whiteflies have demonstrated resistance to available insecticidal control. The Applicant indicates that without adequate control of this pest in cotton, significant economic losses will occur.

The Applicant proposes to make no more than one application of buprofezin, formulated as Applaud 70WP (70% active ingredient (a.i.)), at a rate of 0.35 lb. a.i. per acre, on up to 100,000 acres of cotton, in California. The use season proposed is June 1 to October 15, 2000. If all 100,000 acres were treated, a total of 50,000 lbs. of product, or 35,000 lbs. of active ingredient, would be used.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 5, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 00–12307 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00599B; FRL–6553–9]

Pesticides; Guidance for Pesticide Registrants on Mandatory and Advisory Labeling Statements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Agency has issued Pesticide Registration (PR) Notice 2000–5 entitled ''Guidance for Mandatory and Advisory Labeling Statements.'' This PR notice provides guidance to the registrant for improving the clarity of labeling statements in order to avoid confusing directions and precautions and to prevent the misuse of pesticides.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter, (7505C), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5448; fax number: (703) 305–6920; e-mail address: kempter.carlton@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are required to register pesticides. Since other entities may also be

interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document and the PR Notice from the Office of Pesticide Programs' Home Page at http://www.epa.gov/pesticides. You can also go directly to the listings from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the**Federal Register** listings at http://www.epa.gov/fedrgstr.

2. *Fax-on-demand*. You may request a faxed copy of the Pesticide Registration (PR) Notice entitled ''Guidance for Mandatory and Advisory Labeling Statements,'' by using a faxphone to call (202) 401–0527 and selecting item 6128. Also, you may select item 6129 for the paper entitled ''Responses to Public Comments on Draft PR Notice on Mandatory/Advisory Labeling.'' You may also follow the automated menu.

3. *In person*. The Agency has established an official record for this action under docket control number OPP–00599B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. What Guidance Does this PR Notice Provide?

This notice provides guidance to the registrant for improving the clarity of labeling statements in order to avoid confusing directions and precautions, and to prevent the misuse of pesticides. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) section 2(ee) defines the term ''to use any registered pesticide in a manner inconsistent with its labeling'' (i.e., misuse) as use of ''. . . any registered pesticide in a manner not permitted by the labeling . . . .'' For purposes of this notice, the term ''use'' includes storage, transportation, handling, pre-application activities, mixing and loading, worker notification and worker protection, application, post-application activities and disposal. Registrants are not required to submit applications in response to this notice, however, EPA will review applications in light of the guidance presented here and seek to clarify labeling statements that are unclear or ambiguous. Finally, registrants may no longer add or change advisory labeling statements to existing products by notification as previously permitted by PR Notices 95–2 and 98–10. This PR Notice supersedes those PR Notices concerning the use of notification for adding or modifying advisory statements.

III. Guidance on Mandatory and Advisory Labeling Statements

Statements on the pesticide labeling may be interpreted by users differently from what the registrant or EPA intended when the labeling was accepted. If EPA believes that misuse has occurred, an administrative law judge or a court may have to decide whether a product's labeling statements are clear enough for the user to understand how to lawfully use the product. Pesticide labeling needs to clearly identify what is required of the user to handle and apply a pesticide safely. The Agency is engaged in numerous efforts to improve pesticide product labels in general (e.g., the Consumer Labeling Initiative), as well as in specific areas of the labeling (e.g., bee precautionary labeling and pesticide drift labeling).

Mandatory statements, which commonly use imperative verbs such as ''must'' or ''shall,'' either require action or prohibit the user from taking certain action. Advisory statements generally provide information, either in support of the mandatory statements or about the product in general. To ensure that the intent of each labeling statement is clear, mandatory statements need to be clearly distinguishable from advisory statements.

Currently, labeling provisions are enforced by taking into consideration all of the information presented on the label and by reading advisory statements in the context of the entire label. Problems can arise when advisory statements are either vague or ambiguous in meaning, or are inconsistent with mandatory labeling statements. In the past, advisory statements have commonly used suggestive verbs such as ''should,'' ''may,'' or ''recommend'' to encourage the user to achieve the directed behavior, but often these statements can be unclear as to whether they are mandatory or advisory. In a recent misuse enforcement action, for example, the person charged with the violation argued that advisory statements misled him into taking action which was inconsistent with the mandatory statements.

Advisory language using terms such as ''should,'' ''may,'' and ''recommend'' can create ambiguities as to the intent of the direction or precaution. Too often, common everyday speech using the word ''should'' creeps into mandatory label statements where the imperative tense is needed to communicate that certain action is required. Another problem is contradictory headings and statements. A set of mandatory directions preceded by an advisory heading such as ''Use Recommendations'' potentially conflicts as to the nature of the intended action. Lastly, the use of words such as ''should'' in advisory language can mistakenly imply that an unaccepted use is permissible. For example, the direction ''you should remove all food articles prior to use'' on a product that is not registered for any food uses could be mistakenly read to suggest that it is not mandatory to remove all food from the area to be treated.

The Agency seeks to improve mandatory and advisory labeling statements by providing guidance on how they can best be written. Mandatory statements are generally written in imperative or directive terms (such as ''shall,'' ''must,'' ''do this,'' ''do not'') so that a typical user will understand that these statements direct the user to take or avoid certain actions, and that failure to follow these instructions is a misuse of the product. Advisory statements are generally best written in descriptive or nondirective terms to support the mandatory statements or provide information. Suggestive terms such as ''should,'' ''may,'' or ''recommend'' may be confusing or ambiguous, or potentially

conflict with mandatory labeling statements; thus, they are to be avoided. EPA realizes that the use of descriptive terms for advisory statements is not appropriate for every situation and that there are times where it may be necessary to use ''should,'' ''may,'' ''recommend,'' or similar words. However, in most cases it is best to craft advisory labeling statements in straightforward, descriptive language.

The PR Notice was developed from a draft document by the same title that was released for public comment on June 2, 1999 (64 FR 29641) (FRL–6079–4). The Agency received comments from various organizations. Each of the commenters offered recommendations for improving the document. All comments were extensively evaluated and considered by the Agency. This revised version embodies some of the recommendations of the commenters. A summary of the public comments, as well as the Agency's response to the comments, is being made available as described in Units I.B.1. and I.B.2.

IV. Why is a PR Notice Guidance and Not a Rule?

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, this policy is not binding on either EPA or any outside parties. Although this guidance document provides a starting point for EPA decisions, EPA will depart from this policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that this policy is not appropriate for a specific pesticide or that the specific circumstances demonstrate that this policy should be abandoned.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 10, 2000.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

[FR Doc. 00–12379 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6606–7]

North Penn Area 1 Superfund Site; Notice of Proposed Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), notice is hereby given of a proposed administrative cost recovery settlement under Section 122(h)(1) of CERCLA concerning the North Penn Area 1 Superfund Site, Montgomery County, Pennsylvania, which was signed by the EPA Acting Regional Administrator, Region III, and the Assistant Attorney General for the Department of Justice, Environment and Natural Resources Division. The proposed settlement is intended to resolve an EPA claim under Section 107(a) of CERCLA against the Estate of Harry Maurer. The settlement requires the settling party to pay $20,000 to the Hazardous Substance Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency and the United States Department of Justice will consider all comments received and may modify or withdraw their consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. The agreement has been approved by the Attorney General, United States Department of Justice, or her designee.

DATES: Comments must be submitted on or before June 16, 2000.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed settlement may be obtained from Suzanne Canning, Regional Docket Clerk (3RC00), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, (215) 814–2476. Comments should reference the North Penn Area 1 Superfund Site and EPA Docket No. III–99–008–DC and should be forwarded to Ms. Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Thomas A. Cinti, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103; (215) 814–2634.

Dated: May 3, 2000.

Bradley M. Campbell,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 00–12391 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6701–7]

Proposed Administrative Cashout Deminimis Settlement Under Section 122(g) of the Comprehensive Environmental Response Compensation and Liability Act; in the Matter of Tri-County/Elgin Landfill Site, Kane County, Illinois

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past and projected future response costs concerning the Tri-County/Elgin Landfill site in Kane County, Illinois, with the Precision Diamond Tool Company. The settlement requires Precision Diamond Tool Company to pay $20,000.00 to the Hazardous Substance Superfund.

On October 13, 1998, EPA sent out *deminimis* settlement offers to 386 *deminimis* generators and transporters (the ''*deminimis* offerees''). The Administrative Order on Consent accompanying that *deminimis* offer was designated as EPA Docket No. V–W–99–C–507. Attached to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507 is a volumetric ranking, in the form of a spread sheet, listing the *deminimis* offerees, the volume of waste containing hazardous substances contributed to the Site by each *deminimis* offeree, and the *deminimis*

settlement payment amount for each *deminimis* offeree (the ''Volumetric Ranking''). The Volumetric Ranking is identified as Appendix A to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507. The documented amount of hazardous substances contributed to the Site by each Respondent listed in Appendix A to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507 does not exceed 0.5% of the ''Adjusted Documented Volume'' (as defined in Appendix B to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507) of hazardous substances at the Site, and the hazardous substances contributed by each Respondent to the Site are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at the Site.

Out of the 386 *deminimis* offerees that were extended offers as part of EPA Docket No. V–W–99–C–507, 125 executed signature pages, certifying their commitment to participate in that *deminimis* settlement. Public comment on the terms of the *deminimis* settlement was conducted from April 23, 1999, through May 24, 1999. Notice that the *deminimis* settlement was final and effective was mailed to all settling parties on June 11, 1999.

Precision Diamond Tool Company inadvertently was not included in Appendix A to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507 and did not participate in that settlement. Precision Diamond Tool does, however, have a documented volume. For purposes of this *deminimis* settlement, Precision Diamond Tool's documented volume was calculated in the same way the volume was calculated for each *deminimis* generator listed in Appendix A to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507. Precision Diamond Tool's documented volume is 862 cubic yards, thus making it eligible for a *deminimis* settlement offer. In Appendix A to the Administrative Order on Consent in EPA Docket No. V–W–99–C–507, Robin Construction is listed with a documented volume of 870 cubic yards and a *deminimis* settlement payment amount of $20,079.00, and Custom Packaging Company is listed with a documented volume of 860 cubic yards and a *deminimis* settlement payment amount of $19,849.00. Precision Diamond Tool's documented volume falls between the documented volume of these two generators. Accordingly, Precision Diamond Tool's *deminimis* settlement payment amount should also fall between the payment amount of these two *deminimis* generators. Therefore, Precision Diamond Tool's *deminimis* payment amount is determined to be $20,000.00.

Under the terms of the settlement, Precision Diamond Tool Company agrees to pay its settlement amount. In exchange for its payment, the United States covenants not to sue or take administrative action pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), relating to the Site. In addition, Precision Diamond Tool Company is entitled to protection from contribution actions or claims as provided by Sections 113(f) and 122(g)(5) of CERCLA, 42 U.S.C. 9613(f) and 9622(g)(5), for all response costs incurred and to be incurred by any person at the Site.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at EPA's Region 5 Office at 77 West Jackson Boulevard, Chicago, Illinois 60604 and at the Gail Borden Public Library in Elgin.

DATES: Comments must be submitted on or before June 16, 2000.

ADDRESSES: The proposed settlement is available for public inspection at EPA's Record Center, 7th floor, 77 W. Jackson Blvd., Chicago, Illinois 60604. A copy of the proposed settlement may be obtained from Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C–14J, 77 W. Jackson Blvd., Chicago, Illinois 60604, telephone (312) 886–6670. Comments should reference the Tri-County/Elgin Landfill site, Kane County, Illinois, and EPA Docket No. V–W–00–C–585, and should be addressed to Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C–14J, 77 W. Jackson Blvd., Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Cahn, Associate Regional Counsel, U.S. EPA, Mail Code C–14J, 77 W. Jackson Blvd., Chicago, Illinois 60604, telephone (312) 886–6670.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601, *et. seq.*

Dated: May 8, 2000.

William E. Muno,

Director, Superfund Division.

[FR Doc. 00–12389 Filed 5–16–00; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2409]

Petition for Clarification of Action in Rulemaking Proceeding

Dated: May 11, 2000.

Petition for Clarification has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by June 1, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Service Rules for the 746–764 and 776–794 MHz Bands, and Revisions to Part 27 of the Commission's Rules (WT Docket No. 99–168)

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–12363 Filed 5–16–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011299–003.

Title: A.P. Moller-Maersk Sealand/P&O. Nedlloyd Agreement.

Parties:

A.P. Moller-Maersk Sealand.

P&O Nedlloyd Limited.

Synopsis: The proposed modification restates the agreement to reflect the current understanding of the parties.

Dated: May 12, 2000.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–12431 Filed 5–16–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicant

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR Part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, D.C. 20573.

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants:

D & W Millennium Freight Systems, Inc., 156–15 146th Avenue, Suite 206, Jamaica, NY 11434, Officer: Donald K. Poon, President (Qualifying Individual)

Green Integrated Logistics, Inc., 19750 Magellan Drive, #W, Torrance, CA 90502, Officers: Sung II Chung, Vice President, (Qualifying Individual), Won Kyung Kim, President

Independence Shipping Lines, Ltd., 1020 Christina Avenue, Building 23, Wilmington, DE 19801, Officers: Dulce B. McCauley, Sen. Vice President (Qualifying Individual), Daniel S. Cabellos, President

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants:

Chemo International Inc., 8100 N.W. 68th Street, Miami, FL 33166, Officers: Hugo Monterroso, Asst. Secretary (Qualifying Individual), Robert Sajet, President

Embassy Freight International L.L.C., 1590 Phoenix Blvd., Suite 240, Atlanta, GA 30349, Officers: Vince Landy, Joint Managing Partner (Qualifying Individual), Brett Reddall, Joint Managing Partner

Exim Forwarding, Inc., 440 Benmar, Suite 2100, Houston, TX, 77080–3171, Officer: Janice K. Rydlund, Vice President (Qualifying Individual)

Friendly Forwarders, Inc., 316 Miracle Mile, Suite 2, Coral Gables, FL 33134, Officers: Mariana Gonzalez, Vice President (Qualifying Individual), Francisco Tamargo, President

Dated: May 12, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–12430 Filed 5–16–00; 8:45 am]

BILLING CODE 6730–01–U

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 31, 2000.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Anthony & Suzanne Steele, Bentonville, Arkansas; to retain voting shares of BOR Bancshares, Inc., Rogers, Arkansas, and thereby indirectly retain voting shares of Bank of Rogers, Rogers, Arkansas.

Board of Governors of the Federal Reserve System, May 11, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–12411 Filed 5–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 9, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Bankoelwein, Inc., Oelwein, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of Oelwein, Oelwein, Iowa.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Franklin Bancorp, Inc., Washington, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Franklin County, Washington, Missouri.

C. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Greater Bay Bancorp, Palo Alto, California; to acquire 100 percent of the voting shares of Bank of Santa Clara, Santa Clara, California.

Board of Governors of the Federal Reserve System, May 11, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–12412 Filed 5–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 12, 2000.

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303–2713:

1. Regions Financial Corporation, Birmingham, Alabama; to merge with Heritage Bancorp, Inc., Hutto, Texas, and thereby indirectly acquire Texas Heritage Bank, Hutto, Texas.

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Three Rivers Bankshares, Inc., Fort Gibson, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Fort Gibson Bancshares, Inc., Fort Gibson, Oklahoma, and thereby indirectly acquire Fort Gibson State Bank, Fort Gibson, Oklahoma.

Board of Governors of the Federal Reserve System, May 12, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–12413 Filed 5–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 9, 2000.

A. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. The PrivateBancorp, Inc., Chicago, Illinois; to acquire The PrivateBank (a federal savings bank in organization), St. Louis, Missouri, and thereby operate a nonbank depository institution (a federal savings bank) pursuant to Section 4(c)(8) of the BHC Act and section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, May 11, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–12409 Filed 5–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 31, 2000.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Equitable PCI Bank, Inc., Makati City, Philippines; to acquire PCI Express Padala, Inc., Los Angeles, California, and thereby to engage in money remittance activities, previously approved by Board Order in *Norwest Corporation*, 81 Federal Reserve Bulletin 1130 (1995).

Board of Governors of the Federal Reserve System, May 11, 2000.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 00–12410 Filed 5–16–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11 a.m., Monday, May 22, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: May 12, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–12489 Filed 5–12–00; 5:06 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 971 0070]

BMG Music; Capitol Records, Inc.; Sony Music Entertainment Inc.; Time Warner Inc.; and Universal Music & Video Distribution Corp., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreements.

SUMMARY: The consent agreements in these five matters settle alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaints that accompany the consent agreements and the terms of the consent orders—embodied in the consent agreements—that would settle these allegations.

DATES: Comments must be received on or before June 9, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Richard Parker, FTC/H–374, 600 Pennsylvania Ave., NW, Washington, D.C. 20580. (202) 326–3300.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreements containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, have been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreements, and the allegations in the complaints. An electronic copy of the full text of the consent agreements package can be obtained from the FTC Home Page (for May 10, 2000), on the World Wide Web, at ''http://www.ftc.gov/ftc/formal.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, D.C. 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania. Ave., NW, Washington, D.C. 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis To Aid Public Comment on the Proposed Consent Order

The Federal Trade Commission (''Commission'') has accepted agreements containing proposed consent orders from the corporate parents of the five largest distributors of prerecorded music in the United States. The five distributors, Sony Music Distribution (''Sony''), Universal Music & Video Distribution (''UNI''), BMG Distribution (''BMG''), Warner-Elektra-Atlantic Corporation (''WEA''), and EMI Music Distribution (''EMI''), account for approximately 85% of the industry's $13.7 billion in domestic sales. The agreements would settle charges by the Commission that these five companies violated Section 5 of the Federal Trade Commission Act by engaging in practices that restricted competition in the domestic market for prerecorded music.

The proposed consent orders have been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will review the agreements and the comments received and will decide whether it should withdraw from the agreements or make final the agreements' proposed orders.

The purpose of this analysis is to invite public comment concerning the consent order. This analysis is not intended to constitute an official interpretation of the agreement and order or to modify its terms in any way.

There are five separate complaints and proposed consent orders in this matter, one of each of the distributors, which are virtually identical with the exception of minor variations related to the corporate structure of each respondent.

Analysis

The complaints allege that all five distributors have engaged in acts and practices that have unreasonably restrained competition in the market for prerecorded music in the United States through their adoption, implementation and enforcement of Minimum Advertised Price (''MAP'') provisions of their Cooperative Advertising Programs.

These five companies, which collectively dominate this market, adopted significantly stricter MAP programs between late 1995 and 1996. Under the new MAP provisions, retailers seeking any cooperative advertising funds were required to observe the distributors' minimum advertised prices in all media advertisements, even in advertisements funded solely by the retailers. Retailers seeking any cooperative funds were also required to adhere to distributors' minimum advertised prices on all in-store signs and displays, regardless of whether the distributor contributed to their cost.

Failure to adhere to the respondents' MAP provisions for any particular music title would subject the retailer to a suspension of all cooperative advertising funding offered by the distributor for an extended period, typically 60 to 90 days.[1] The severity of these penalties ensured that even the

[1] BMG's policy differed slightly. Under the BMG MAP provisions, the suspension of all cooperative advertising funding required a finding of two MAP violations. However, BMG MAP provisions also established a suspension of up to a year for repeated violations.

most aggressive retail competitors would stop advertising prices below MAP. The complaints further alleges that by defining advertising broadly enough to include all in-store displays and signs, the MAP policies effectively precluded many retailers from communicating prices below MAP to their customers.

The MAP provisions were implemented with the anticompetitive intent to limit retail price competition and to stabilize the retail prices in this industry. Prior to the adoption of these policies, new retail entrants, especially consumer electronic chains, has sparked a retail ''price war'' that had resulted in significantly lower compact discs prices to consumers and lower margins for retailers. Some retailers, who could not compete with the newcomers, asked the distributions for discounts or for more stringent MAP provisions to take pressure off their margins.

The complaints allege that the distributors were concerned that declining retail prices could cause a reduction in wholesale prices. Through these stricter MAP programs, the distributors hoped to stop retail price competition, take pressure off their own margins, and eventually increase their own prices. The distributors' actions were effective. Retail prices were stabilized by these MAP programs. Thereafter, each distributor raised its wholesale prices.

While some vertical restraints can benefit consumers (known as ''effciencies'') by enhancing interbrand competition and expanding market output, plausible efficiency justifications are absent in this case. Beneficial vertical restraints encourage retailers to provide better services to consumers than would have been provided to the absence of the restraint. However, in this case, the distributors' MAP policies provided no benefits to consumers. In particular, the new retailers that charged lower prices to consumers provided services that were as good as, and in some cases, superior to the services provided by the higher priced retailers they were moving to replace. These policies were plainly not motivated by ''free-riding'' concerns.

The substantial anticompetitive effects of these programs, balanced against the absence of plausible efficiency rationales for them, give us reason to believe that these programs constitute unreasonable vertical restraints in violation of Section 5 of the FTC Act under a rule of reason analysis. Although the Commission has concluded that compliance by retailers with these programs did not constitute per se unlawful minimum resale price maintenance agreements, it should be noted that the MAP provisions implemented here go well beyond typical cooperative advertising programs, where a manufacturer places restraints on the prices its dealers may advertise in a advertisements funded in whole or in part by the manufacturer. Such traditional cooperative advertising programs are judged under the rule of reason. American Cyanamid, 123 F.T.C. 1257, 1265 (1997); U.S. Pioneer Electronics Corp., 115 F.T.C. 446, 453 (1992); The Advertising Checking Bureau, Inc., 109 F.T.C. 146 (1987).

The market structure in which the distributors' MAP provisions have operated also gives us reason to believe that these programs violate Section 5 of the FTC Act as practices which materially facilitate interdependent conduct. The MAP programs were implemented with an anticompetitive intent and they had significant anticompetitive effects. In addition, there was no plausible business justification for these programs. *E.I. du Pont de Nemours & Co.* v. *FTC*, 729 F.2d 128 (2d Cir. 1984).

The wholesale market for prerecorded music is characterized by high entry barriers which limit the likelihood of effective new entry. In this industry, the respondents can easily monitor the pricing and policies of their competition.

The history of MAP policies in this industry also indicates a propensity for interdependent behavior among the distributors. All five distributors adopted MAP policies in 1992 and 1993 that generally required adherence to minimum advertised prices in advertisements paid for by the distributors. In 1995 and 1996, all five distributors expanded the restrictions in their MAP programs to require adherence to minimum advertised prices in advertisements regardless of the funding source. In one case, the new MAP provisions were announced four months prior to the effective date. During this four month hiatus, two other distributors adopted similar provisions. By the end of 1996, all five distributors had adopted MAP provisions that were virtually identical. Shortly thereafter, several distributors embarked on high profile enforcement actions against major discounters who were discounting prices; these enforcement actions were widely publicized by the trade press.

The Proposed Consent Order

There are five separate consent orders, one for each company.

Part I of the proposed orders establishes definitions. These definitions make clear that the provisions of the order apply to the directors, officers, employees, agents and representative of the five distributors. This section also makes clear that its provisions apply to cooperative funding efforts regardless of whether the retailer sells prerecorded music in traditional retail stores or over the Internet.

Part II of the orders requires all of the distributors to discontinue their MAP programs in their entirety for a period of seven years. The Commission believes this relief is necessary because some of the challenged MAP programs have been in place for more than four years. Quite simply, it will take several years without the MAP restrictions to restore retail price competition.

Part III of the orders contains several prohibitions to ensure that the distributors are unable to maintain the anticompetitive status quo in some other way. Subsection a prohibits the companies from conditioning the availability of any advertising funds on a retailer's actual selling price. Subsection B prohibits the distributors from restricting the availability of any advertising funds on the basis of an advertisement funded solely by its customers that do not adhere to the minimum advertised price. Subsection C prohibits the distributors from making payments that exceed the retailer's promotional costs to ensure compliance with any MAP program. Subsection D prohibits the distributors from controlling their customers' resales prices. Subsection E prohibits, for five years, the distribution from exercising their Colgate rights to unilaterally terminate dealers for failure to comply with any minimum advertised or resale price.

For EMI, BMG, and UNI, Parts IV, V, and VI are various notice provisions requiring the companies to notify their customers and senior management concerning the terms of this order. Part VII establishes that the distributors shall make annual compliance reports concerning their compliance with the terms of this order. Such reports may also be required by the Commission at any time. Part VIII establishes that the order shall terminate in twenty (20) years.

Part IV of the WMG and Sony orders specifically incorporates an exception to the prohibition against RPM that permits distributors to require their dealers to pass-through discounts. The notice and compliance requirements, and term of the order, are the same as for the other three respondents and are found at Parts V, VI, VII and VIII of the orders for WMG and Sony.

By direction of the Commission.

Donald S. Clark,

Secretary.

Statement of Chairman Robert Pitofsky and Commissioners Sheila F. Anthony, Mozelle W. Thompson, Orson Swindle, and Thomas B. Leary

File No. 971–0070

The Commission has unanimously found reason to believe that the arrangements entered into by the five distributors of prerecorded music violate the antitrust laws in two respects. First, when considered together, the arrangements constitute practices that facilitate horizontal collusion among the distributors, in violation of section 5 of the Federal Trade Commission Act. Second, when viewed individually, each distributor's arrangement constitutes and unreasonable vertical restraint of trade under the rule of reason. A discussion of these violations is spelled out in our Analysis to Aid Public Comments.

The Commission considered carefully whether the anticompetitive vertical restraint should be evaluated under a per se rule or rule of reason. In the past, the Commission has employed the rule of reason to examine cooperative advertising programs that restrict reimbursement of the advertising of discounts, because such programs may be procompetitive or competitively neutral. Statement of Policy Regarding Price Restrictions in Cooperative Advertising Programs—Rescission, 6 Trade Reg. Rep. (CCH) ¶ 39,057. The cooperative advertising programs that were the subject of previous Commission actions involved only advertising paid for in whole or in part by the manufacturer, but did not restrain the dealer from selling at a discount or from advertising discounts when the dealer itself paid for the advertisement. See, *e.g.,* The Advertising Checking Bureau, Inc., 109 F.T.C. 146, 147 (1987) (''the restraints* * * do not prohibit retailers from selling at discount prices or advertising discounts or sale prices with their own funds'').

The Minimum Advertised Pricing (''MAP'') policies of the five distributors in this matter go well beyond the cooperative advertising programs with which the Commission has previously dealt: The distributors' MAP policies prohibited retailers from advertising discounts in all advertising, including advertising paid for entirely by the retailer; the MAP policies applied to in-store advertising, excepting only the smallest price labels affixed to the product; and single violation of a distributor's MAP policy carried severe financial penalties, resulting in the loss of all MAP funds for all of the retailer's stores for 60 to 90 days (see Paragraph 7 of each Complaint).

Retailers were free to sell at any price, so long as they did not advertise a discounted price. In fact, there was evidence that some retailers on rare occasions did sell product at a discount without advertising the discounted price, instead advertising simply that the product was available at a ''guaranteed low price.'' We are therefore reluctant to declare that compliance with the MAP policies by retailers constituted per se unlawful minimum resale price maintenance, because we cannot say that there is sufficient evidence of an agreement by retailers to charge a minimum price. As stated by a majority in In the Matter of American Cyanamid Co., ''both the courts and the Commission have judged cooperative advertising cases under the rule of reason, as long as the arrangements do not limit the dealer's right: (1) To discount below the advertised price, and (2) to advertise at any price when the dealer itself pays for the advertisement.'' 123 F.T.C. 1257, 1265 (1997) (Statement of Chairman Robert Pitofsky and Commissioners Janet D. Steiger and Christine A.Varney).[1]

In *Business Electronics Corp.* v. *Sharp Electronics Corp.,* 485 U.S. 717, 735–36 (1988), the Supreme Court held that ''a vertical restraint is not illegal per se unless sit includes some agreement on price or price levels.'' In our view, Sharp requires something more than a showing that an agreement has some influence on price. Restrictions on advertisements that include discounted prices in advertisements funded in whole or in part by the manufacturer are not per se illegal, notwithstanding the fact that they are likely to have an influence on resale prices. Indeed, the pervasive practice of publishing suggested retail prices is also likely to have some influence on actual prices, but it is well established that this practice is not per se illegal. See, *e.g., Monsanto Co.* v. *Spray-Rite Serv. Corp.,* 465 U.S. 752, 761 (1984).

Nonetheless, we conclude that the distributors' MAP policies are unlawful under a rule of reason analysis. The five distributors together account for over 85 percent of the market (see Paragraph 2 of each Complaint), and each has market power in that no music retailer can realistically choose not to carry the music of any of the five major distributors. The MAP policies were adopted by each of the distributors for the purpose of stabilizing retail prices (see Paragraph 10 of each Complaint). The MAP policies achieved their purpose and effectively stabilized retail prices with consequential effects on wholesale prices, ending the price competition that previously existed in the retail marketplace and the resulting pressure on the distributors' margins (*id.*). Compliance with the MAP policies—which was secured through significant financial incentives—effectively eliminated the retailers' ability to communicate discounts to consumers (see Paragraph 8 of each Complaint). Even absent an actual agreements to refrain from discounting, this inability to effectively communicate discounts to consumers meant that retailers had little incentive to actually sell product at a discount.

In the future, the Commission will view with great skepticism cooperative advertising programs that effectively eliminate the ability of dealers to sell product at a discount. The Commission will, of course, consider per se unlawful[2] any arrangement between a manufacturer and its dealers that includes an explicit or implied agreement on minimum price or price levels,[3] and it will henceforth consider unlawful arrangements that have the same practical effect of such an agreement without a detailed market analysis, even if adopted by a manufacturer that lacks substantial market power.

[FR Doc. 00–12380 Filed 5–16–00; 8:45 am]

BILLING CODE 6750–01–M

[1] In American Cyanamid, the manufacturer conditioned financial payments on its dealers' charging a specified minimum price, which the Commission found to be per se unlawful minimum resale price maintenance. By contrast, financial payments under the distributors MAP policies here were conditioned on the price advertised, not on the price charged.

[2] Commissioners Swindle and Leary have previously stated that the Supreme Court should reassess the applicability of the per se rule to the practice when the appropriate case arises. Nine West Group Inc., Dkt. No. C–3937 (Statement of Commissioners Orson Swindle and Thomas B. Leary). However, they agree that, so long as this per se rule is the law, summary treatment is appropriate for resale price agreements and other agreements with the same practical effect.

[3] In addition, the Commission will continue to consider per se unlawful any cooperative advertising program that is part of a resale price maintenance scheme. Cf. The Magnavox Co., 113 F.T.C. 225,262 (1990) (''Of course, any cooperative advertising program implemented by Magnavox as part of a resale price maintenance scheme would be per se unlawful. * * *'').

FEDERAL TRADE COMMISSION

[File No. 992 3027]

Efamol Nutraceuticals, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

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

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Matthew Gold or Linda Badger, Federal Trade Commission, Western Region, 901 Market St., Suite 570, San Francisco, CA 94103. (415) 356–5276 or 356–5275.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 11, 2000), on the World Wide Web, at ''http://www.ftc.gov/ftc/formal.htm.'' A paper can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a consent order from Efamol Nutraceuticals, Inc., (''Efamol''). Efamol is a marketer of dietary supplement products, all of which contain essential fatty acids.

The proposed consent order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

This matter involves alleged misleading representations for Efalex and Efalex Focus, two of Efamol's dietary supplement products. The advertisements claimed that these products can mitigate or cure the effects of Attention Deficit Disorder or Attention Deficit Hyperactivity disorder (''ADD/ADHD'').

The proposed complaint alleges that Efamol could not substantiate the following claims: (1) The Efalex and Efalex Focus can cure, prevent, treat or mitigate ADD/ADHD or its symptoms; and (2) that Efalex and Efalex Focus are effective in reducing attention and behavioral problems. Part I of the proposed order would address these misrepresentations by prohibiting Efamol from making the claims in the future unless it possesses and relies upon competent and reliable scientific evidence that substantiates the claim.

Part II of the proposed order requires Efamol to possess competent and reliable scientific evidence for any claim about the health benefits, efficacy or safety of any food, drug or dietary supplement that contains essential fatty acids. Because all of Efamol's products contain essential fatty acids, this provision would apply to the company's entire current product line.

Part III of the proposed order contains language permitting Efamol to make drug claims that have been approved by the FDA pursuant to either a new drug application or a tentative final or final standard. Part IV states that Efamol would be permitted to make claims that the FDA has approved pursuant to the Nutrition Labeling and Education Act of 1990.

Parts V–VII of the proposed order contain requirements that Efamol keep copies of relevant advertisements and materials substantiating claims made in the advertisements; provide copies of the order to certain of its current and future personnel; and notify the Commission of changes in the corporate structure that might affect compliance with the order. Part VIII requires Efamol to file one or more reports detailing compliance with the order. Part IX provides that the order will terminate after twenty (20) years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–12381 Filed 5–16–00; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

[File No. 972 3234]

J&R Research Corp., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint that accomplishes the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 12, 2000.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW, Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Matthew Gold or Linda Badger, Federal Trade Commission, 901 Market St., Suite 570, San Francisco, CA. 94103. (415) 356–5276 or 356–5275.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice

is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 11, 2000), on the World Wide Web, at ''http://www.ftc.gov /ftc/formal.htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, 600 Pennsylvania Avenue, NW, Washington, DC 20580, either in person or by calling (202) 326–3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania, Ave., NW, Washington, DC 20680. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from J & R Research, Inc., and its principal, Gerald G. McCarthy (''respondents''). Respondents were general partners in a distributorship of Kaire International, Inc., a multi-level marketing company. Respondents also created and marketed to Kaire distributors audio tapes and other promotional materials touting a Kaire product containing pycnogenol, a substance derived from the bark of the maritime pine tree.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and any comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

Respondents' advertisements claimed that pycnogenal could mitigate or cure the effects of numerous diseases or disorders. The proposed complaint alleges that respondents could not substantiate claims that pycnogenol: (1) Alleviates rheumatoid arthritis, osteoarthritis and rheumatism; (2) reduces the amount of insulin needed to treat diabetes; (3) treats and/or improves health disorders associated with diabetes, including neuropathy, retinopathy, osteomyelitis, circulatory problems and heart problems; (4) helps treat lupus, Parkinson's Disease, multiple sclerosis and fibromyalgia; (5) treats or improves digestive disorders, including Crohnes Disease and irritable bowel syndrome; (6) helps prevent strokes and the reoccurrence of strokes; (7) dramatically improve physical disabilities caused by stroke; (8) dramatically helps prevent heart disease, inlcuding arterial sclerosis; (9) reduces blood pressure; (10) dramatically improves and helps prevent circulatory problems, including phlebitis, thrombophlebitis, blood clots, and varicose veins; (11) dramatically promotes the shrinkage of tumors and helps prevent tumor formation; (12) treats cancer and/or prolongs the life of cancer victims; (13) reduces or eliminates inflammation of the prostate; (14) eliminates or reduces the incidence of asthma attacks and symptoms caused by allergies; (15) improves eyesight and treats disorders of the retina; (16) helps rebuild joints and soft tissue; (17) greatly accelerates the healing time of injuries; (18) improves or cures skin conditions such as psoriasis and acne; (19) treats Attention Deficit Disorder and Attention Deficit Hyperactive Disorder; (20) reduces or eliminates the need for medication in individuals with Attention Deficit Disorder and Attention Deficit Hyperactive Disorder; and (21) is twenty times more protective as an antioxidant than Vitamin C, and fifty times more protective than Vitamin E.

The complaint further alleges that respondents falsely claimed that scientific research demonstrates that pycnogenol products can alleviate or cure many of these diseases or disorders. Finally, the complaint alleges that respondents could not substantiate its claim that testimonials from consumers appearing in the advertisements for pycnogenol products reflect the typical or ordinary experience of members of the public who use pycnogenol products.

Part I of the proposed consent order would require respondents, when advertising pycnogenol or any other food, drug, or dietary supplement, to possess competent and reliable scientific evidence before making any of the claims that were alleged as unsubstantiated in the complaint. Part II of the proposed order would require respondents to possess competent and reliable scientific evidence before making any claim regarding the benefits, performance, or efficacy of any food, drug, or dietary supplement. Part III of the proposed order would prevent respondents from misrepresenting the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research in an advertisement for any product.

Part IV of the proposed order addresses claims made through endorsements or testimonials. Under Part IV, respondents may make such representations if they possess and rely upon competent and reliable evidence that substantiates the representations; or the respondents must disclose either what the generally expected results would be for users of the advertised products, or the limited applicability of the endorser's experience to what consumers may generally expect to achieve. The proposed order's treatment of testimonial claims is in accordance with the Commission's ''Guides Concerning Use of the Endorsements and Testimonials in Advertising,'' 16 CFR 255.2(a).

Part V of the proposed order contains language permitting respondents to make drug claims that have been approved by the FDA pursuant to either a new drug application or a tentative final or final standard. Part VI states that respondents would be permitted to make claims that the FDA has approved pursuant to the Nutrition Labeling and Education Act of 1990.

Part VII of the proposed order requires respondents to retain, and make available to the Commission upon request, all advertisements and promotional materials containing any representation covered by the order, as well as any material that it relied upon in disseminating the representation and any materials that contradict, qualify, or call into question the representation.

The remainder of the proposed order contains standard requirements that respondents distribute the order to relevant personnel, that the corporate respondent notify the Commission of any changes in corporate structure that might affect compliance with the order; that the individual respondent notify the Commission of changes in his employments status, and that respondents file one or more reports detailing their compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order, or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–12382 Filed 5–16–00; 8:45 am]

BILLING CODE 6705–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of new exposure draft on accounting for Direct Loans and Loan Guarantees.

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October 1999, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has released for public comment an exposure draft (ED) on accounting for Direct Loans and Loan Guarantees. Comments are solicited and should be submitted by August 10, 2000.

A summary of the proposed Statement follows:

FASAB Published a New Exposure Draft on Accounting for Direct Loans and Loan Guarantees

On May 10, 2000, the Federal Accounting Standards Advisory Board (FASAB) released for public comment an exposure draft (ED) on accounting for Direct Loans and Loan Guarantees. Contained in the ED is a proposed standard that would require that in a note to their financial statements, reporting entities display for each major program and for the entity as a whole reconciliations between the beginning and ending balances of: (a) The subsidy cost allowance for direct loans and (b) the liability for loan guarantees. Entity management would be responsible for identifying major programs on the basis of each reporting entity's specific circumstances. The proposed standard states that the major programs that are reconciled individually should constitute at least 75 percent of the face amount of the reporting entity's outstanding direct or guaranteed loans. The reconciliation of other programs should be displayed in aggregate.

The proposed requirement for program-by-program reconciliation for major credit programs follows the Board's adoption in SFFAS No. 18 a requirement that reporting entities display reconciliation for direct loan subsidy allowance and loan guarantee liability reported on the entity's balance sheet. The Board believed that while the entity-wide reconciliation will provide information on the aggregate operating results of all credit programs under the entity's management, the program-by-program reconciliation would provide information on the performance of specific programs. Since the entity-wide reconciliation has been adopted in SFFAS No. 18, it is not a subject of the ED. Comments are requested on the proposed requirement for program-by-program reconciliation for major programs.

Comments are also solicited on a number of proposed technical amendments to SFFAS No. 2, *Accounting for Direct Loans and Loan Guarantees.* Some of those technical amendments are proposed to clarify that the accounting standards are consistent with the cash flow discount method required by the amendment enacted in July 1997 to the Federal Credit Reform Act of 1990. Other technical amendments proposed in this ED would clarify: (a) The use of discount rates adjusted by interest rate reestimates, and (b) the measurement of default costs of direct loans and loan guarantees.

The exposure draft will soon be mailed to FASAB's mailing list subscribers. Additionally, it is available on FASAB's home page *http://www.financenet.gov/fasab.htm.* Copies can be obtained by contacting FASAB at (202) 512–7350, or *mayor.fasab@gao.gov.* The Board has posed specific questions for comment. Respondents are encouraged to address those questions and to comment on any part of the exposure draft.

Written comments are requested by August 10, 2000, and should be sent to: Wendy M. Comes, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street, NW, Suite 6814, Mail Stop 6K17V, Washington, DC 20548.

FOR FURTHER INFORMATION, CONTACT: Wendy Comes, Executive Director, 4412 G St. NW, Room 6814, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463.

Dated: May 12, 2000.

Wendy M. Comes,

Executive Director.

[FR Doc. 00–12434 Filed 5–16–00; 8:45 am]

BILLING CODE 1610–01–M

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of meeting on June 8 and 9, 2000.

Board Action: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules of Procedure, as amended in October 1999, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will meet on Thursday, June 8 from 9 a.m. to 4 p.m., and Friday, June 9, 2000 from 9 a.m. to 4 p.m. in room 7C13, the Elmer Staats Briefing Room, 441 G St. NW, Washington, DC.

The purpose of the meeting is to:

Review a draft exposure draft on Stewardship Responsibilities,

Discuss Stewardship PP&E and review a draft exposure draft,

Discuss National Defense PP&E, and

Discuss other topics as necessary.

A Steering Committee meeting of the Board's Principal Board members will be held immediately after the Board meeting on Friday. Topics to be discussed include:

Action Plan for Transition Effort (Status report and review) and

Auditing and Accounting Policy Committee (AAPC) Charter and Operating Procedures (review and approval).

Any interested person may attend the meeting as an observer. Board discussion and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St. NW, Room 6814, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. 92–463.

Dated: May 12, 2000.

Wendy M. Comes,

Executive Director.

[FR Doc. 00–12433 Filed 5–16–00; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[Program Announcement 00114]

Determining the Prevalence of Multiple Sclerosis in Communities Living Around Hazardous Waste Sites, Applied Research and Development; Notice of the Availability of Funds

A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2000 funds for a cooperative agreement program to conduct research on Determining the Prevalence of Multiple Sclerosis (MS) in Communities Living Around Hazardous Waste Sites. This addresses the ''Healthy People 2010'' focus area of Environmental Health.

The purpose of this program is to determine the prevalence of MS among individuals in specific communities near sources of hazardous substances.

B. Eligible Applicants

Assistance will be provided to the health departments of States or their bona fide agents or instrumentalities. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian Tribal governments. State organizations, including State universities, State colleges, and State research institutions, must establish that they meet their respective State's legislature definition of a State entity or political subdivision to be considered to be an eligible applicant. Local health jurisdictions may apply with the concurrence of the State Health Officer.

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 $140,000 is available in FY 2000 to fund up to two awards. It is expected that the average award will be $70,000, ranging from $50,000 to $90,000. It is expected 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 two years. Funding estimates 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.

Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies and services. Funds for contractual services may be requested; however, the primary recipient of ATSDR funds must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Equipment may be purchased with these funds, however, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Equipment may be acquired only when authorized, and the application should provide a justification of need to acquire equipment, the description, and the cost of purchase versus lease. At the completion of the project, the equipment must be returned to ATSDR.

Funding Preference

Preference will be given to the proposed projects that are conducted in more than one community where MS and hazardous substances have been identified as health concerns.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for activities under 1. (Recipient Activities), and ATSDR will be responsible for the activities listed under 2. (ATSDR Activities).

1. Recipient Activities

Applicants addressing the same research issue should be willing to participate in collaborative studies with other ATSDR-sponsored researchers, including developing and using common data collection instruments and procedures, and data management procedures, as determined in post-awarding grantee planning conferences. A study group of all recipient Principal Investigators will be convened to develop a common protocol, interview instruments and data collection procedures.

a. Develop a research project which evaluates the prevalence of MS cases in communities living around hazardous waste sites. Provide scientific information concerning hazardous substances and MS and develop a model for others to determine the prevalence of MS in communities living around hazardous waste sites.

b. Develop the research study protocols and standardized data extraction forms across sites. Develop methods to verify MS diagnosis.

c. Collaborate and share data with other collaborators to answer specific research questions.

d. Conduct data analysis with all collaborators as well as present and publish research findings.

e. Disseminate research results to community members through collaborative relationships with state health and environmental agencies.

2. ATSDR Activities

a. Provide scientific, epidemiologic, and environmental assistance.

b. Work collaboratively with investigators to help facilitate research activities across sites. Provide assistance on the development of the protocol and evaluation of the data extraction instruments.

c. Preparation and submission of materials to the CDC Internal Review Board (IRB). The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

d. Provide assistance to awardee(s) in the design of a data management system, in the analysis of research information, and the presentation and publication of research findings.

e. Provide technical assistance to awardees (if more than one award is made) to ensure a sharing of information and methodologies, as appropriate.

f. Facilitate an annual meeting between awardee(s) and ATSDR to coordinate planned efforts and review progress.

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 them in laying your program plan. The narrative should be no more than 30 pages, double-spaced, printed on one-side, with 1″ margins, and unreduced fonts (font size 12 point) on 8½″ by 11″ paper. Do not include any spiral or bound materials or pamphlets.

1. Title Page

The heading should include the title of the cooperative agreement announcement, project title, organization, name and address, project director's name address and telephone number.

2. Abstract

A one-page, singled-spaced, typed abstract must be submitted with the

application. The heading should include the title of cooperative agreement announcement, project title, organization, name and address, project director and telephone number. This abstract should include a work plan identifying activities to be developed, activities to be completed, and a time-line for completion of these activities.

3. Application Narrative

The narrative of each application must address the evaluation component, in addition to the following:

a. Briefly state the applicant's understanding of the need or problem to be addressed, the purpose, and goals over the 2 year period of the cooperative agreement.

b. Describe in detail the objectives and the methods to be used to achieve the objectives of the project. The objectives should be specific, time-phased, measurable, and achievable during each budget period. The objectives should directly relate to the program goals. Identify the steps to be taken in planning and implementing the objectives and the responsibilities of the applicant for carrying out the steps.

c. Provide the name, qualifications, and proposed time allocation of the Principal Investigator who will be responsible for administering the project. Describe staff, experience, facilities, equipment available for performance of this project, and other resources that define the applicant's capacity or potential to accomplish the requirements stated above. List the names (if known), qualifications, and time allocations of the existing professional staff to be assigned to (or recruited for) this project, the support staff available for performance of this project, and the available facilities including space.

d. Document the applicant's expertise, and extent of experience in the areas of multiple sclerosis, environmental health, and population-based epidemiologic studies.

e. Provide letters of support or other documentation demonstrating coordination with all other agencies or organizations described as participating in the project.

f. Describe how the affected communities will be involved in the proposed project.

g. Human Subjects: State whether or not Humans are subjects in this proposal. (See Human Subjects in the Evaluation Criteria and Other Requirements sections.)

h. Inclusion of women, ethnic, and racial groups: Describe how the CDC/ATSDR policy requirements will be met regarding the inclusion of women, ethnic, and racial groups in the proposed research. (See Women, Racial and Ethnic Minorities in the Evaluation Criteria and Other Requirements sections.)

4. Budget

Provide a detailed budget which indicates anticipated costs for personnel, equipment, travel, communications, supplies, postage, and the sources of funds to meet these needs. The applicant should be precise about the program purpose of each budget item. For contracts described within the application budget, applicants should name the contractor, if known; describe the services to be performed; and provide an itemized breakdown and justification for the estimated costs of the contract; the kinds of organizations or parties to be selected; the period of performance; and the method of selection. The budget narrative pages showing, in detail, how funds in each object class will be spent, should be placed directly behind form 424A and not in the body of the application.

F. Submission and Deadline

Letter of Intent (LOI)

In order to enable ATSDR to determine the level of interest in the program announcement, a non-binding letter-of-intent to apply is requested from potential applicants. The letter of intent should be submitted on or before June 15, 2000, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available on the Centers for Disease Control and Prevention Internet address, or in the application kit.

On or before July 14, 2000, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

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 in time for submission to the independent review group. (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 objective review group appointed by ATSDR.

1. Understanding of the Problem (10 percent)

a. The applicant's understanding of the problems related to community exposures to hazardous substances and concerns regarding MS, and

b. relevance of the proposed program to these and related problems.

2. Program Personnel (10 percent)

a. Applicant's technical experience and understanding (*e.g.* in the areas of MS, environmental health, and population-based epidemiologic studies).

b. List the names (if known), qualifications, and time allocation of the professional staff to be assigned to (or recruited for) this project and the support staff available for performance of this project.

c. Extent to which the management staff and their working partners are clearly described.

3. Goals and Objectives (10 percent)

The extent to which the proposed goals and objectives are clearly stated and measurable.

4. Demonstrated Capacity (40 percent)

a. The degree to which the applicant demonstrates prior work conducted in communities living near hazardous waste sites concerned with MS in their area.

b. Adequacy of plan to include at least one community where MS has already been identified as health concerns.

c. The extent to which the applicant's plans include accomplishing the activities listed under Recipient Activities in this announcement.

d. The extent to which the applicant's plans and schedule proposed for accomplishing the activities to be carried out in this project are clearly stated, are realistic given the length of the funding period, and can be achieved within the proposed budget.

e. The extent 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:

(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.

5. Community Involvement and Dissemination of Results (20 percent)

a. A clear identification and description of the community(ies) to be involved in this project.

b. Adequacy of plan for recruitment and outreach for study participants including the process of establishing partnerships with community(ies) and recognition of the mutual benefits.

c. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with communities and recognition of mutual benefits.

d. Adequacy of plans to address community concerns and create lines of communication, including letters of support.

e. Adequacy of methods to disseminate the study results to community residents, state and local public health officials, tribal governments, Indian Health Service, and to other concerned individuals and organizations.

6. Facilities and Resources (10 percent)

The adequacy of the applicant's facilities, equipment, and other resources available for performance of this project.

7. Human Subjects (Not scored)

Does the application adequately address the requirements of 45 CFR 46 for the protection of human subjects?

8. Budget Justification (Not scored)

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original and two copies of:

1. Semi-annual progress report.
2. Financial Status Report (FSR) no more than 90 days after the end of the budget period.
3. Final financial status report and performance report, no more than 90 days after the end of the project.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment 1 in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements of Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–17 Peer Review and Technical Reviews of Final Reports of Health Studies—ATSDR
AR–18 Cost Recovery—ATSDR
AR–19 Third Party Agreements—ATSDR

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized in Sections 104(i)(1)(E) and (15) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604 (i)(l)(E) and (15)]. The Catalog of Federal Domestic Assistance number is 93.161.

J. Where To Obtain Additional Information

Please refer to Program Announcement 00114 when you request information.

This and other ATSDR announcements can be found on the CDC home page Internet address: http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888 472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nelda Y. Godfrey, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Suite 3000, Atlanta, Georgia 30341–4146, Telephone (770) 488–2722, E-mail address: nag9@cdc.gov.

For program assistance, contact: Curtis Noonan, Epidemiologist, Health Investigations Branch, Division of Health Studies, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mail Stop E–31, Atlanta, Georgia 30333, Telephone: (404) 639–5150, E-mail address: cen9@cdc.gov.

Dated: May 11, 2000.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 00–12347 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–00–37]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne E. O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Projects

Racial and Ethnic Approaches to Community Health—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP). The REACH 2010 Demonstration Program is a part of the Department of Health and Human Services' response to the President's Race Initiative and to the Healthy People 2010 goal to eliminate disparities in the health status of racial and ethnic minorities. The purpose of REACH 2010

is to demonstrate that adequately funded community-based programs which are designed and led by the communities they serve can reduce health disparities in infant mortality, deficits in breast and cervical cancer screening and management, cardiovascular diseases, diabetes, HIV/AIDS, and deficits in childhood and adult immunizations. The communities served by REACH 2010 include: African American, American Indian, Hispanic American, Asian American, and Pacific Islander. Thirty-two communities were funded in Phase I to construct Community Action Plans (CAP). In Phase II, 17 of those communities will receive continued funding to implement their CAP.

As part of the President's Race Initiative, it is imperative that REACH 2010 demonstrate success in reducing health disparities among racial and ethnic minority populations. Toward that end, it is of critical importance that CDC collect uniform survey data from each of the 17 communities funded for the Phase II REACH 2010 Demonstration Program. The same survey will be conducted in each community; it will contain questions that are standard public health performance measures for each health priority area. Surveys will be administered by either telephone or household interview. These surveys will be administered annually for four years using a different sample from each community.

The total annualized burden hours for this project is 4080 hours.

Respondents	Number of respondents	Number of responses/ respondent	Average burden of response (in hours)	Total burden (in hours)
Adults ages 18 and older who live in communities participating in the REACH 2010 Program	16,320	1	15/60	4080
Total				4080

Dated: May 11, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 00–12344 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–32–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

1. Emergency Epidemic Investigations—(0920–0008)—Extension—Epidemiology Program Office (EPO)—One of the objectives of CDC's epidemic services is to provide for the prevention and control of epidemics and protect the population from public health crises such as man made or natural biological disasters and chemical emergencies. This is carried out, in part, by training investigators, maintaining laboratory capabilities for identifying potential problems, collecting and analyzing data, and recommending appropriate actions to protect the public's health. When state, local, or foreign health authorities request help in controlling an epidemic or solving other health problems, CDC dispatches skilled epidemiologists from the Epidemic Intelligence Service (EIS) to investigate and resolve the problem. Resolving public health problems rapidly ensures costs effective health care and enhances health promotion and disease prevention. Annually, the EIS Program coordinates 400 Epidemic Assistance Investigations (Epi-Aids) and state-based field investigations. Epidemics are prevented and controlled by mobilizing and deploying CDC staff, primarily EIS officers to respond rapidly to disease outbreaks and disaster situations. At the request of public health officials—at the state, national, or international level—CDC provides assistance by participating in epidemiologic field investigations. The purpose of the Emergency Epidemic Investigation surveillance is to collect data on the conditions surrounding and preceding the onset of a problem. The data must be collected in a timely fashion so that information can be used to develop prevention and control techniques, to interrupt disease transmission and to help identify the cause of an outbreak. Since the events necessitating the collections of information are of an emergency nature, most data collection is done by direct interview or written questionnaire and are one-time efforts related to a specific outbreak or circumstance. If during the emergency investigation, the need for further study is recognized, a project is designed and separate OMB clearance is required. Interviews are conducted to be as unobtrusive as possible and only the minimal information necessary is collected. The Emergency Epidemic Investigations is the principal source of data on outbreaks of infectious and noninfectious diseases, injuries, nutrition, environmental health and occupational problems.

Each investigation does contribute to the general knowledge about a particular type of problem or emergency, so that data collections are designed taking into account similar situations in the past. Some questionnaires have been standardized, such as investigations of outbreaks aboard aircraft or cruise vessels.

The Emergency Epidemic Investigations provides a range of data on the characteristics of outbreaks and those affected by them. Data collected include demographic characteristics, exposure to the causative agent(s), transmission patterns and severity of the outbreak on the affected population. These data, together with trend data, may be used to monitor the effects of change in the health care system, planning of health services, improving the availability of medical services and assessing the health status of the population.

Users of the Emergency Epidemic Investigations data include, but are not limited to EIS Officers in investigating the patterns of disease or injury, investigating the level of risky

behaviors, identifying the causative agent and identifying the transmission of the condition and the impact of interventions.

It is difficult to predict the number of epidemic investigations which might occur in any given year. The annual burden hours are estimated to be 3,000.

Respondents	Number of respondents	Number of responses/ respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Total Respondents	12,000	1	15/60	3,000

Dated: May 11, 2000.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–12345 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement Number 00057]

Longitudinal Studies of Rodent Reservoirs of Hantaviruses in the Northwestern United States; 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 with the Montana Tech University (MTU) for longitudinal studies of rodent reservoirs of hantaviruses in the northwestern United States (U.S.). 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 this cooperative agreement is to continue studies of hantavirus reservoir populations at previously established sites in Cutbank, Polson, Cascade, Gold Creek, Wisdom, and CM Russell Reserve, Montana. The goal of the research is to conduct longitudinal mark-recapture studies to identify and determine the distribution and dynamics of populations of rodents that are confirmed or potential reservoirs of hantaviruses. Preliminary studies have documented the effects of weather fluctuation and other ecological variables on the rodent populations at the designated study sites. The major objective of this cooperative agreement is to support research that appropriately builds upon the ecological information developed at the established sites.

B. Eligible Applicants

Assistance will be provided only to MTU. No other applications are solicited.

MTU was the only applicant that applied under the original Program Announcement 96044 and was subsequently awarded. In previous studies, MTU developed an extensive database on population dynamics and hantavirus infection in rodents and associated environmental conditions at six trapping sites from 1994 to 2000. This unique dataset is the baseline data for the proposed longitudinal studies which will compare newly collected information with the 1994–2000 data. In order to provide for the continuity of long-term data, it is crucial that the proposed study be conducted at the identical sites using the same methodology as the previous studies.

C. Availability of Funds

Approximately $135,000 is available in FY 2000 to fund one award. It is expected that the award 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 5 years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress and availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities) and CDC will be responsible for conducting activities under 2. (CDC Activities).

1. Recipient Activities

a. Design and conduct longitudinal mark recapture studies of rodents on existing established grids in the northwestern U.S., to identify and determine the distribution and dynamics of populations of rodents that are confirmed or potential reservoirs of hantaviruses.

b. Use ecological techniques that provide continuity of rodent sampling and processing so that data can be appropriately analyzed and correlated with previously collected ecological data from the established sites. Ecological techniques should include capture-mark-release and bleeding of captured animals.

c. Collect and submit blood samples on all captured animals to appropriate laboratories for further analysis and storage.

d. Identify captured rodents and perform morphological measurements and other observations necessary for characterization of rodents.

e. Analyze and publish study results from the individual study sites.

2. CDC Activities

a. Provide consultation and scientific and technical assistance in the design, conduct, and evaluation of the project.

b. Perform appropriate laboratory testing and analysis of blood samples from captured animals, upon request.

c. Analyze study results in collaboration with the recipient.

E. Application Content

Application

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The application will be evaluated on the criteria listed, so it is important to follow them in laying out the program plan. The narrative should be no more than 10 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0348–0043). Forms are available at the following Internet Address: www.cdc.gov/...Forms, or in the application kit. On or before July 1, 2000, submit the application to the Grants Management Specialist identified in the ''Where to

Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

The application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. *Background and Need (33 Points):* Extent to which applicant demonstrates a clear understanding of the purpose and objectives of this proposed cooperative agreement and demonstrates a clear understanding of the requirements, responsibilities, interactions, problems, constraints, complexities, etc., that may be encountered in conducting the project and performing the studies.

2. *Capacity and Personnel (33 Points):* Extent to which applicant demonstrates past experience of professional personnel in conducting studies similar to those proposed in this cooperative agreement. Extent to which applicant demonstrates it has adequate administrative personnel and support. Extent to which applicant demonstrates it has adequate scientific resources and facilities (including certified BSL–3 laboratory) to successfully conduct the activities.

3. *Objectives and Technical Approach (34 Points):* Extent to which applicant describes objectives of the proposed project which are consistent with the purpose and goals of this grant/cooperative agreement program and which are measurable and time-phased. Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all ''Recipient Activities.'' Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the plan is adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. Extent to which applicant describes adequate and appropriate collaboration with CDC and/or others during various phases of the project. Extent to which applicant provides a detailed and adequate plan for evaluating study results and for evaluating progress toward achieving project objectives.

4. *Budget (Not Scored):* Extent to which applicant presents a detailed, line-item budget with a detailed narrative justification (by line-item) that is consistent with the purpose and objectives of this cooperative agreement.

5. *Animal Subjects (Not Scored):* Does the application adequately address the requirements of PHS Policy on Humane Care and Use of Laboratory Animals?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of:

1. Progress reports (semiannual);
2. Financial Status Report (FSR), no more than 90 days after the end of the budget period; and
3. Final FSR and performance report, 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.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–3 Animal Subjects Requirements
AR–7 Executive Order 12372 Review
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301(a) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. sections 241(a) and 247b(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

This and other CDC [ATSDR] 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: Merlin Williams, 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: (770)488–2765, E-mail address: mqw6@cdc.gov.

For program technical assistance, contact: Dr. James N. Mills, Special Pathogens Branch, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, N.E., M/S G–14, Atlanta, Georgia 30333, Telephone: (404)639–1396.

Dated: May 11, 2000.

Henry S. Cassell, III,

Acting, Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–12341 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement Number 00111]

Development and Testing of New Medications for Treatment of Emerging Infectious Diseases; 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 the development and testing of new medications for emerging infectious diseases. 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 this program is for the development and testing of new anti-infectious agents developed from natural products primarily for use in humans. Of particular, but not exclusive interest are anti-infective agents for parasitic diseases. Projects may include, but are not limited to a range of activities such as identifying promising agents, purifying or creating them, optimizing them for clinical use, and testing them.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations.

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 $1,500,000 is available in FY 2000 to fund one award. It is expected the award will begin on or about September 1, 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.

A continuation award within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities) and CDC will be responsible for conducting activities under 2. (CDC Activities):

1. Recipient Activities

a. Develop and implement strategies for selection of emerging infectious disease(s) that affect humans and or acquiring or developing new medications for treatment of those diseases using natural products. This includes studying the pharmacologic and biologic characteristics of natural product structures and analogs and designing molecules using computer methods for known biochemical targets.

b. Use combinatorial methods to optimize anti-infectives resulting from these approaches.

c. Develop strategies and capacity to produce adequate quantities of compound, for example, by using an automated organic synthesizer or other technology.

d. Develop and implement a systematic approach to in vitro testing of drug candidates.

e. Conduct in vivo testing of promising candidates if appropriate.

f. Develop a plan for enhancing commercial interest in promising drugs.

g. Publish or disseminate results of research.

2. CDC Activities

a. Provide technical assistance in the design and conduct of the research, as needed.

b. Perform selected laboratory tests, as requested.

c. Provide biological materials (*e.g.,* strains, reagents, etc.) as necessary or appropriate.

d. Assist in the development of assays for evaluating pharmacokinetics of new drugs as necessary or appropriate.

e. 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

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 10 double spaced pages printed on one side, with one inch margins and unreduced font.

F. Submission and Deadline

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are in the application kit.

On or before July 1, 2000, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' Section of this announcement.

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 in time for submission to the independent review group. (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

The application will be evaluated against the following criteria by an independent review group appointed by CDC.

1. Background and Need (15 Points)

Extent to which applicant demonstrates a clear understanding of the background, purpose, and objectives of the focus area being addressed and the relevance of disease(s) to be studied. Extent to which applicant demonstrates that the proposed project addresses the purpose. Extent to which the applicant demonstrates that the proposed program collaborates with and does not duplicate existing rational development efforts.

2. Capacity (40 Points)

Extent to which applicant describes adequate resources and facilities (both technical and administrative) to use natural products, computer-aided drug design, and development of analogs of known drugs to develop strategies for producing adequate quantities of compound, for example, by using automated organic synthesis or other technologies for conducting the project. Extent to which applicant documents that professional personnel involved in the project are qualified and have past experience and achievements in research related to that proposed as evidenced by curriculum vitae, publications, etc. If applicable, extent to which applicant includes letters of support from participating non-applicant organizations, individuals, etc., and the extent to which such letters clearly indicate the author's commitment to participate as described in the operational plan.

3. Objectives and Technical Approach (45 Points Total)

a. Extent to which applicant describes measurable and time-phased objectives of the proposed project which are consistent with the purpose of the focus area being addressed. (10 points)

b. Extent to which applicant presents a detailed operational plan for initiating and conducting the project which clearly and appropriately addresses all recipient activities for the specific programmatic focus area being addressed. Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/ methods for conducting the proposed studies and extent to which the approach/methods are feasible, appropriate, and adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. Extent to which applicant clearly describes collaboration with others during various phases of the project. (25 points)

c. 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 and

(d) a statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits. (5 points)

4. Evaluation

Extent to which applicant provides a detailed and adequate plan for evaluating progress toward achieving project process and outcome objectives. (5 points)

5. Budget (Not Scored)

Extent to which the line-item budget is detailed, clearly justified, and consistent with the purpose and objectives of this program.

6. Human Subjects (Not Scored)

Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects?

7. Animal Subjects (Not Scored)

Does the application adequately address the requirements of PHS Policy on Humane Care and Use of Laboratory Animals?

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 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.

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–3 Animal Subjects Requirements
AR–7 Executive Order 12372 Review
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) and 317(k)(2) of the Public Health Service Act, [42 U.S.C. Sections 241(a) and 247b(k)(2)], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where To Obtain Additional Information

To obtain additional information, contact: Andrea Wooddall, 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 770–488–2749, Email address ayw3@cdc.gov

For program technical assistance, contact: Sue Binder, M.D., Division of Parasitic Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 4770 Buford Highway, N.E., Atlanta, GA 30333, Telephone number 770–488–7793, Email address scb1@cdc.gov

Dated: May 11, 2000.

Henry S. Cassell, III,

Acting, Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–12343 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00118]

Mind/Body Research Program; 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 to conduct mind/body research.

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 Disability and Secondary Conditions, and Physical Activity and Fitness. Other health objectives for the nation can ultimately be addressed through mind/body research because approaches that evoke the relaxation response may impact positively on a variety of chronic health conditions and disabilities targeted by the 2010 objectives.

For the conference copy of ''Healthy People 2010'', visit the internet site: <http://www.health.gov/healthypeople>.

The purpose of this program is to generate knowledge through basic and clinical research about the effectiveness of a relaxation or stress reduction approach such as meditation or progressive muscle relaxation that evokes changes in psychophysiology and can, consequently, impact positively on physical and mental health. These psychophysiology outcomes, collectively labeled the relaxation response, include decreased heart rate, blood pressure, muscle tension, metabolism, breathing rate, and brain wave activity. Project objectives and activities should add to the literature, and include those that articulate the acute (changes that occur as a result of a single session) and chronic (changes that occur as a result of numerous sessions repeated over time) benefits of an approach that evokes the relaxation response. Such efforts should be highlighted by identifying and advancing knowledge about the causal mechanisms underlying the neural and systemic adaptations that trigger the relaxation response (*e.g.,* acute transient change in systolic and diastolic blood pressure) and related chronic health outcomes (*e.g.,* reductions in resting systolic and diastolic blood pressure in patients with hypertension). In addition, a goal of this project should be to identify determinants or correlates that assist in predicting who will initiate, maintain, and benefit from an approach that evokes the relaxation response. In this regard, identifying and understanding how important sociodemographic variables, health status and belief systems, influence use and effectiveness of an approach that evokes the relaxation response are desired study outcomes.

Numerous medical conditions, including hypertension, pain, and stress related mood disturbance, have responded favorably to treatment using approaches that evoke the relaxation response. Little is known about the processes that account for the improvements in health. This project requires that multi-disciplinary and well controlled study(ies) with healthy or clinical populations be conducted to investigate the physiological basis for treatment of modality effectiveness, as well as psychosocial attributes influencing successful treatment response.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Applicants must provide proof of their non-profit status. See Attachment I for additional requirements.

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 $862,000 will be available in FY 2000 to fund one award. 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. Funding estimates 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.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following:

1. Identify a manager/coordinator with the authority and responsibility to conduct and manage all components of the project.

2. Create the capacity to attract and motivate persons to initiate and maintain research interventions/protocols.

3. Variables included in the program are dependent on the acute or chronic research questions. Study variables may include blood pressure measures, muscle tension/electromyographic activity (EMG), signaling molecules, biochemical markers and immunologic profiles characteristic of the relaxation response, electroencephalographic measures (EEG), functional magnetic resonance imaging (fMRI), measures of heart rate/heart rate fluctuations, and pain measures, as well as valid and reliable, state or trait psychometric measures (*e.g.,* measures of belief systems, spirituality, depression, anxiety).

4. Evaluate the causal mechanisms and effectiveness of a relaxation approach which evokes psychophysiological changes (collectively known as the relaxation response), that can, consequently, maintain or improve physical and/or mental health in one or more select populations (*e.g.*, healthy older adults [*e.g.*, 50 and above years of age], or persons with a chronic disease/disability or mood disturbance [*e.g.*, arthritis, cancer, diabetes, depression or anxiety disorders]).

a. Identify, and advance the knowledge related to, the acute psychophysiological response(s) and reliability of the response(s) that occur as a result of a single relaxation session (*i.e.*, to identify novel outcomes or new knowledge about already known outcomes).

b. Identify, and advance the knowledge related to, chronic psychophysiological responses (health promotion/disease prevention benefits) that occur as a result of involvement in multiple ''relaxation'' sessions repeated over a period of time (*i.e.*, to identify novel outcomes or new knowledge about already known outcomes).

c. Identify and describe the underlying processes, trigger, or causal mechanisms that mediate the relaxation approach, relaxation response and related health outcomes relationships.

5. Evaluate, and ultimately identify and describe characteristics (determinants/correlates) of those who initiate, adhere to, and benefit from, an approach which evokes the relaxation response; to include subject attributes such as belief systems, healthy versus chronic disease patients, gender, age, and race/ethnicity.

6. Publish the results of the research in journals and etc.

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 them in laying out the program plan. The narrative addressing the scored criteria should be no more than 25 double-spaced pages, printed on one side, with one inch margins, and unreduced font. The application should be organized in the following sections.

1. Executive Summary

Provide a clear and concise written statement of the project's purpose and major objectives, an outline of the major activities, and a time line of key milestones.

2. Problem Statement and Evidence of Need

a. Describe the literature and demonstrate how mind (cognition) and body (physiology) interact.

b. Describe the impact on one or more health outcomes.

c. Synthesize state-of-the-art findings regarding the effectiveness of an approach that evokes the relaxation response that has been used with healthy persons and/or persons with chronic disease or disability, including documentation/referencing of the applicants own systematic and ongoing line of mind/body inquiry as evidenced by publications and/or presentations at professional scientific meetings.

d. Describe the unmet needs and information gaps as they relate to advancing a coordinated and comprehensive effort to promote health through the relaxation response, and how this project would move toward addressing these needs and gaps (*i.e.*, purpose of the project).

3. Research Resources and Organizational Capacity

a. Describe the applicant's capability to conduct the project, taking into account its institutional experience, evidence of leadership, and ability to successfully do multi-disciplinary research for those activities required.

b. Describe the applicant's ability to attract and retain subjects such as establishing collaborations with one or more community-based partner(s) (health maintenance organizations; health clinics; foundations, schools) that can serve as a subject/patient/client referral source.

c. Describe the applicant's capacity to provide evidence of effective collaborations and linkages with partners, to meet the requirements of the project, including, if warranted, documented letters of support and commitments from those collaborating entities.

d. Describe the capacity of the applicant to gather necessary confidential, demographic and health outcome information regarding the study participants' characteristics that predict engaging in, maintaining, and/or benefitting from a relaxation approach, including the kinds and sources of information to be obtained, analyzed, and publicized, the staff/organizations charged with its control, and how these data would be protected and used.

4. Operational Approach

a. Describe the research question(s) (that will advance the knowledge), scientific methods, and data analyses to

be employed to assess the acute psychophysiological responses/benefits (*e.g.*, immediate but transient blood pressure reductions), and reliability of responses, associated with a relaxation approach, including a theoretical or scientific rationale for the measures selected and, when appropriate, evidence of the validity and reliability of measures selected (*e.g.*, measures of state anxiety).

b. Describe the research question(s) (that will advance the knowledge), scientific methods, and data analyses to be employed to evaluate the chronic (*e.g.*, reduction in resting blood pressure in patients with hypertension) health outcomes associated with a relaxation approach, including a theoretical or scientific rationale for the outcomes or variables selected and, when appropriate, evidence of the validity and reliability of measures selected.

c. Describe the scientific methods to evaluate the hypothesized causal mechanisms that mediate the relaxation approach, relaxation response, and health outcomes relationship(s).

d. Describe the approach to (1) gather information on the determinants related to initiating, maintaining, and benefitting from a relaxation approach, including a brief review of currently available evidence, and/or plans to collect and analyze data that leads to an understanding of correlates which may predict who is attracted to initiating a relaxation approach, adherence rates to a relaxation approach, and the benefits gained (based on factors such as sociodemographic characteristics, health status, and one or more assessments related to belief systems, positive or negative affect, or other pertinent constructs); and (2) assess the perceptions, outcome expectancies, enjoyment, and/or actual response(s) or outcomes of persons based on their status as novice or experienced practitioners of a relaxation approach.

5. Management Plan and Project Goals and Objectives

a. Present a management work plan for conducting the project, including the process (approach and methods) by which the applicant will meet established goals and objectives.

b. Provide a description of specific goals, objectives and time lines.

c. Provide a description of the major tasks and responsibilities for key positions including the applicant organization (include an organization chart and denote the relationship of this project within the applicant organization).

d. Describe how the applicant will evaluate its work plan, all collaborations, and activities related to the scope of the project.

6. Budget Justification

Provide a line-item budget with a detail narrative justification that is consistent with the purpose and objectives of this grant.

7. Human Subjects Research

Adequately address the requirements of Title 45CFR Part 46 for the protection of human subjects.

F. Submission and Deadline

Submit the original and two copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS–398). Forms are in the application kit.

On or before July 14, 2000, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement. 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. (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. Problem Statement and Evidence of Need—20 Points

This includes the degree to which the applicant:

a. Describe (1) the literature demonstrating how mind (cognition) and body (physiology) interact, and (2) impact on one or more health outcomes.

b. Synthesizes state-of-the-art findings regarding the effectiveness of an approach that evokes the relaxation response that has been used with healthy persons and/or persons with chronic disease or disability, including documentation/referencing of the applicants own systematic and ongoing line of mind/body inquiry as evidenced by publications and/or presentations at professional scientific meetings.

c. Describes the unmet needs and information gaps as they relate to advancing a coordinated and comprehensive effort to promote health through the relaxation response, and how this project would move toward addressing these needs and gaps (*i.e.*, purpose of the project).

2. Research Resources and Organizational Capacity—15 points

a. The capability of the applicant to conduct the project, taking into account its institutional experience, evidence of leadership, and ability to successfully do multi-disciplinary research for those activities required.

b. The ability of the applicant to attract and retain subjects such as establishing collaborations with one or more community-based partner(s) (health maintenance organizations; health clinics; foundations, schools) that can serve as a subject/patient/client referral source.

c. The capacity of the applicant to provide evidence of effective collaborations and linkages with partners, to meet the requirements of the project, including, if warranted, documented letters of support and commitments from those collaborating entities.

d. The capacity of the applicant to gather necessary confidential, demographic and health outcome information regarding the study participants' characteristics that predict engaging in, maintaining, and/or benefitting from a relaxation approach, including the kinds and sources of information to be obtained, analyzed, and publicized, the staff/organizations charged with its control, and how these data would be protected and used.

3. Operational Approach—(Total 50 Points)

a. Describe the research question(s) (that will advance the knowledge), scientific methods, and data analyses to be employed to assess the acute psychophysiological responses/benefits (*e.g.,* immediate but transient blood pressure reductions), and reliability of responses, associated with a relaxation approach, including a theoretical or scientific rationale for the measures selected and, when appropriate, evidence of the validity and reliability of measures selected (*e.g.,* measures of state anxiety). (10 points)

b. The research question(s) (that will advance the knowledge), scientific methods, and data analyses to be employed to evaluate the chronic (*e.g.,* reduction in resting blood pressure in patients with hypertension) health outcomes associated with a relaxation approach, including a theoretical or scientific rationale for the outcomes or

variables selected and, when appropriate, evidence of the validity and reliability of measures selected. (10 points)

c. The scientific methods to evaluate the hypothesized causal mechanisms that mediate the relaxation approach, relaxation response, and health outcomes relationship(s). (20 points)

d. The approach to (1) gather information on the determinants related to initiating, maintaining, and benefitting from a relaxation approach, including a brief review of currently available evidence, and/or plans to collect and analyze data that leads to an understanding of correlates which may predict who is attracted to initiating a relaxation approach, adherence rates to a relaxation approach, and the benefits gained (based on factors such as sociodemographic characteristics, health status, and one or more assessments related to belief systems, positive or negative affect, or other pertinent constructs); and (2) assess the perceptions, outcome expectancies, enjoyment, and/or actual response(s) or outcomes of persons based on their status as novice or experienced practitioners of a relaxation approach. (10 points)

4. Management Plan and Project Goals and Objectives—15 Points

a. The management work plan for conducting the project, including the process (approach and methods) by which the applicant will meet established goals and objectives.

b. The presentation of those specific goals, objectives and time lines.

c. The description of the major tasks and responsibilities for key positions including the applicant organization (include an organization chart and denote the relationship of this project within the applicant organization).

d. The description of how the applicant will evaluate his/her work plan, all collaborations, and activities related to the scope of the project.

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 research. 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 design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

5. Budget Justification—Not Scored

This criteria includes the adequacy of the budget justification and its relationship to program operations and services. Each line item of the budget must be well justified in a detailed narrative with special attention given to contractual requests including the responsibilities of consultants, percentage time equivalents, hourly or daily rates, etc.

The relevance of this section to the other evaluation criteria will be measured on the extent to which the budget narrative is reasonable, clearly documented, accurate, and consistent with the purpose of this announcement.

6. Human Subjects—Not Scored

Does the application adequately addresses 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. Annual progress reports;

2. Financial status report, due no more than 90 days after the end of each budget period; and

3. Final financial status and performance reports, due 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.

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–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
AR–14 Accounting Systems Requirements
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under the sections 301(a) and 317(k)(2) the Public Health Service Act, (42 U.S.C. 241(a) and 247b(k)(2)), as amended. The Catalog of Federal Domestic Assistance number is 93.283.

J. Where to Obtain Additional Information

This announcement and other CDC program 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: Cynthia Collins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Announcement 000118, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000 Atlanta, GA 30341–4146, telephone (770)-488–2757, E-mail: coc9@cdc.gov.

For program technical assistance, contact: Deborah Jones, Division of Nutrition and Physical Activity, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Highway, Atlanta, GA 30341–3724, telephone (770) 488–5593, E-mail address: DAJones@cdc.gov.

Dated: May 11, 2000.

John L. Williams,

Director, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).

[FR Doc. 00–12342 Filed 5–16–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Notice of Appeal

AGENCY: Administration for Children and Families (ACF), DHHS.

ACTION: Notice of appeal.

SUMMARY: By designation of the Administration for Children and Families, a member of the Departmental Appeals Board will be the presiding officer for appeals concerning ACF's imposition of Adoption and Foster Care Analysis and Reporting System penalties for the States of California, Florida, Iowa, Kansas, Maryland, Minnesota, New York North Carolina,

Ohio, South Dakota, Texas, Virginia, and Wisconsin.

REQUESTS TO PARTICIPATE: Requests to participate as a party or as amicus curiae must be submitted to the Board in the form specified at 45 CFR 213.15 by June 1, 2000.

FOR FURTHER INFORMATION CONTACT: Sara Anderson, Staff Attorney, Departmental Appeals Board, Department of Health and Human Services, Room 637–D, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, Telephone Number (202) 690–6044.

SUPPLEMENTARY INFORMATION: Notice of appeal is hereby given as set forth in the following letter, which has been sent to the following addressees:

Phyllis D. Thompson, Attorney for the States of California, Florida, Kansas, Maryland, Minnesota, New York, Ohio, South Dakota, Texas, Virginia, and Wisconsin, Covington & Burling, 1201 Pennsylvania Avenue, NW, Washington, DC 20004–2401

and

Belinda A. Smith, Assistant Attorney General, State of North Carolina, P.O. Box 629, Raleigh, North Carolina 27602–0629

and

Vern Armstrong, Iowa Department of Human Services, Hoover State Office Building, 5th Floor, Des Moine, Iowa 50319

and

Madeline Nesse, Llewellyn Woolford, Office of the General Counsel, Department of Health and Human Services, Room 411–D, 200 Independence Avenue, SW, Washington, DC 20201

Counsel

This letter constitutes notice of a proceeding pursuant to 45 CFR part 213 to review the imposition of penalties by the Administration for Children and Families (ACF) for noncompliance with the Adoption and Foster Care Analysis and Reporting System requirements.

Section 479 of the Social Security Act (42 U.S.C. 6779) required the Department of Health and Human Services to provide for the implementation of an Adoption and Foster Care Analysis and Reporting System (AFCARS) for the collection of data relating to adoption and foster care in the United States. The regulation implementing section 479, found at 45 CFR 1355.40, set forth standards for the collection and reporting of this data and penalties for failure to comply with those standards.

Beginning 1999, the Administration for Children and Families (ACF) imposed a series of penalties for State's failure to meet the requirements of 45 CFR 1355.40 for the report periods October 1, 1997 through March 31, 1998, April 1, 1998 through September 30, 1998; and October 1, 1998 through March 31, 1999.

The States of California, Florida, Iowa, Kansas, Maryland, Minnesota, New York, North Carolina, Ohio, South Dakota, Texas, Virginia, and Wisconsin (the Appellants) appealed the imposition of such penalties. Initially, the Appellants appealed the penalties pursuant to section 1123A(c) of the Act and 45 CFR part 16. Subsequently, the Appellants and ACF agreed that the penalties would be reviewed pursuant to 45 CFR part 213.

The issue to be addressed in this Part 213 hearing is whether Appellants are subject to penalties under the AFCARS regulations on the ground that their AFCARS submissions were noncompliant and thereby constituted substantial failures of title IV–E State plan compliance.

This hearing will be upon briefs and other written submissions in lieu of live testimony unless the presiding officer determines, either sua sponte or in response to a request by any party, that the presentation of live testimony is necessary to assist the presiding officer in arriving at a recommended decision in any case. If a hearing for testimony is found to be necessary, it will be held on June 29 and 30, 2000, in the Departmental Appeals Board Hearing Room, Room 644–G, Hubert Humphrey Building, 200 Independence Avenue, SW, Washington, DC, 20201.

Further, the parties have agreed as follows:

ACF will refund penalty payments made by Appellants and Appellants may retain all AFCARS penalty amounts without interest, pending a determination by the Assistant Secretary for ACF.

ACF will not require payment of additional penalties for noncomplaint AFCARS submissions, and no interest shall run on such unpaid penalties, until after a final determination in these Part 213 proceedings by the Assistant Secretary.

The merits of all AFCARS penalties appealed in these cases, as well as subsequent penalties issued against the Appellants prior to the Assistant Secretary's final determination will be incorporated into the Part 213 proceedings.

Discovery proceedings in the prior Board cases will be made part of the Part 213 proceeding.

The Assistant Secretary's decision will be the final decision of the Department.

I have designated Judith A. Ballard, a Departmental Appeals Board Member, as the presiding officer pursuant to 45 CFR 213.21. ACF and the Appellants are now parties in this matter. 45 CFR 213.15(a).

A copy of this letter will appear as a Notice in the **Federal Register** and any person wishing to request recognition as a party will entitled to file a petition pursuant to 45 CFR 213.15(b) with the Departmental Appeals Board within 15 days after that notice has been published. A copy of the petition should be served on each party of record at that time. The petition must explain how the issues to be considered have caused them injury and how their interest is within the zone of interests to be protected by the governing Federal statute. 45 CFR 213.15(b)(1). In addition, the petition must concisely state petitioner's interest in the proceeding, who will represent the petitioner, and the issues on which petitioner wishes to participate. 45 CFR 213.15(b)(2). Additionally, if the petitioner believes that there are disputed issues of fact which require an in-person evidentiary hearing, the petitioner should concisely specify the disputed issues of fact in the petition, and also state whether petitioner intends to present witnesses. Any party may, within 5 days of receipt of such petition, file comments thereon; the presiding officer will subsequently issue a ruling on whether and on what basis participation will be permitted.

Any interested person or organization wishing to participate as amicus curiae may also file a petition with the presiding officer, which shall conform to the requirements at 45 CFR 213.15(c)(2). This petition should be filed within 15 days after this notice, in time to permit the presiding officer an adequate opportunity to consider and rule upon it.

Any further inquiries, submissions, or correspondence regarding this matter should be filed in an original and two copies with Ms. Ballard at the Departmental Appeals Board, Room 637–D, Hubert H. Humphrey, Building, 200 Independence Avenue, SW, Washington, DC 20201, where the record in this matter will be kept. Each submission must include a statement that a copy of the material has been sent to the other party, identifying when and to whom the copy was sent. Please refer to Board Docket Nos. A–2000–59 (California, Florida, Kansas, Maryland, Minnesota, New York, Ohio, South Dakota, Texas, Virginia, and Wisconsin);

A–2000–60 (Iowa), A–2001–61 (North Carolina).

Dated: May 10, 2000.

Olivia A. Golden,

Assistant Secretary for Children and Families.

[FR Doc. 00–12374 Filed 5–16–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACF/ACYF/HS 2000–07]

Fiscal Year 2000 Discretionary Announcement for Head Start—Higher Education Hispanic Service Partnerships Grants: Availability of Funds and Request for Proposals

AGENCY: Administration on Children, Youth and Families, ACF, DHHS.

ACTION: Notice.

Statutory Authority: The Head Start Act, as amended 42 U.S.C. 9801 *et seq.* CFDA: 93.600.

SUMMARY: The Administration for Children and Families, Administration on Children, Youth and Families, Head Start Bureau announces the availability of $1,000,000 in funds for one Priority Area: Head Start—Higher Education Hispanic Service Partnerships (HS–HEHSP). This priority area will support efforts to improve the quality and long-term effectiveness of Head Start and Early Head Start programs serving Hispanic children and their families by developing models of academic training and forming partnerships between the Higher Education Institutions and local Head Start and Early Head Start programs.

DATES: The closing date and time for receipt of application is July 12, 2000 at 5 p.m. (Eastern Time Zone).

Note: Applications should be submitted to the ACYF Operations Center at: HS–HEHSP, 1815 North Fort Myer Drive, Suite 300 Arlington, Virginia 22209. However, in order to satisfactorily compete under this announcement it will be necessary for potential applicants to read the full announcement with application guidelines, which is available through the addresses listed below.

ADDRESSES: Applications, including all necessary forms can be downloaded from the Head Start web site at *www.acf.dhhs.gov/programs/hsb.* The web site also contains a listing of all Head Start and Early Head Start programs. Hard copies of the application may be obtained by writing or calling the Operations Center or sending an e-mail to *hsr@lcgnet.com.*

FOR FURTHER INFORMATION CONTACT: ACYF Operations Center at: 1815 N. Fort Myer Drive, Suite 300, Arlington, Virginia 22209 or (1–800) 351–2293.

SUPPLEMENTARY INFORMATION:

Priority Area: Head Start—Higher Education Hispanic Service Partnerships (HS–HEHSP).

Eligible Applicants: Institutions of Higher Education.

Project Duration: The Announcement for this Priority Area is soliciting applications for project periods of four years and with one-year budget period.

Federal Share of Project Costs. The maximum Federal share for each project is not to exceed $150,000 per year and is inclusive of indirect costs.

Matching Requirements: Although there are no matching requirements, applicants are encouraged to provide non-Federal contributions to the project.

Anticipated Number of Projects To Be Funded: It is anticipated that seven projects will be funded.

Criteria for Priority Area: Head Start Higher Education Hispanic Service Partnerships (HS–HEHSP).

Reviewers will consider the following factors when assigning points.

Criterion 1. Objectives and Need for Assistance: (20 Points)

The extent to which the application identifies relevant physical, economic, social, financial, institutional or other problems requiring a grant; demonstrates the need for assistance; and states the principal and subordinate objectives of the project.

Criterion 2. Results or Benefits Expected: (10 Points)

The extent to which the application identifies the results and benefits to be derived; describes the anticipated contribution to policy, practice, theory and/or research, specific benefits should be described for both the Higher Education Institution and Head Start/Migrant Head Start/Early Head Start partners.

Criterion 3. Approach: (40 Points)

The extent to which the application outlines an acceptable plan of action pertaining to the scope of the project which details how the proposed work will be accomplished, including a timeline; list of each organization, consultants, including the evaluator, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution; and assures the adequacy of time devoted to the project by key staff. The key staff should be knowledgeable of Head Start, Migrant Head Start and Early Head Start. The applicant must fully describe the approach and/or methodology and delineate the relationship of each task to the accomplishment of the proposed objectives. There should be evidence that the planned approach reflects sufficient input from and partnership with Head Start/Migrant Head Start/Early Head Start and the Higher Education Institution.

Criterion 4. Staff and Position Data: (20 Points)

The extent of the demonstrated capacity of the applicant organization, key leaders, managers and project personnel to:

(1) Provide high quality, relevant, and responsive training to Head Start staff;

(2) Assure participating project staff are competent to plan and deliver appropriate course material to Head Start trainees that is culturally relevant;

(3) Manage the implementation of the training grant in an effective and timely manner; and

(4) Manage successful partnership that involve sharing resources, staffing, and facilities.

Criterion 5. Budget and Budget Justification (10 Points)

The extent to which the project's costs are reasonable and appropriate in view of the activities to be carried out and the anticipated outcomes. Provide a line item detail for the costs of attendance of two representatives of the project (one from the Higher Education Institution and one from the participating Head Start partner) to attend a two-day meeting in Washington, DC. It is the expectation that applicants should limit budget projections to those costs necessary to build institutional capacity for and execute training and career development partnerships with participating Head Start grantees.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposal Federal assistance under covered programs.

* All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnestoa, Montana, Nebraska, New Jersey, New

York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau have elected to participate in the Exchange Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-four jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additonally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodation or explain rule.

When comments are submitted directly to ACF, they should be addressed to: William Wilson, Head Start Bureau, 330 C Street, SW, Washington, DC 20447, Attn: Head Start-Higher Education Hispanic Service Partnerships. A list of the Single Points of Contact (SPOCs) for each State and Territory can be found on the following web site: http://www.whitehouse.gov/omb/grants/spoc.html.

Dated: May 10, 2000.

James A. Harrell,

Deputy Commissioner, Administration on Children, Youth and Families.

[FR Doc. 00–12375 Filed 5–16–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Notice No. ACF/ACYF/RHYP 2000–01]

Notice of Availability of Financial Assistance for the Runaway and Homeless Youth Programs

AGENCY: Family and Youth Services Bureau, Administration on Children, Youth and Families, ACF, HHS.

ACTION: This notice announces the availability of financial assistance for FY 2000 Basic Center Program for Runaway and Homeless Youth (BCP), FY 2001 Transitional Living Program (TLP), FY 2000 Street Outreach Program (SOP), and the FY 2000 Youth Development State Collaboration Demonstration Projects (SCDP).

This Notice announces the availability of the official FY 2000 Program Announcement. The official announcement must be used to apply for grant funding under the competitive grant areas and is available by calling or writing the ACYF Operations Center (address below) or by downloading the announcement from the FYSB website at *http://www.acf.dhhs.gov/programs/FYSB* under Policy and Funding Announcements.

Legislative Authority: Grants for Runaway and Homeless Youth programs are authorized by the Runaway and Homeless Youth Act (RHY Act) as amended by PL 106–71.

Deadlines

The deadlines for *receipt* of applications for new grants under this announcement are as follows:

CFDA#	Programs	Deadline dates	Deadline times
93.623	Basic Center Program	July 3, 2000	4:30 p.m. (EDT).
93.557	Street Outreach Program	July 3, 2000	4:30 p.m. (EDT).
93.550	Transitional Living Program	July 7, 2000	4:30 p.m. (EDT).
93.623	State Collaboration. Demonstration Projects	August 3, 2000	4:30 p.m. (EDT).

Mailing and Delivery Instructions: Applications must be in hard copy. Mailed applications and applications hand delivered by applicants, applicant couriers, overnight/express mail couriers or any other method of hand delivery shall be considered as meeting an announced deadline if they are received on or before the deadline, at the following address: ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arllington, VA 22209, telephone: 1–800–351–2293, email: FYSB@lcgnet.com.

Applications may be hand delivered to the above address between the hours of 8:00 a.m. and 4:30 p.m. (EDT), Monday through Friday (excluding Federal Holidays).

Applicants are responsible for mailing and delivering applications well in advance of deadlines to ensure that the applications are received on time. Applications received after 4:30 p.m. (EDT) on the deadline date will be classified as late. Postmarks and other similar documents do not establish receipt of an application.

ACF will not accept applications delivered by fax or e-mail regardless of date or time of submission and receipt.

Late Applications: Applications which do not meet the criteria stated above and are not received by the deadline date and time are considered late applications. The Administration for Children and Families (ACF) will notify each late applicant that its application will not be considered in the current competition.

Extension of Deadline: ACF may extend an application deadline for applicants affected by acts of God such as floods and hurricanes, or when there is widespread disruption of the mails. A determination to waive or extend deadline requirements rests with the Chief Grants Management Officer.

SUPPLEMENTARY INFORMATION: Grant awards for FY 2000 funds will be made by September 30, 2000 for the Basic Center and Street Outreach Program. Transitional Living Program grant awards for FY 2001 will be made after September 30, 2000. Grant awards for the Youth Development State Collaboration Demonstration Projects will be made by September 30, 2000, based on the availability of funds. If funds are not available for the State Collaboration Projects on September 30, 2000, we anticipate that successful applicants will be awarded funding during the second quarter of FY 2001 (January, February, and March, 2001).

The estimated funds available for new starts and the approximate number of new grants that may be awarded under this program announcement are as follows:

Competitive grant area	New start funds available	Estimated number of new grants
A. BCP	$14,500,000	126
B. TLP	5,500,000	32
C SOP	5,900,000	59
D. *SCDP	600,000	5

*Subject to availability of funds

In addition to the new start grants, the Administration for Children and Families has provided for noncompetitive continuation funds to current grantees in the following programs:

Grant area	Funds available	Number of grants
A. BCP	$24,700,000	222
B. TLP	13,000,000	73
C. SOP	7,600,000	80
D. SCDP	1,000,000	9

Part 1. Competitive Grant Areas and Summaries of Evaluation Criteria

Applicants must refer to the specific evaluation criteria for each competitive area contained in the official Program Announcement in order to adequately prepare their applications.

A. Basic Centers Program, CFDA# 93.623 (Competitive Grant Area A)

Eligible Applicants: Any State, unit of local government, combination of units of local government, public or private nonprofit agency, organization or institution is eligible to apply for these funds. Federally recognized Indian Tribes are eligible to apply for Basic Center grants. Indian Tribes that are not federally recognized and urban Indian organizations are also eligible to apply for grants as private, nonprofit agencies.

Current Basic Center grantees with project periods ending on or before September 30, 2000, and all other eligible applicants not currently receiving Basic Center funds may apply for a new competitive Basic Center grant under this announcement.

Current Basic Center Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2000 may not apply for a new Basic Center grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for noncompetitive continuation grants.

Program Purpose, Goals and Objectives: The purpose of this program is to establish or strengthen locally-controlled, community-based programs that address the immediate needs of runaway and homeless youth and their families. Services must be delivered outside of the law enforcement, child welfare, mental health and juvenile justice systems. The program goals and objectives of the Basic Center Program are to:

- Alleviate problems of runaway and homeless youth;
- Reunite youth with their families and encourage the resolution of intrafamily problems through counseling and other services;
- Strengthen family relationships and encourage stable living conditions for youth; and
- Help youth decide upon constructive courses of action.

Federal Share of Project Costs: Priority will be given to applicants that apply for less than $200,000 per year. The maximum Federal share for a 3-year project period $600,000.

Applicant Share of Project Costs: Basic Center grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. (There are certain exceptions for Tribes with ''638'' funding pursuant to Pub. L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, *e.g.,* those which contribute to the purposes for which grants under section 638 were made.) The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a three-year project costing $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period) must include a match of at least $30,000 (10,000 per budget period).

Duration of Project: This announcement solicits applications for Basic Center programs of up to three years duration (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competitive continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

B. Transitional Living Program, CFDA #93.550 (Competitive Grant Area B)

Eligible Applicants: Any State, unit of local government (or a combination of units of local government), public or private nonprofit agency, organization, institution or other nonprofit entity. Federally recognized Indian Tribes are eligible to apply for TLP grants. Indian Tribes that are not federally recognized and urban Indian organizations are also eligible to apply for grants as private, nonprofit agencies.

Current TLP grantees with project periods ending on or before September 30, 2001, and all other eligible applicant not currently receiving TLP funds may apply for a new competitive TLP grant under this announcement for awards in FY 2001.

Current TLP grantees (including subgrantees) with one or two years remaining on their current awards and the expectation of continuation funding in Fiscal Year 2001 may not apply for a new TLP grant under this announcement. These grantees will receive instructions from their respective ACF Region/Hub Offices on the procedures for applying for non-competitive continuation grants.

Program Purpose, Goals and Objectives: The overall purpose of TLP for homeless youth is to establish and operate transitional living projects for homeless youth. This program is structured to help older, homeless youth achieve self-sufficiency and avoid long-term dependency on social services. Transitional living projects provide shelter, skills training, and support services to homeless youth ages 16 through 21 for a continuous period not exceeding 18 months. Transitional Living Program funds are to be used for the purpose of enhancing the capacities of youth-serving agencies in local communities to effectively address the service needs of homeless, older adolescents and young adults.

Federal Share of Project Costs: Applicants may apply for up to $200,000 per year, which equals a maximum of $600,000 for a 3-year project period.

Applicant Share of Project Cost: Transitional Living grantees provide a non-Federal share or match of at least ten percent of the Federal funds awarded. (There are certain exceptions for Tribes with ''638'' funding pursuant to P.L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, *e.g.,* those which contribute to the purposes for which grants under section 638 were made.) the non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a three-year project costing $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period) must include a match of at least $30,00 ($10,000 per budget period).

Duration of Project: This announcement solicits applications for Transitional Living projects of up to three years (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competing continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be entertained in subsequent years, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

C. Street Outreach Program, CFDA# 93.557 (Competitive Grant Area C)

Eligible Applicants: Any private, nonprofit agency is eligible to apply for these funds. Non-Federally recognized Indian Tribes and urban Indian organizations are eligible to apply for grants as private, non-profit agencies. Please note that public agencies are not eligible to apply for these funds.

Current Street Outreach Program grantees with project periods ending on or before September 30, 2000, and all other eligible applicants not currently receiving SOP funds may apply for a new competitive SOP grant under this announcement.

Current Street Outreach Program grantees (including subgrantees) with one or two years remaining on their current grant and the expectation of continuation funding in FY 2000 may not apply for a new Street Outreach grant for the community they currently serve. These grantees will receive instructions from their respective ACF Regional Offices on the procedures for applying for continuation grants.

Program Purpose, Goals and Objectives: The overall purpose of SOP is to provide education and prevention services to runaway, homeless and street youth who have been subjected to or are at risk of sexual exploitation or abuse. The goal of the program is to establish and build relationships between street youth and program outreach staff in order to help youth leave the streets. The objective of the program is to provide support services that will assist the youth in moving an adjusting to a safe and appropriate alternative living arrangement. These services include, at a minimum, treatment, counseling, provision of information and referral services. Street outreach programs must have access to local emergency shelter space that is an appropriate placement for young people and that can be made available for youth willing to come in off the streets. In addition, street outreach staff must have access to the shelter in order to maintain interaction with the youth during the time they are in the shelter.

Federal Share of Project Costs: Applicants may apply for up to $100,000 in Federal support each year, a maximum of $300,00 for a 3-year project period. The maximum Federal share of project costs is $100,000 for 12 months.

Applicants Share of Project Cost: SOP grantees must provide a non-Federal share or match of at least ten percent of the Federal funds awarded. (There are certain exceptions for Tribes with ''638'' funding pursuant to P.L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, *e.g.,* those which contribute to the purposes for which grants under section 638 were made.) The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. For example, a project requesting $100,000 in Federal funds must include a match of at least $10,000.

Duration of Project: This announcement solicits applications for Street Outreach Program projects of up to three years (36-month project periods). Initial grant awards, made on a competitive basis, will be for one-year (12-month) budget periods. Applications for non-competing continuation grants beyond the one-year budget periods, but within the 36-month project periods, will be considered subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the best interest of the government.

Summary of Evaluation Criteria for Competitive Areas A, B, and C (BCP, TLP, and SOP)

Criterion 1: Objectives and Need for Assistance (15 Points)

Applications will be judged on how clearly they identify the physical, economic, social, financial, institutional, and/or other problem(s) requiring a solution. The need for assistance must be demonstrated and the principal and subordinate objectives of the project must be clearly stated. Applications will need to specify the goals and objectives of the project and how implementation will fulfill the purposes of the program. Applications should describe the conditions of youth and families in the area to be served; the incidence and characteristics of runaway, homeless or street youth and their families; the existing support systems for at-risk youth and families in the area, including other agencies providing services to runaway and homeless youth in the area.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 2: Results or Benefits Excepted (20 Points)

Applications will be judged on how clearly they identify the results and benefits to be derived, specify services to be provided, who will receive services, where and how these services will be provided, and how the services will benefit the youth families and the community to be served. Applicants must refer to the specific evaluation criteria for each competitive area

contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 3: Approach (35 Points)

Applications will be judged on how clearly they outline a plan of action which: describes the scope and detail of how the proposed work will be accomplished; accounts for all functions or activities identified in the application; cites factors which might accelerate or decelerate the work and reasons for taking the proposed approached rather than others. Applications are encouraged to describe any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Applications will be expected to provide quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity in such terms as the number of youth to be served and the results of those services, including data required for annual reporting to the Secretary of HHS. Applicants must agree to cooperate with any research or evaluation efforts sponsored by the Administration for Children and Families and to submit the required Annual Report to the Secretary of HHS on program activities and accomplishments with statistical summaries and other required program and financial reports, as instructed by FYSB.

Applications will be judged on the extent to which they described the program's youth development approach or philosophy and indicate how it underlies and integrates all proposed activities. Applicants will be expected to list organizations, cooperating entities, consultants, or other key individuals who will work on the project along with a short description of the nature of their effort or contribution; describe formal service linkages and plans for coordination with other agencies; describe plans for conducting outreach and encouraging awareness of and sensitivity to the diverse needs of runaway and homeless youth who represent particular ethnic and racial backgrounds and sexual orientations. Applicants are encouraged to describe the type, capacity and staff supervision of the shelter that will be available for youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 4: Staff and Position Data (10 Points)

Applicants will be judged on whether they provide a resume and biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed. Applicants will be expected to list organizations and consultants who will work on the program along with a short description of the nature of their effort or contribution.

Applicants will be expected to provide information on plans for training project staff as well as staff of cooperating organizations and individuals and state the expected or estimated ratio of staff to youth.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 5: Organization Profile (10 Points Plus 5 Possible Bonus Points)

Applicants will be expected to provide information on the applicant organization(s) and cooperating partners such as organizational charts, financial statements, audit reports or statements from CPAs/Licensed Public Accounts. Any non-profit organization submitting an application must submit of its non-profit status in its application at the time of submission. Bonus points shall be awarded to applicant organizations who have demonstrated experience in providing services to runaway, homeless and street youth.

Applicants will be expected to provide a plan for project continuance beyond grant support, including a plan for securing resources and continuing project activities after Federal assistance has ceased and an annotated listing of applicant's funding sources. Such plans should include written agreements, if applicable, between grantees and subgrantees or subcontractors or other cooperating and letters of support and statements from community, public and commercial leaders that support the project proposed for funding.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 6: Budget and Budget Justification (10 Points)

Applicants will be expected to provide a detailed line item budget and a narrative budget justification that describes how the categorical costs are derived. Applicants will be judged on how clearly they discuss the necessity, reasonableness, and allocability of the proposed costs and how clearly they describe the fiscal control and accounting procedures that will be used to ensure prudent use, proper disbursement and accurate accounting of funds received.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

D. Youth Development State Collaboration Demonstration Projects, CFD #93.623 (Competitive Grant Area D)

Eligible Applicants: Any State or Federally recognized Indian Tribe is eligible to apply for a Youth Development State Collaboration Demonstration Project grant. Only one application may be submitted by any State or Tribe. Preference will be given to State or Tribal applicants in regions IV, V, and VI, since there are no States or Tribes in these regions currently involved in the collaboration project. The States in these regions are: Region IV: Al, FL, GA, KY, MS, NC, SC, TN; Region V: IL, IN, MI, MN, OH, WI; Region VI: AR, LA, NM, OK, TX.

Program Purpose, Goals and Objectives: The objectives of the Youth Development State Collaboration Demonstration Projects are to facilitate the development of State or Tribal policies and initiatives that help communities support a youth development approach; to encourage collaboration among the State or Tribal agencies that address the needs and issues for adolescents; to promote and facilitate communication and coordination between the State or Tribe and youth serving agencies, including FYSB grantees; and to promote collaborative efforts among the State or Tribe, FYSB, and community-based, youth-serving organization.

Federal Share of Project Costs: Applicants may apply for up to $120,000 in Federal support each year which equals a maximum of $360,000 for a 3-year period.

Applicant Share of Project Costs: The applicant is required to provide a minimum of 25 percent of the total approved cost of the project. (There are certain exceptions for Tribes with ''638'' funding pursuant to P.L. 93–638, under which certain Federal grants may qualify as matching funds for other Federal grant programs, *e.g.,* those which contribute to the purposes for which grants under section 638 were made.) The total approved cost of the project is the sum of the Federal share

and the applicant share of the project. For example, an applicant requesting $120,000 must match the federal funds with a non-Federal share of at least $40,000.

Duration of Project: This announcement solicits applications for Youth Development State Collaboration Demonstration Projects of up to three years (36-month project periods). Grant awards, made on a national competitive basis, will be for a one-year (12-month) budget period. Applications for continuation grants beyond the one-year budget period, but within the longer term project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee and determination that continued funding would be in the interest of the government.

Summary of Evaluation Criteria for Competitive Area D (SCDP)

Criterion 1: Objectives and Need for Assistance (15 Points)

Applications will be judged on how clearly they specify the goals and objectives to be addressed through the Youth Development State Collaboration Demonstration Project and how these objectives are relevant to youth-related needs within the State or Tribal jurisdiction. For the purpose of this project, youth are defined as individuals between the ages of 10–24.

Applicants are expected to discuss the State's or Tribe's current framework of philosophy for addressing youth issues, including how that framework is reflected in policies and existing youth services. Applicants are expected to describe any youth development activities that are currently in place at the State or Tribal level, how those activities affect local youth services and the need for further efforts in this area. Applicants should discuss the extent of current coordination among State or Tribal agencies and programs on youth issues and existing coordination with local youth service providers, as well as the need for additional collaboration.

Applicants should describe the ability to leverage strong commitment and support at the executive level for this project.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 2: Results or Benefits Expected (20 Points)

Applications will be judged on the extent to which they clearly describe interim and final results and benefits expected of this project, especially in regard to support of youth development and coordination around youth issues and services, including changes in policies, processes, programs and initiatives resulting from this grant, how these changes will be implemented, and the expected legislative, programmatic or administrative results.

Applicants are expected to describe planned results of efforts to strengthen and/or establish effective communication and collaboration and how these will enhance services to young people, providing concrete examples of desired changes in local services and State or Tribal policy making processes.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criteria 3: Approach (35 Points)

Applications will be judged on how clearly they outline a plan of action which describes the scope and detail of how the proposed work will be accomplished; accounts for all functions or activities identified in the application; includes information that clarifies the activities that will be undertaken to introduce and support a youth development approach at the State or Tribal and local levels; cites factors which might accelerate or decelerate the work and reasons for taking the proposed approach rather than others; describes any unusual features of the project such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvement.

Applicants are expected to discuss legislative, administrative and judicial factors that may be barriers to increased collaboration and the establishment and support of a youth development approach and should describe plans to address and overcome these barriers. Applicants are expected to clearly identify a State or Tribal Youth Development Coordinator who will be responsible for activities under this grant and must also identify where the project will be located organizationally.

Applications will be judged on how clearly they explain the methodology that will be used for interim and final evaluation of the project.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 4: Staff and Position Data (10 Points)

Applicants are expected to provide a resume and biographical sketch for each key person appointed and a job description for each vacant key position. A biographical sketch will also be required for new key staff as appointed.

Applications should demonstrate sufficient personnel resources and staff competence to assure that project activities can be successfully carried out and list each consultant, or key individuals who will work on the project.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 5: Organization Profile (10 Points Plus 5 Possible Bonus Points)

Applicants are expected to provide information on the applicant organization(s) and cooperating partners, including information such as organization charts, along with a brief description of the nature of their contribution and knowledge of and experience with youth development, youth issues and youth and family services.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Criterion 6: Budget and Budget Justification (10 Points)

Applicants are expected to provide a detailed line item budget and a narrative budget justification that described how the categorical costs are derived; discusses the necessity, reasonableness, and allocability of the proposed costs; and discusses and justifies the costs of the proposed project in terms of types and quantities of activities to be implemented and the anticipated results and benefits.

Applicants are expected to describe the fiscal control and accounting procedures that will be used to ensure the prudent use, proper disbursement and accurate accounting of funds received under this program announcement.

Applicants must refer to the specific evaluation criteria for each competitive area contained in the full Program Announcement in order to adequately prepare their applications.

Part 2. Required Notification of the Single Point of Contact

Most portions of this program are covered under Executive Order 12372,

Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

All States Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Palau, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, and American Samoa have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-three jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicant should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Application for Federal Assistance, Standard Form 424, item 16.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards. A list of the Single Points of Contact for each State and Territory can be found on the web site *http://www.whitehouse.gov/omb/grants/spoc.html.* or by calling the ACYF Operations Center at 1–800–351–2293.

Dated: May 12, 2000.

James A. Harrell,

Deputy Commissioner, Administration on Children, Youth, and Families.

[FR Doc. 00–12376 Filed 5–16–00; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of June 2000.

Name: Advisory Committee on Infant Mortality (ACIM).

Date and Time: June 28, 2000; 9:00 a.m.–5:00 p.m.; June 29, 2000; 8:30 a.m.–3:00 p.m.

Place: DoubleTree Park Terrace Hotel, 1515 Rhode Island Avenue, NW, Washington, DC 20005, (202) 232–7000.

The meeting is open to the public.

Purpose: The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department programs which are directed at reducing infant mortality and improving the health status of pregnant women and infants; factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth; factors determining the length of hospital stay following childbirth; strategies to coordinate the variety of Federal, State, and local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start initiative and infant mortality objectives from *Healthy People 2010.*

Agenda: Topics that will be discussed include: Early Postpartum Discharge; Low-Birth Weight; Disparities in Infant Mortality; and the Healthy Start Program.

Anyone requiring information regarding the Committee should contact Peter C. van Dyck, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration (HRSA), Room 18–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–2170.

Individuals who are interested in attending any portion of the meeting or who have questions regarding the meeting should contact Ms. Kerry P. Nesseler, HRSA, Maternal and Child Health Bureau, Telephone (301) 443–2170.

Agenda items are subject to change as priorities are further determined.

Dated: May 9, 2000.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–12324 Filed 5–16–00; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. TE 810834–5

Applicant: Francesca J. Cuthbert, Department of Fisheries and Wildlife, University of Minnesota, St. Paul, MI.

The applicant requests a permit to take (harass) piping plover (*Charadrius melodus*) in the states of Michigan and Wisconsin. Activities are proposed for studies to aid in the enhancement of survival of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, MI 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, MI 55111–4056. Telephone: (612/713–5343); FAX: (612/713–5292).

Dated: May 11, 2000.

Charles M. Wooley,

Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, MI.

[FR Doc. 00–12427 Filed 5–16–00; 8:45 am]

BILLING CODE 4310–55–U

DEPARTMENT OF INTERIOR

Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of the National Hydrographic Data Content Standard for Coastal and Inland Waterways

ACTION: Notice; request for comments.

SUMMARY: The FGDC is conducting a pubic review of the National Hydrographic Data Content Standard for Coastal and Inland Waterways (hereafter called the Hydrographic Standard). The purpose of this public review is to

provide software vendors and data users and producers an opportunity to comment on this standard in order to ensure that it meets their needs.

Participants in the public review are encouraged to provide comments that address specific issues/changes/additions that may result in revisions to the draft Hydrographic Standard. After formal endorsement of the standard by the FGDC, the standard and analysis of the comments will be made available to the public.

DATES: Comments must be received on or before August 31, 2000.

ADDRESSES: The draft standard may be downloaded via Internet address *http://www.fgdc.gov/standards/status/sub5__5.html.*

Request for printed copies of the standard should be addressed to ''Hydrographic Data Content Standard,'' FGDC Secretariat, U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192 or facsimile 703–648–5755 or Internet at gdc@usgs.gov.

Reviewer's comments may be sent to FGDC via Internet mail to gdc-hydro@*www.fgdc.gov.* Reviewer's comments may also be sent to the FGDC Secretariat at the above address. Please send one hardcopy version of the comments and a softcopy version on 3.5-inch diskette in WordPerfect, Microsoft Word, or Rich Text Format. Reviewers are strongly urged to use the template for sending comments that may be downloaded from Internet address *http://www.fgdc.gov/standards/directives/dir2d.html.*

SUPPLEMENTARY INFORMATION:

Introduction

Geospatial hydrographic data for waterways, shorelines, coastlines, etc. that supports transportation applications has been specified as one of the key framework information layers for the National Spatial Data Infrastructure (NSDI). The objective of the Hydrographic Standard project is to develop a nationally focused hydrographic data content standard for spatial data that supports safety of navigation. When complete, this standard will provide a consistent catalog of terms and definitions (semantics) to ensure uniform interpretation of information across a variety of organizations that develop and use hydrographic feature data and applications. This standard is based upon a well known logical data model for geospatial data of features, attributes, and domain values that is consistent with the spatial Data Transfer Standard/Federal Information Processing Standard (SDTS/FIPS 173 part 2).

Scope

The scope of this Hydrographic Standard project first focused on developing a catalog of hydrographic feature terms and definitions pertaining to navigation of coastal and inland waterways. In that the guidance from the NSDI concentrated on transportation/navigation, the team limited the scope to information relating to charting and electronic chart display applications. This standard will *not* address data distribution formats, extraction criteria, or accuracy reporting methods.

Justification/Benefits

There has never been a national data content standard for hydrographic data that support navigation applications; yet there has been interest from federal agencies, private industry, and the public for a uniform presentation of this type information for some time. A data content standard that supports navigation applications will ensure effective use of geospatial data across different agencies, organizations, and other users.

Standards Development Process

This standard was developed under the guidance and procedures specified by the Federal Geographic Data Committee (FGDC) under the authority of the Bathymetric Subcommittee. The FGDC announced the initiation of this Hydrographic Standard project in the **Federal Register** approximately a year ago and issued a call for any interested party to participate on the project development team. Composed of experts from the National Oceanographic and Atmospheric Administration (NOAA), National Imagery and Mapping Agency (NIMA), the U.S. Army Corps of Engineers, the U.S. Coast Guard, several pilot associations, and private industry representatives, the project team has been working together for the past year to develop this Hydrographic Standard. In addition to the expertise brought to this project team from the various organizations represented, key documents were used in the development of this standard. These are cited as references below.

The first step after the formation of a Hydrographic Standard project team was to agree upon the scope of this Hydrographic Standard. The project team then reviewed key documents that consisted of adopted standards and systems that had developed and used hydrographic feature data. The next step for the project team was to develop a master list of candidate features extracted from the following standards documents:

- International Hydrographic Organization's S57 (IHO S–57) Appendix A, Object Catalog for Digital Hydrographic Data, an intergovernmental consultative and technical organization working to support the safety of navigation and the protection of the marine environment.
- North Atlantic Treaty Organization's (NATO) Digital Geographic Information Exchange Standard (DIGEST) Part 4, Feature Attribute Coding Catalog (FACC), a comprehensive coding scheme for features and their attributes. This allows for joint naval operations between sovereign countries and requires naval personnel to have familiarity amongst traditional S–57 and FACC.
- Tri-Service Spatial Data Standard (TSSDS Release 1.8), which is primarily used for civil and military installation mapping and facility management.
- U.S. Army Corps of Engineers (USACE) Regional Engineering and Environmental Geographic Information System (REEGIS) project's data dictionary for inland waterways and primarily used by the USACE for engineering, navigation and flood control structures along the Mississippi River.

Next, the project team reviewed the master feature list and eliminated those clearly outside of the agreed to scope. A detailed comparison of feature terms and definitions extracted from the aforementioned standards was conducted. From this effort, the team was able to derive a standard feature term and definition for each feature. As a byproduct of this activity, a matrix was developed, which provides a mapping to related terms, or features, contained in each or the source standards. These matrices are included as appendices.

The project team has extracted all the attributes derived from the aforementioned standards and culled this list of attributes down to a subset of core attributes to include in the hydrographic standard. The project team created a domain list for each ''category'' of feature to facilitate the cross-reference. Other attributes have been grouped into logical collections applicable to individual features to ease implementation. Finally, a draft Hydrographic Standard document was generated to include the features, attributes, and domain terms and definitions lists, and additional descriptive documentation as specified by the FGDC directives on creating an NSDI standard.

Target Authorization Body

The Bathymetric Subcommittee originally proposed the development of this Hydrographic Standard as an FGDC standard. The Bathymetric Subcommittee and the Standards Working Group of the FGDC will pursue a joint FGDC and American National Standards Institute (ANSI) adoption of this standard. This joint approach will require the development of an ANSI standard proposal and potentially a joint ANSI and FGDC public review. The Bathymetric Subcommittee will consider (at a later date) promoting parts of this standard (e.g., inland waterways information) that are not currently part of the S–57 standard to International Hydrographic Organization for inclusion in their standard.

Conclusion

This Hydrographic Data Content Standard for Coastal and Inland Waterways will facilitate semantic consistency when capturing geospatial hydrographic information in a GIS or CADD database. This standard will support the exchange of spatial data between different GIS/CADD software packages. The standard will also facilitate effective exchange of geospatial data across multiple agencies, organizations and other users. This standard will provide for consistency of semantics contained in spatial hydrographic data that enable the development of consistent military and commercial navigation applications for that query, analyze this information and interpreted this information for display of electronic charts. Cost savings associated with reducing the translating geospatial hydrographic information and building navigation applications should also be realized.

Maintenance

The U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), NOAA Coastal Services Center will maintain the National Hydrographic Data Content Standard for Coastal and Inland Waterways for the Federal Geographic Data Committee. Address general questions concerning the content of this standard to David Stein, Secretary, FGDC Bathymetric Subcommittee at NOAA Coastal Services Center; 2234 South Hobson Avenue, Charleston, SC 29405–2413 or by E-mail: Dave.Stein@noaa.gov.

Dated: May 8, 2000.

Richard E. Witmer,

Chief, National Mapping Division.

[FR Doc. 00–12333 Filed 5–16–00; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01; GP0–0206; OR–55688]

Notice of Redesignation of Public Domain (PD) land to Oregon & California Railroad (O&C) and Coos Bay Wagon Road (CBWR) Status in Lane, Douglas, Coos, and Curry Counties; OR

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the transfer of PD lands into trust for the Coquille Tribe and designated as the Coquille Forest.

FOR FURTHER INFORMATION CONTACT: Gregg Nelson, BLM Coos Bay District, 1300 Airport Land, North Bend, Oregon 97459, 541–751–4473.

SUPPLEMENTARY INFORMATION: Title V, Sec. 501(a) of the Oregon Resource Conservation Act of 1996, contained in Division B of the Omnibus Consolidated Appropriation Act of 1997, Public Law 104–208, mandated the Bureau of Land Management (BLM) to transfer into trust certain federal lands in perpetuity for the Coquille Tribe. The legislation directed that the transferred land be designated as the Coquille Forest. That land transfer was completed on September 30, 1998. The legislation also required redesignation of sufficient land to revested O&C and reconveyed CBWR grant land status to maintain the current (pre-transfer) flow of revenue to the O&C counties. Other than the proposed change in status, redesignated lands will continue to be managed in accordance with the current Coos Bay District Resource Management Plan completed in May, 1995.

The following PD lands in Lane, Douglas, and Curry Counties, Oregon have been examined and found suitable for redesignation and conversion to O&C status for management under the provisions of the O&C Act of August 28, 1937 (50 Stat. 874):

Willamette Meridian

T. 26 S., R. 08 W.,
Sec. 10, SE¼NE¼;
Sec. 22, S½ and S½N½;
Sec. 34, S½SW¼.
T. 27 S., R. 08 W.,
Sec. 2, NW¼SW¼ and S½NW¼.
T. 22 S., R. 09 W.,
Sec. 22, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼ and S½SE¼;
Sec. 28, lots 14 through 19, inclusive, and NE¼SW¼;
Sec. 34, NE¼NE¼ and SE¼SW¼.
T. 20 S., R. 11 W.,
Sec. 1, lots 1 and 2 and SE¼NE¼ and S½;
Sec. 2, N½SW¼, SE¼SW¼ and SE¼;
Sec. 3, N½SE¼.
T. 30 S., R. 13 W.,
Sec. 32, NW¼SW¼.
T. 31 S., R. 13 W.,
Sec. 6, NE¼NW¼.
T. 30 S., R. 14 W.,
Sec. 23, lots 1 and 2.
T. 31 S., R. 14 W.,
Sec. 1, S½NE¼ and NE¼SW¼;
Sec. 9, lots 1 through 5, inclusive;
Sec. 15, lots 5 through 9, inclusive;
Sec. 17, N½N½ and S½NW¼;
Sec. 18, lots 5, 6, and 7, and S½NE¼ and NW¼NE¼;
Sec. 22, NE¼, NE¼SE¼ and SW¼NW¼;
Sec. 23, N½N½, NW¼SW¼ and SW¼NW¼;
Sec. 28, SW¼NW¼;
Sec. 32, SE¼SE¼ and N½NW¼.
T. 34 S., R. 14 W.,
Sec. 1, lots 1 through 4, inclusive, and SW¼NE¼, SW¼ and S½NW¼;
Sec. 2, lots 1 through 4, inclusive, and S½N½ and S½.
T. 32 S., R. 15 W.,
Sec. 4, lots 1 through 4, inclusive, and S½NE¼NE¼, N½SE¼NE¼ and SW¼SE¼NE¼;
Sec. 24, lot 1;
Sec. 25, NW¼SW¼ and SE¼NW¼;
Sec. 26, SE¼NE¼ and NE¼SE¼.
T. 33 S., R. 15 W.,
Sec. 12, SW¼SE¼.

The above mentioned lands total 5,451.16 acres, more or less.

The following PD lands in Coos County, Oregon has been examined and found suitable for redesignation and conversion to CBWR status for management under the provisions of the O&C Act of August 28, 1937 (50 Stat. 874):

Willamette Meridian

T. 29 S., R. 10 W.,
Sec. 8, N½NE¼ and E½NW¼;
Sec. 18, lot 7;
Sec. 24, lot 4;
Sec. 28, NE¼NE¼.
T. 27 S., R. 11 W.,
Sec. 26, lots 11 and 14.
T. 28 S., R. 11 W.,
Sec. 32, S½N½ and SE¼;
Sec. 34, E½E½, NW¼NE¼, W½SW¼ and SW¼NW¼.
T. 29 S., R. 11 W.,
Sec. 4, lots 5 through 8, inclusive;
Sec. 6, SE¼NW¼;
Sec. 8, lots 5 and 6;
Sec. 18, S½NE¼ and E½W½;
Sec. 22, NW¼SW¼ and SW¼NW¼.
T. 30 S., R. 11 W.,
Sec. 4, lot 3 and SE¼NE¼;
Sec. 6, lots 6 and 7, and E½SW¼;
Sec. 8, N½NW¼ and SE¼NW¼ (does not include E½SE¼);

Sec. 14, SE¼NW¼ and SE¼SE¼;
Sec. 26, NE¼, NW¼SE¼, NE¼SW¼ and E½NW¼.
T. 31 S., R. 11 W.,
Sec. 10, SE¼NW¼.
T. 28 S., R. 12 W.,
Sec. 36, E½SE¼.
T. 29 S., R. 12 W.,
Sec. 24, SW¼SW¼.
T. 30 S., R. 13 W.,
Sec. 7, lots 7 and 8;
Sec. 21, N½NE¼NW¼;
Sec. 23, NE¼NW¼.
T. 30 S., R. 14 W.,
Sec. 12, NE¼NE¼.
T. 30 S., R. 15 W.,
Sec. 12, NW¼SW¼.

The above mentioned lands total 2,730.47 acres, more or less.

Detailed information regarding this action is available for review at the office of the Coos Bay District, Bureau of Land Management, 1300 Airport Lane, North Bend, Oregon 97459.

For a period of 45 days from the publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed redesignation of the land to the Field Manager, Myrtlewood Resource Area, 1300 Airport Lane, North Bend, Oregon 97459.

Comments

Interested parties may submit comments involving the suitability of these PD lands for redesignation to O&C and CBWR status. Comments on the redesignation are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with state and federal programs.

Comments received on the redesignation will be answered by the State Director with the right to further comment to the Secretary. In the absence of any adverse comments, the redesignation will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: May 8, 2000.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 00–12331 Filed 5–16–00; 8:45 am]

BILLING CODE 1430–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–950–7130–EU–9766; WYW–139340]

Realty Action; Direct Sale of Public Lands; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; direct sale of public lands in Sweetwater County.

SUMMARY: The Bureau of Land Management has determined that the lands described below are suitable for public sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713:

Sixth Principal Meridian

T. 18 N., R. 107 W., section 34, lot 1.

The above lands aggregate 0.06 acre.

FOR FURTHER INFORMATION CONTACT: Becky Heick, Realty Specialist, Bureau of Land Management, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901, 307–352–0344.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management proposes to sell the surface estate of the above land to Mr. David Palmer, an adjacent landowner, by direct sale, at fair market value. The disposal of this land will allow for the development of a subdivision lot, in which the 0.06 acre of land will provide the required set back distances for a dwelling.

The proposed sale is consistent with the Green River Resource Management Plan and would serve important public objectives which cannot be achieved prudently or feasibly elsewhere. The lands contain no other known public values. The planning document and environmental assessment covering the proposed sale are available for review at the Bureau of Land Management, Rock Springs Field Office Office, Rock Springs, Wyoming.

Conveyance of the above public lands will be subject to:

1. Reservation of a right-of-way to the United States for ditches and canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945.

2. Reservation of all minerals pursuant to section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.

There will be no decrease of federal acres or AUMs within the Rock Springs Grazing Allotment due to the small size of the subject parcel.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for leasing under the mineral leasing laws.

For a period of 45 days after issuance of this notice, interested parties may submit comments to the Field Manager, Rock Springs Field Office, Bureau of Land Management, 280 Hwy. 191 North, Rock Springs, WY. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposed realty action will become final.

Dated: May 3, 2000.

Ted Murphy,

Acting Field Manager.

[FR Doc. 00–12332 Filed 5–16–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 6, 2000. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by June 1, 2000.

Carol D. Shull,

Keeper of the National Register.

Arkansas

Clay County
Esso Station, (Arkansas Highway History and Architecture MPS), 287 W. Main, Piggott, 00000604.
Garland County
Humphreys—Ryan House, 137 Garland Ave., Hot Springs, 00000606
Jackson County
Phillips 66 Station, (Arkansas Highway History and Architecture MPS), N. corner of W. 1st and Main Sts., Swifton, 00000605.
Lincoln County
Parker House, HC 64 Box 5, Star City, 00000607.
Miller County
Clifton, John, House, 1803 Pecan St., Texarkana, 00000608.
Pike County
Jones General Store and Esso Station, (Arkansas Highway History and

Architecture MPS), AR 84 W., Langley, 00000609.
Pope County
Threlkeld House, 1301 N. Boston Ave., Russellville, 00000610.
Pulaski County
Wassell, Corydon, House, 2005 S. Scott St., Little Rock, 00000611.
Sebastian County
Harper, Robert Atlas, House, 201 N. Main St., Greenwood, 00000612.

Connecticut

New Haven County
Prospect Green Historic District, 2, 8, 10, 12, 17, 19, 21, 23, 25, 27, & 30 Center St., Prospect, 00000560.

Florida

Putnam County
Interlachen Hall, 215 Atlantic Ave., Interlachen, 00000561.

Georgia

Coweta County
Henderson—Orr House, Jct. of Thomas Powers Rd. and GA 34, Stallings Crossing, 00000562.
Fulton County.
Adair Park Historic District, Bounded by Metropolitan Pkwy., Lexington Ave., Norfolk Southern RR and Shelton Ave., Atlanta, 00000563.

Illinois

Adams County
Quincy Northwest Historic District, Roughly bounded by Broadway, N. 2nd, Locust, and N. 12th Sts., Quincy, 00000564.

Iowa

Crawford County
Park Motel, 803 4th Ave. S., Denison, 00000565.

Louisiana

Rapides Parish
McGill, Dr. Robert E., 2704 Hill St., Alexandria, 00000566.
Tensas Parish
Bank of Newellton, 207 N. Main St., Newellton, 00000613.

Massachusetts

Berkshire County
East Main Street Cemetery, E. Main St., Dalton, 00000567
Middlesex County
Andover Street Historic District, 245—834 Andover St., 569, 579 E. Merrimack St., Lowell, 00000568
Norfolk County
Caryl, Benjamin, 107 Dedham St., Dover, 00000569

Michigan

Wayne County
Bartlett, Thomas and Maria Blackman, House, (Canton Township MPS) 500 N. Ridge Rd. (Canton Township), Cherry Hill, 00000614.
Boldman, David and Elizabeth Bell, House, (Canton Township MPS) 3339 S. Canton Center Rd. (Canton Township), Sheldon, 00000615.
Dingledey, Phillip and Maria Hasselbach, House, (Canton Township MPS) 1638 N. Haggerty Rd. (Canton Township), Westland, 00000616.
Fischer, John and Edna Trusdell, Farmstead, (Canton Township MPS) 4896—5228 S. Sheldon Rd. (Canton Township), Sheldon, 00000617.
Sheldon Inn, (Canton Township MPS), 44134 Michigan Ave. (Canton Township), Sheldon, 00000618.
Smith, George and Mary Pine, House, (Canton Township MPS), 3704 S. Sheldon Rd. (Canton Township), Sheldon, 00000619.

Minnesota

Koochiching County
Oberholtzer, Ernest C., Rainy Lake Islands Historic District, Mallard, Hawk and Crow Islands in Rainy Lake, Ranier, 00000570.

New York

Cattaraugus County
North Lyndon Schoolhouse, 7617 North Center Rd., Lyndon, 00000571.
Chautauqua County
Partridge—Sheldon House, 70 Prospect St., Jamestown, 00000572.
Cortland County
Randall Farm, (Cobblestone Architecture of New York State MPS), 3713 Page Green Rd., Cortland, 00000573.
Delaware County
Bovina Center Historic District, Roughly Co. Rt. 6, Creamery Rd., Maple and Pink Sts., Bovina Center, 00000574.
Kings County
Hubbard House, 2138 McDonald Ave., Brooklyn, 00000575.
New York County
JOHN J. HARVEY (fireboat), Pier 63, North R., New York, 00000576.
Manhattan Company Building, 40 Wall St., New York, 00000577.
Saratoga County
Batchellerville Presbyterian Church, Co. Rt. 7, Batchellerville, 00000578.
Saratoga Gas, Electric Light and Power Company Complex, Excelsior Ave., Saratoga Springs, 00000579.
Suffolk County
Bayles Shipyard, 101 E. Broadway, Port Jefferson, 00000580.
East Hampton Railroad Station, Railroad Ave., between Race and Newtown Lns., East Hampton, 00000581.
Sagaponack Historic District, Roughly along Main St., Southampton, 00000582.
St. James Chapel, E. side of Main St., 250 ft. N. of Stony Brook Ln., Brookhaven, 00000583.
Sullivan County
Hessinger Store, Main St. (Co. Rd. 122), Callicoon Center, 00000584.
Silver Lake Dam, Silver Lake Rd., Woodridge, 00000585.

Oklahoma

Carter County
Ardmore Carnegie Library, 511 Stanley SW., Ardmore, 00000620.
Kingfisher County
Burrus Mills Elevator C, (Grain Storage and Processing Facilities in Western Oklahoma MPS), NE corner, Jct. of Admire Ave. and 4th St., Kingfisher, 00000621.
Pontotoc County
Barnard Elementary School, 315 E. Locust St., Tecumseh, 00000624.
Wintersmith Park Historic District, E. 18th St. and Scenic Dr., Ada, 00000623.
Pottawatomie County
Aldridge Hotel, 20—24 E. 9th St., Shawnee, 00000622.
Tulsa County
Dressler, Carl K., House, 235 W. 18th St., Tulsa, 00000625.

South Carolina

Charleston County
King Cemetery, 1.1 mi. NE. of Jct. US 17 and S–19–38, Adams Run, 00000586.
Cherokee County
Carnegie Free Library, 210 N. Limestone St., Gaffney, 00000587.
Chester County
Great Falls Downtown Historic District, Dearborn St. between Church and Republic St., Great Falls, 00000588.
Florence County
Hopewell Presbyterian Church and Hopewell Cemetery, 5314 Old River Rd., Florence, 00000589.
Kershaw County
Seaboard Air Line Railway Depot, 1100 W. DeKalb St. (US 1), Camden, 00000590.
Williamsburg County
Salters Plantation House, Gapway Rd. (Co. Rd. 197), Salters, 00000591.
York County
Nation Ford, (Nation Ford Road Area MPS), In Catawba R., approx. 2 mi. downstream from US 21 bridge, Fort Mill, 00000592.
Nation Ford Battery, (Nation Ford Road Area MPS), Address Restricted, Rock Hill, 00000594.
Nation Ford Fish Weir, (Nation Ford Road Area MPS), In Catawba R. approx. 1200 ft. upstream from Nation Ford RR trestle, Rock Hill, 00000595.
Nation Ford Railroad Trestle, (Nation Ford Road Area MPS), Over the Catawba R. 100 ft. NE of SC 46–50, Rock Hill, 00000596.
Nation Ford Road, (Nation Ford Road Area MPS), 5 noncontiguous sections of roadbed in Fort Mill township, Fort Mill, 00000593.
Spratt Cemetery, (Nation Ford Road Area MPS), Brickyard Rd., Fort Mill, 00000597.

South Dakota

Charles Mix County
Lake Andes Carnegie Library, 500 Main St., Lake Andes, 00000598.
Hughes County
Oahe Addition Historic District, Roughly bounded by N. Poplar, LaBarge Ct., and 3rd and 4th Sts., Pierre, 00000599.
Jerauld County
Municipal Field House, (Federal Relief Construction in South Dakota MPS), 418 2nd St. SW., Wessington Springs, 00000600.

Wisconsin

Columbia County
Portage Street Historic District, Roughly along Portage St. from Spring to Parr Sts., Lodi, 00000626.
Green County

Hefty—Blum Farmstead, W6303 Hefty Rd., Washington, 00000601.
Menominee County
Saint Joseph of the Lake Church and Cemetery, Address Restricted, Menominee Reservation, 00000602.
Racine County
Burlington Downtown Historic District, Roughly bounded by E. Jefferson, N. Pine, E. Washington, E. Chestnut, N., Dodge, Commerce, Mill, and W. Chestnut Sts., Burlington, 00000603.

[FR Doc. 00–12377 Filed 5–16–00; 8:45 am]

BILLING CODE 4310–70–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–839–840 (Final)]

Certain Cold-Rolled Steel Products From Turkey and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports of certain cold-rolled steel products from Turkey and Venezuela that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective June 2, 1999, following receipt of petitions filed with the Commission and the Department of Commerce by Bethlehem Steel Corporation (Bethlehem, PA); U.S. Steel Group (Pittsburgh, PA); Ispat Inland, Inc. (East Chicago, IL); LTV Steel Co., Inc. (Cleveland, OH); National Steel Corporation (Mishawaka, IN); Gulf States Steel, Inc. (Gadsden, AL); Steel Dynamics, Inc. (Butler, IN); Weirton Steel Corporation (Weirton, WV); and the United States Steelworkers of America, Pittsburgh, PA. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by the Department of Commerce that imports of cold-rolled steel from Turkey and Venezuela were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. § 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 1, 1999 (64 FR 67307). The hearing was held in Washington, DC, on January 20, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 4, 2000. The views of the Commission are contained in USITC Publication 3297 (May 2000), entitled Certain Cold-Rolled Steel Products from Turkey and Venezuela: Investigations Nos. 731-TA–839–840 (Final).

Issued: May 11, 2000.
By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 00–12420 Filed 5–16–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Chairman Lynn M. Bragg dissenting.

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–406 & 408 (Review)]

Electrolytic Manganese Dioxide From Greece and Japan

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act), that revocation of the antidumping duty orders on electrolytic manganese dioxide from Greece and Japan would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. [2]

Background

The Commission instituted these reviews on May 3, 1999 (64 FR 23675) and determined on August 25, 1999 that it would conduct full reviews (64 FR 46407, August 25, 1999). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 6, 1999 (64 FR 54353). The hearing was held in Washington, DC, on March 2, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these reviews to the Secretary of Commerce on May 9, 2000. The views of the Commission are contained in USITC Publication 3296 (May 2000), entitled Electrolytic Manganese Dioxide from Greece and Japan: Investigations Nos. 731–TA 406 and 408 (Review).

Issued: May 12, 2000.
By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 00–12421 Filed 5–16–00; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Chairman Lynn M. Bragg dissenting.

DEPARTMENT OF JUSTICE

Office of Attorney Personnel Management, Justice Management Division; Agency Information Collection Activities: Proposed Collection: Extension of a Currently Approved Collection

ACTION: Application booklets—Attorney General's Honor program, Summer law intern program.

Office of Management and Budget (OMB) approval is sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted for 30 days until June 16, 2000. This process is conducted in accordance with 5 Code of Federal Regulation, Part 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Clarisa Rodriguez-Coelho, Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be

submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 1220. 1331 Pennsylvania Avenue, NW, Washington, DC, 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534. Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components 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.

Overview of this information collection:

(1) *Type of information collection:* Extension of a currently approved collection.

(2) *The title of the form/collection:* Application Booklets—Attorney General's Honor Program, Summer Law Intern Program.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form number: None. Office of Attorney Personnel Management, Justice Management Division, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Individuals or households. Other: None. This data collected is the only vehicle for the Department of Justice (DOJ) to hire graduating law students. This application form submitted voluntarily, submitted only once a year by students/judicial law clerks who will be in this applicant pool only once; and the information sought by relates to the hiring criteria established as an internal matter by DOJ personnel.

(5) *An estimate of the total number of respondents and the amount of time estimate for an average respondent to respond:* 5,000 respondents at 1 hour response.

(6) *An estimated of the total public burden (in hours) associated with the collection:* 5,000 annual burden hours. Public comment on this proposed information collection is strongly encouraged.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 00–12429 Filed 5–16–00; 8:45 am]

BILLING CODE 4410–26–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Corps: Final Finding of No Significant Impact (FONSI) for the Proposed Job Corps Center in Carville, LA

AGENCY: Employment and Training Administration, Labor.

ACTION: Final Finding of No Significant Impact (FONSI) for the proposed Job Corps Center to be located at the former Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, Carville, Iberville Parish, Louisiana.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR part 1500–08) implementing procedural provisions of the National Environmental Policy Act (NEPA), the Department of Labor, Employment and Training Administration, Office of Job Corps gives final notice of the proposed construction of a new Job Corps Center at the former Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, Carville, Iberville Parish, Louisiana, and that this construction will not have a significant adverse impact on the environment. In accordance with 29 CFR 11.11(d) and 40 CFR 1501.4(e)(2), a preliminary FONSI for the new Job Corps Center was published in the March 27, 2000 **Federal Register** (65 FR 16224–16226). No comments were received regarding the preliminary FONSI.

ETA has reviewed the conclusion of the environmental assessment (EA), and agrees with the finding of no significant impact. This notice serves as the Final Finding of No Significant Impact for the new Job Corps Center at the former Gillis W. Long Hansen's Disease Center, 5445 Point Clair Road, Carville, Iberville Parish, Louisiana. The preliminary FONSI and the EA are adopted in final with no change.

EFFECTIVE DATE: May 17, 2000.

FOR FURTHER INFORMATION CONTACT: Eric Luetkenhaus, Employment and Training Administration, Department of Labor, 200 Constitution Avenue NW, Room N–4659, Washington, DC, 20210; (202) 219–5468 ext 118 (this is not a toll-free number).

Dated at Washington, DC, this 9th day of May 2000.

Richard C. Trigg,

Director of Job Corps.

[FR Doc. 00–12399 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies 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. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provide 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. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the Labor Market Information (LMI) Cooperative Agreement. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before July 17, 2000.

ADDRESSES: Send comments to Sytrina D. Toon, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE, Washington, DC 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Sytrina D. Toon, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The BLS enters into Cooperative Agreements with State Employment Security Agencies (SESAs) annually to provide financial assistance to the SESAs for the production and operation of the following LMI statistical programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, Covered Employment and Wages Report, and Mass Layoff Statistics. The Cooperative Agreement provides the basis for managing the administrative and financial aspects of these programs.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Action

The existing collection of information allows Federal staff to negotiate the Cooperative Agreement with the SESAs, and to monitor their financial and programmatic performance and adherence to administrative requirements imposed by regulations implementing OMB Circular A–102 and other grant-related regulations. The information collected also is used for planning and budgeting at the Federal level and in meeting Federal reporting requirements.

Type of Review: Revision.

Agency: Bureau of Labor Statistics.

Title: Labor Market Information (LMI) Cooperative Agreement.

OMB Number: 1220–0079.

Affected Public: State, local, or Tribal Government.

Frequency: Annually.

Information collection	Respondents	Frequency	Responses	Time	Total hours
Work Statements	55	1	55	1–2 hr.	55–110
BIF (LMI 1A, 1B)	55	1	55	1–6 hr.	55–330
Quarterly Automated Financial Reports	48	4	192	10–50 min.	32–160
Monthly Automated Financial Reports	48	8*	384	5–25 min.	32–160
BLS Cooperative Statistics Financial Report (LMI 2A).	7	12	84	1–5 hr.	84–420
Quarterly Status Report (LMI 2B)	1–30	4	4–120	1 hr.	4–120
Total	1–55		774–890		264–1300
Average Totals	55		832		782

*Reports are not received for end-of-quarter months, i.e., December, March, June, and September.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC this 11th day of May 2000.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 00–12400 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–24–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Phased Retirement, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the Working Group assigned by the Advisory Council on Employee Welfare and Pension Benefit Plans to study the issue of phased retirement will hold an open public meeting on Thursday, June 1, 2000 in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210.

The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for Working Group members to hear testimony concerning workforce demographic trends and current practices in phased retirement plans.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before May 26, 200 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Sharon Morrissey by May 26 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 26.

Signed at Washington, DC this 12th day of May 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–12402 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration Working Group on Long-Term Care: Issues and Solutions, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Thursday, June 1, 2000 of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study Long-Term Care: Issues and Solutions

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210. The purpose of the open meeting, which will run from 1 p.m. to approximately 3:30 p.m., is for working group members to take testimony focusing on long-term care indemnification in the marketplace today. Subtopics will be: Who purchases long-term policies? What services are typically included: What do they cost? What factors influences cost? How can policies be made more affordable to the consumer?

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before May 26, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, room N–54677, 200 Constitution Avenue NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Sharon Morrissey by May 26 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 26.

Dated: Signed at Washington, DC this 12th day of May 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–12403 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

110th Full Meeting of the Advisory Council on Employee Welfare and Pension Benefits Plan; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 110th open meeting of the full Advisory Council on Employee Welfare and Pension Benefit Plans will be held Friday, June 2, 2000 in Room N–5437 A–D, U.S. Department of Labor Building, Third and Constitution Avenue NW, Washington, DC 20210.

The purpose of the meeting, which will begin at 1:30 p.m. and end at approximately 3 p.m., is for the three working groups to provide progress reports on their topics of study and for the Pension and Welfare Benefits Administration to update members on current employee benefit activities.

Members of the public are encouraged to file a written statement pertaining to any topics the Council elected to study for the year by submitting 20 copies on or before May 26, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue NW, Washington, DC 20210.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities, who need special accommodations, should contact Sharon Morrissey by May 26 at the address indicated.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 26, 2000.

Signed at Washington, DC this 12th day of May 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–12404 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Working Group on Benefit Continuity After Organizational Restructuring, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Friday, June 2, 2000 of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study benefit continuity after organizational restructuring.

The session will take place in Room N–5437 A–D, U.S. Department of Labor Building, Second and Constitution Avenue NW, Washington, DC 20210. The purpose of the open meeting, which will run from 9:30 a.m. to approximately noon, is for working group members to continue taking testimony on the legal framework governing employee benefit plan continuity during organizational restructuring and ramifications for these plans under Title I and II of the Employee Retirement Income Security Act (ERISA).

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies on or before May 26, 2000 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N–5677, 200 Constitution Avenue NW, Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should forward their request to the Executive Secretary or telephone (202) 219–8753. Oral presentations will be limited to 10 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact Sharon Morrissey by May 26 at the address indicated in this notice.

Organizations or individuals may also submit statements for the record without testifying Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before May 26.

Signed at Washington, DC this 12th day of May 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 00–12405 Filed 5–16–00; 8:45 am]

BILLING CODE 4510–29–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors,

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on May 25, 2000, via conference call. The meeting will begin at 4:00 p.m. and continue until conclusion of the Board's agenda.

LOCATION: 750 First Street, NE, 11th Floor, Washington, DC 20002, in Room 11026.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: 1. Approval of the agenda.

2. Consider and act on the Board of Director's comments on the Inspector General's Semiannual Report to Congress for the Period October 1, 1999 to March 31, 2000.

3. Consider and act on other business.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, (202) 336–8800.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments, Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8800.

Dated: May 12, 2000

Victor M. Fortuno,

Vice President for Legal Affairs.

[FR Doc. 00–12558 Filed 5–15–00; 3:11 pm]

BILLING CODE 7050–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: New

2. The title of the information collection: Generic Customer Satisfaction Survey

3. The form number if applicable: NRC Form 671, Request for Review of a Customer Satisfaction Survey Under Generic Clearance

4. How often the collection is required: Occasionally

5. Who will be required or asked to report: Voluntary reporting by the public and NRC licensees

6. An estimate of the number of responses: 1250 (250 responses/survey x 5 surveys)

7. The estimated number of annual respondents: 1250

8. An estimate of the total number of hours needed annually to complete the requirement or request: 313 (1250 responses x 0.25 hrs/response)

9. An indication of whether section 3507(d), Pub. L. 104–13 applies: N/A

10. Abstract: Voluntary customer satisfaction surveys will be used to contact users of NRC services and products to determine their needs, and how the Commission can improve its services and products to better meet those needs. In addition, focus groups will be contacted to discuss questions concerning those services and products. Results from the surveys will give insight into how NRC can make its services and products cost effective, efficient, and responsive to its customer needs. Each survey will be submitted to OMB for its review.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW (lower level), Washington, DC. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 16, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

Erik Godwin, Office of Information and Regulatory Affairs (3150–), NEOB–10202, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395–3087.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 11th day of May 2000.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 00–12423 Filed 5–16–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Docket No. 50–255.

Consumers Energy Company; Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–20, issued to Consumers Energy Company (the licensee) for operation of the Palisades Plant located in Van Buren County, Michigan.

The proposed amendment would change the expiration date of the operating license to 40 years from the date of issuance of the license rather than the date of the construction permit. Specifically, the proposed amendment would change the expiration date of Palisades Plant Facility Operating License No. DPR–20, as stated in License Condition 2.H of the Amended Facility Operating License from ''midnight on March 14, 2007'' to ''midnight on March 24, 2011.''

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By June 16, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10

CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, MI 49201, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated April 27, 2000, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 11th day of May 2000.

For the Nuclear Regulatory Commission.

Darl S. Hood,

Senior Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–12424 Filed 5–16–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of May 15, 22, 29, June 5, 12, and 19, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, MD.

STATUS: Public and closed.

MATTERS TO BE CONSIDERED:

Week of May 15

Tuesday, May 16

9:25 a.m. Affirmation Session (public meeting) (if needed)

Week of May 22—Tentative

Thursday, May 25

8:30 a.m. Briefing on Operating Reactors and Fuel Facilities (public meeting) (Contact: Joe Shea, 301–415–1727)

10:15 a.m. Briefing on Status of Regional Programs, Performance and Plans (public meeting) (Contact: Joe Shea, 301–415–1727)

1:30 p.m. Briefing on Improvements to 2.206 Process (public meeting) (Contact: Andrew Kugler, 301–415–2828)

Week of May 29—Tentative

Tuesday, May 30

9:25 a.m. Affirmation Session (public meeting) (if needed)

Week of June 5

There are no meetings scheduled for the Week of June 5.

Week of June 12—Tentative

Tuesday, June 13

9:25 a.m. Affirmation Session (public meeting) (if needed)

9:30 a.m. Meeting with Organization of Agreement States (OAS) and

Conference of Radiation Control Program Directors (CRCPD) (public meeting) (Contact: Paul Lohaus, 301–415–3340)

1 p.m. Meeting with Korean Peninsula Energy Development Organization (KEDO) and State Department (public meeting) (Contact: Donna Chaney, 301–415–2644)

Week of June 19—Tentative

Tuesday, June 20, 2000

9:25 a.m. Affirmation Session (public meeting) (if needed)

9:30 a.m. Briefing on Final Rule—Part 70, Regulating Fuel Cycle Facilities (public meeting)

1:30 p.m. Briefing on Risk-Informed Part 50, Option 3 (public meeting)

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording) (301) 415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill, (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: May 12, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–12505 Filed 5–15–00; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 22, 2000, through May 5, 2000. The last biweekly notice was published on May 3, 2000 (65 FR 25761).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By June 16, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be

made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units 1, 2, and 3, Maricopa County, Arizona

Date of amendments request: May 26, 1999, as supplemented March 31, 2000.

Description of amendments request: The licensee proposes to change the allowable values in Technical Specification Section 3.3.1, Table 3.3.1–1, Item 12, ''Reactor Coolant Flow, Steam Generator No. 1-Low'' and Item 13, ''Reactor Coolant Flow, Steam Generator No. 2-Low,'' to reduce the demonstrated spurious trip hazard associated with this setpoint. This application was originally noticed in the **Federal Register** on June 30, 1999 (64 FR 35201).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Standard 1—Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change will change the Reactor Protection System (RPS) reactor coolant flow trip setpoints. The RPS functions to mitigate the consequences of an accident. The changes to the low reactor coolant flow trip setpoints will reduce or eliminate unnecessary challenges to the RPS. Therefore, the proposed change will not involve a significant increase in the probability of an accident previously evaluated.

These changes will result in an increased time delay for the RPS low reactor coolant flow trip. The reanalysis of the affected Updated Final Safety Analysis Report (UFSAR) Chapter 15 event (UFSAR 15.3.4, Reactor Coolant Pump Shaft Break with Loss of Offsite Power), with the increased time delay, shows that the dose consequences for this event remains bounded by the UFSAR analysis. Therefore, this change does not involve a significant increase in the consequences of an accident previously evaluated.

Standard 2—Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change will change the RPS reactor coolant flow trip setpoints. The RPS functions to mitigate the consequences of an accident. The changes to the low reactor coolant flow trip setpoints will reduce or eliminate unnecessary challenges to the RPS. The proposed change only changes the mitigating actions of the RPS, without changing the required function of the RPS. Therefore, the change to the low reactor coolant flow trip setpoints does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Standard 3—Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change will change the RPS reactor coolant flow trip setpoints. The reanalysis of the affected UFSAR Chapter 15 event (UFSAR 15.3.4, Reactor Coolant Pump Shaft Break with Loss of Offsite Power), with the revised reactor coolant flow trip setpoints, shows that the minimum departure from nucleate boiling ratio (DNBR) and specified acceptable fuel design limits (SAFDLs) for this event remains bounded by the UFSAR analysis. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999 *NRC Section Chief:* Stephen Dembek

Carolina Power & Light Company, et al., Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant (BSEP), Units 1 and 2, Brunswick County, North Carolina

Date of amendments request: April 26, 2000.

Description of amendments request: The proposed amendments would increase the maximum average ultimate heat sink (UHS) temperature allowed by Technical Specification (TS) 3.7.2, ''Service Water System and Ultimate Heat Sink.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Operation with the maximum 24 hour average UHS water temperature as high as 90.5°F does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The BSEP SW [Service Water] system is designed to provide cooling water for the removal of heat from equipment required for a safe reactor shutdown following a Design Basis Accident (DBA) or transient. This equipment includes the Diesel Generators (DGs), Residual Heat Removal (RHR) pump seal coolers, room cooling units for Emergency Core Cooling System (ECCS) equipment, and Residual Heat Removal Service Water (RHRSW) heat exchangers. The SW system also provides cooling to other components, as required, during normal operation. The SW system is not an initiator of any previously evaluated accident. The safety related components associated with SW cooling have been analyzed for a maximum UHS temperature of 92°F. The proposed change maintains this maximum UHS temperature. As such, the qualification of safety related components is not affected. Therefore, the probability of occurrence of a previously evaluated accident is not increased.

The new maximum 24 hour average UHS water temperature limit of 90.5° F has been evaluated and it was determined that the SW system will maintain sufficient heat removal capability. Existing TS operability requirements for the UHS ensure that conservatively bounding assumptions used in the analysis of the SW system's heat removal capability will be met, or the UHS will be declared inoperable. As such, the consequences of previously analyzed accidents are not affected[.]

2. Operation with the maximum 24 hour average UHS water temperature as high as 90.5°F will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Increasing the maximum 24 hour average UHS water temperature does not create the possibility of an accident of a different type than any evaluated previously in the safety analysis report. UHS water temperature does not represent an accident initiator. There is no physical change to any plant structure, system, or components. Therefore, there is no possibility of an accident of a different type.

Increasing the maximum 24 hour average UHS water temperature does not create the possibility of a malfunction of a different type than any evaluated previously. The safety related components associated with SW cooling have been analyzed for a maximum UHS temperature of 92°F. This maximum UHS temperature is maintained by the proposed change. As such, this condition does not introduce the possibility of a malfunction of a different type than any evaluated.

3. Operation with the maximum 24 hour average UHS water temperature as high as 90.5°F does not involve a significant reduction in a margin of safety.

UHS temperature limits are established to ensure that the SW system is able to provide sufficient cooling water for the removal of heat from equipment, such as the DGs, RHR pump seal coolers, ECCS room cooling units, and RHRSW heat exchangers, required for a safe reactor shutdown following a DBA or transient. CP&L has performed an analysis which demonstrates that this capability is not reduced with the increased maximum 24 hour average UHS water temperature limit. Existing TS operability requirements for the UHS ensure that conservatively bounding assumptions used in the analysis of the SW system's heat removal capability will be met, or the UHS will be declared inoperable. As such, the ability of the SW system to perform its intended safety function is not affected and the margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William D. Johnson, Vice President and Corporate Secretary, Carolina Power & Light Company, Post Office Box 1551, Raleigh, North Carolina 27602.

NRC Section Chief: Richard P. Correia.

Duke Energy Corporation, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: April 13, 2000

Description of amendment request: The proposed amendments would revise the Technical Specifications to accommodate the use of Framatome Cogema Fuels Mark-B11 fuel with M5 cladding.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated?

No. The proposed change to the technical specifications and bases incorporate the use of Mark-B11 fuel assemblies with M5 cladding. The analyzed events are initiated by the failure of specific plant structures, systems, or components. The change in fuel assembly design or cladding material does not impact the condition or performance of those structures, system, or components. Therefore, the proposed changes will not increase the probability of an accident previously evaluated.

The accident analyses have been evaluated to address the changes in the fuel design and cladding material. The results of this evaluation demonstrate that the applicable acceptance criteria are met. Thus, the proposed changes will not increase the consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

No. The proposed changes to the technical specifications are to support implementation of Mark-B11 fuel assemblies with M5 cladding. The changes in fuel design and cladding material do not alter the operating characteristics of the plant. In addition, the fuel handling equipment is compatible with the Mark-B11 fuel assembly design. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety?

No. The margin of safety is established through the design of the plant systems, structures, components, and the parameters within which the plant is operated. The proposed change does not involve any significant physical change to the plant. The primary design changes, which enhance nuclear, thermal-hydraulic and mechanical performance, include the following:

1. Reduced diameter fuel rod,
2. Flow mixing vanes on five of the six intermediate spacer grids,
3. Improved grid restraint system, and
4. M5 fuel rod cladding.

The changes in fuel design and cladding material have been evaluated which demonstrates that all of the applicable acceptance criteria are met. Based on this, the proposed changes do not involve a significant reduction in a margin of safety.

Duke has concluded based on the above that there are no significant hazards considerations involved in this request.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anne W. Cottington, Winston and Strawn, 1200 17th Street, NW., Washington, DC 20005.

NRC Section Chief: Richard L. Emch, Jr.

GPU Nuclear, Inc. et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: December 1, 1999.

Description of amendment request: The proposed amendment would revise the standard by which GPU Nuclear tests charcoal used in engineered safeguards features (ESF) systems to American Society for Testing and Materials D3803–1989. These proposed changes are made in accordance with Generic Letter (GL) 99–02.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is in accordance with NRC guidance in GL 99–02 which states that new testing protocol is more accurate and demanding than older tests. The acceptance criteria for charcoal efficiency has been made more stringent and there is no change to an operating parameter of any system, component or structure. Therefore, the probability of occurrence of the consequences of an accident previously evaluated in the SAR [Safety Analysis Report] will not increase as a result of this change.

2. The proposed TS change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change revises the testing standard for activated charcoal efficiency to a more conservative methodology while increasing the acceptance criteria through the application of a safety factor. There is no change to an operating parameter of any system, component, or structure. Therefore, the proposed activity does not create the possibility for an accident or malfunction of a different type than any previously identified in the SAR.

3. The proposed TS change does not involve a significant reduction in a margin of safety.

The proposed change does not involve a reduction in the margin of safety. The change is primarily administrative, adheres to NRC guidance, and is more conservative than the previously employed standard. The change does not modify an operating parameter of any system, or component structure. Therefore, there is no reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ernest L. Blake, Jr., Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Acting Section Chief: M. Gamberoni.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of amendment request: January 13, 2000.

Description of amendment request: The amendment would add a license condition that requires Maine Yankee Atomic Power Company (MYAPC) to implement and maintain in effect all provisions of the License Termination Plan (LTP). MYAPC submitted the LTP in accordance with 10 CFR 50.82(a)(9) to demonstrate that the remainder of decommissioning activities will be performed in accordance with Title 10 of the Code of Federal Regulations, will not be inimical to the common defense or security or to the health and safety of the public, and will not have a significant effect on the quality of the environment.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The requested license amendment does not authorize any plant activities beyond that allowed by 10 CFR Chapter I or beyond that considered in the DSAR [Defueled Safety Analysis Report]. The bounding accident described in the DSAR for potential airborne activity is the postulated resin cask drop accident in the Low Level Radioactive Waste Storage Building. This accident is expected to contain more potential airborne activity than can be released from other decommissioning events. The radionuclide distribution assumed for the spent resin cask has more transuranics (the major dose contributor) than the distribution in the components involved in other decommissioning accidents. The accidents considered in the DSAR include: 1) Explosion of Liquid Petroleum Gas (LPG) Leaked from a Front End Loader or Forklift, 2) Explosion of Oxyacetylene During Segmenting of the Reactor Vessel Shelf, 3) Release of Radioactivity from the RCS Decontamination Ion Exchange Resins, 4) Gross Leak During In-Situ Decontamination, 5) Segmentation of RCS Piping with Unremoved Contamination, 6) Fire Involving Contaminated Clothing or Combustible Waste, 7) Loss of Local Airborne Contamination Control During Blasting or Jackhammer Operations, 8) Temporary Loss of Services, 9) Dropping of Contaminated Concrete Rubble, 10) Natural Phenomena and 11) Transportation Accidents. The probabilities and consequences for these accidents are estimated in the basis documentation for DSAR Section 7. No systems, structures, or components that could initiate or be required to mitigate the consequences of an accident are affected by the proposed change in any way not previously evaluated in the DSAR. Since Maine Yankee does not exceed the salient parameters associated with the plant referenced in the basis documentation in any material respects, it is concluded that these probabilities and consequences are not increased. Therefore, the proposed change to the Maine Yankee License does not involve any increase in the probability or consequences of any accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The requested license amendment does not authorize any plant activities which could precipitate or result in any accidents beyond that considered in the DSAR. The accidents previously evaluated in the DSAR are described above. These accidents are described in the basis documentation for DSAR Section 7. The proposed change does not affect plant systems, structures, or components in any way not previously evaluated in the DSAR. Since Maine Yankee does not exceed the salient parameters associated with the plant referenced in the basis documentation in any material respects, it is concluded that these accidents appropriately bound the kinds of accidents possible during decommissioning. Therefore, the proposed change to the Maine Yankee License would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The margin of safety defined in Maine Yankee's license basis for the consequences of decommissioning accidents has been established as the margin between the bounding decommissioning accident and the dose limits associated with the need for emergency plan offsite protection, namely the Environmental Protection Agency Protective Action Guidelines EPA-PAGs. As described above, the bounding decommissioning accident is the postulated resin cask drop accident in the Low Level

Radioactive Waste Storage Building. Since the bounding decommissioning accident is expected to contain more potential airborne activity than can be released from other decommissioning events and since the radionuclide distribution assumed for the spent resin cask has more transuranics (the major dose contributor) than the distribution in the components involved in other decommissioning accidents, the margin of safety associated with the consequences of decommissioning accidents cannot be reduced. The margin of safety defined in the statements of consideration for the final rule on the Radiological Criteria for License Termination is described as the margin between the 100 mrem/yr public dose limit established in 10 CFR 20.1301 for licensed operation and the 25 mrem/yr dose limit to the average member of the critical group at a site considered acceptable for unrestricted use. This margin of safety accounts for the potential effect of multiple sources of radiation exposure to the critical group. Since the license termination plan was designed to comply with the radiological criteria for license termination for unrestricted use, the margin of safety cannot be reduced. Therefore, the proposed changes to the Maine Yankee License would not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involves no significant hazards consideration.

Attorney for licensee: Mary Ann Lynch, Esquire, Maine Yankee Atomic Power Company, 321 Old Ferry Road, Wiscasset, Maine 04578.

NRC Section Chief: Michael T. Masnik.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: November 30, 1999, as supplemented on April 28, 2000.

Description of amendment request: The licensee proposes to change the technical specifications (TSs) relating to the emergency diesel generator fuel sampling/testing surveillance requirements (SRs). The changes would provide a new administrative control to establish, implement, and maintain a diesel fuel oil testing program, relocate fuel oil sampling/testing surveillance requirements and fuel oil storage tank cleaning frequency requirement to a new diesel fuel oil testing program which will reside in the Seabrook Station Technical Requirements (SSTR) Manual. The change will also add references to the A.C. Sources—Shutdown surveillance requirement to perform additional activities while in modes 5 and 6.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not alter or prevent the ability of structures, systems, and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the acceptance limits assumed in the Updated Final Safety Analysis Report (UFSAR).

The proposed changes do not affect the source term, containment isolation or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated in the Seabrook Station UFSAR. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures. The proposed change to SR 4.8.1.2 provides additional requirements for operation of the facility. These additional requirements are not initiators of analyzed events and will not alter assumptions relative to mitigation of accident or transient events. The proposed change does not adversely affect previously evaluated accidents.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not involve physical alteration of plant SSCs or changes in parameters governing the manner in which the plant is operated and maintained in a state of readiness. The changes do not introduce a new mode of plant operation.

As discussed in the above narrative, the proposed change to SR 4.8.1.2 provides additional requirements for operation of the facility. These additional requirements are not initiators of analyzed events and will not alter assumptions relative to mitigation of accident or transient events. The proposed change does not adversely affect previously evaluated accidents.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed changes do not involve a reduction in a margin of safety because they do not adversely affect assumptions used in transient or safety analyses. The details associated with the involved specifications are not required to be in the TS to provide adequate protection of the public health and safety, since the TS still retains the requirement for compliance with the applicable standards. The level of safety of facility operation is unaffected by the changes since there is no change in the intent of the TS requirements of ensuring fuel oil is of the appropriate quality for diesel generator use.

The proposed change to the A.C. Sources—Shutdown SR imposes an additional level of requirements that are more restrictive than the current TS requirements for operation of the facility in Modes 5 and 6. The additional requirements being proposed enhance assurance that the same fuel oil quality requirements are met, and visual inspection activities conducted, whenever a diesel generator is required to be OPERABLE.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270.

NRC Section Chief: James W. Clifford.

North Atlantic Energy Service Corporation, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: April 14, 2000.

Description of amendment request: The licensee proposes to relocate Technical Specification (TS) Sections TS 3/4.9.5, ''Communications'', TS 3/4.9.6, ''Refueling Machine'', and TS 3/4.9.6, ''Crane Travel—Spent Fuel Storage Area'' to the Seabrook Station Technical Requirements Manual.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes to relocate Technical Specifications 3/4.9.5, 3/4.9.6 and 3/4.9.7 to the Technical Requirements Manual (TRM) are administrative in nature and do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, configuration of the

facility or the manner in which it is operated. The proposed changes do not alter or prevent the ability o[f] structures, systems, or components to perform their intended function to mitigate the consequences of an initiating event within the acceptance limits assumed in the Updated Final Safety Analysis Report [UFSAR].

The subject specifications relocated to the Technical Requirements Manual will continue to be administratively controlled. The TRM is a licensee-controlled document, which contains certain technical requirements and is the implementing manual for the Technical Specification Improvement Program. Changes to these requirements are reviewed and approved in accordance with Seabrook Station Technical Specification, Section 6.7.1.i, and as outlined in the TRM.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated. There are no changes to the source term or radiological release assumptions used in evaluating the radiological consequences in the Seabrook Station UFSAR. The proposed change has no adverse impact on component or system interactions. The proposed change will not adversely degrade the ability of systems, structures and components important to safety to perform their safety function nor change the response of any system, structure or component important to safety as described in the Seabrook Station Updated Final Safety Analysis Report (UFSAR). The proposed changes are administrative in nature and do not change the level of programmatic and procedural details of assuring operation of the facility in a safe manner. Since there are no changes to the design assumptions, conditions, configuration of the facility, or the manner in which the plant is operated and surveilled, the proposed change does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety.

There is no adverse impact on equipment design or operation and there are no changes being made to the Technical Specification required safety limits or safety system settings that would adversely affect plant safety. The proposed change is administrative in nature and does not reduce the level of programmatic or procedural controls associated with the activities presently performed via Technical Specifications 3/4.9.5, 3/4.9.6 and 3/4.9.7.

Future changes to the subject technical requirements will be reviewed and approved in accordance with Seabrook Station Technical Specification, Section 6.7, and as outlined in the Technical Requirements Manual. Specifically, all changes to the Technical Requirements Manual require a 10 CFR 50.59 safety evaluation and will be reviewed and approved by the Station Operations Review Committee (SORC) prior to implementation.

Therefore, relocation of the requirements contained in Technical Specifications 3/4.9.5, 3/4.9.6 and 3/4.9.7 to the Technical Requirements Manual does not involve a significant reduction in the margin of safety provided in the existing specifications.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141–0270.

NRC Section Chief: James W. Clifford.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: November 24, 1999, as supplemented by letter dated February 10, 2000.

Description of amendment request: The amendment will establish charcoal filter testing requirements in the technical specifications (TSs) for the Auxiliary Building Ventilation (ABV) System, the Control Room Envelope Air Conditioning System (CREACS), and the Fuel Handling Building Ventilation (FHV) System that are consistent with Generic Letter 99–02, Laboratory Testing of Nuclear-Grade Activated Charcoal,'' dated June 3, 1999.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff has reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

The operation of the Salem units in accordance with the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed TS changes do not involve any physical changes to plant structures, systems, or components (SSC). The FHV, CREACS, and ABV systems will continue to function as designed. The FHV, CREACS, and ABV systems are designed to mitigate the consequences of an accident. The proposed changes also will not affect the sequence of any accidents previously analyzed. The proposed TS surveillance requirement changes implement testing methods that demonstrate charcoal filter capability and establish acceptance criteria, which ensure that Salem's design basis assumptions continue to be met. The proposed surveillance requirement acceptance criteria ensure that the FHV, CREACS, and ABV safety functions will be accomplished. Therefore, the proposed TS changes would not result in a significant increase of the consequences of an accident previously evaluated, nor do they involve an increase in the probability of an accident previously evaluated.

The operation of the Salem units in accordance with the proposed changes does not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed TS changes do not involve any physical changes to the design of any plant SSC. The design and operation of the FHV, CREACS, and ABV systems are not changed from those currently described in Salem's licensing basis. The FHV, CREACS, and ABV systems will continue to function as designed to mitigate the consequences of an accident. Implementing the proposed charcoal filter testing methods and acceptance criteria does not change the operation of the FHV, CREACS, and ABV systems that would create a different type of accident previously evaluated. In addition, the proposed TS changes do not alter the conclusions described in Salem's licensing basis regarding the safety-related functions of these systems. Therefore, the proposed TS changes do not create the possibility of a new or different kind of accident from any previously evaluated.

The operation of the Salem units in accordance with the proposed license amendment will not be changed nor result in a significant reduction to margins of safety. The licensee is not proposing any modifications to FHV, CREACS, and ABV systems design or operation, and there are no changes being made to the TS-required safety limits or safety system settings that would adversely affect plant safety. The proposed changes modify the TSs to reference appropriate test parameters for performing laboratory testing of nuclear-grade charcoal in engineered safety feature filtration systems in accordance with ASTM D3803–1989. The imposition of the more conservative charcoal filter testing requirements associated with ASTM D3803–1989 will not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50 362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: April 20, 2000 (PCN–503).

Description of amendment requests: The amendment application proposes to revise the San Onofre Nuclear Generating Station, Units 2 and 3, Technical Specification (TS) 5.5.2.5, ''Reactor Coolant Pump Flywheel Inspection Program.'' The proposed change would revise the required volumetric examination frequency of the upper flywheel on each of the primary reactor coolant pump motors from a 3-year to a 10-year cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Missile generation from a Reactor Coolant Pump (RCP) flywheel could damage the reactor coolant system, the containment, or other equipment or systems important to safety. The fracture mechanics analysis performed to support the change shows that a preexisting flaw of an initial size at the detection threshold level will not grow to a flaw size necessary to create flywheel missiles within the life of the plant. The fracture mechanics analysis conservatively assumes minimum material toughness properties, maximum flywheel speed, location of flaw in the highest stress region of the flywheel, and a number of start/stop cycles eight times greater than the design basis. Therefore, an existing flaw in the flywheel will not grow to a size that exceeds the allowable flaw size for either normal operating or accident conditions over the plant life. On this basis, the extension of the 3-year interval inspection to a 10-year interval will not involve a significant increase in the probability of an accident previously considered. The proposed changes do not increase the amount of radioactive material available for release or modify any systems used for preventing or mitigating such releases during accident conditions. Therefore, these changes do not involve a significant increase in the consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes will not change the design configuration, or method of operation of the plant. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Involve a significant reduction in a margin of safety?

Response: No.

Significant conservatisms have been used in the calculation of allowable flaw size (critical flaw size) and flaw growth for each RCP flywheel design. These include minimum fracture toughness properties, code reference crack growth rate curves, maximum flywheel accident speed, postulated flaw location at the highest stress region of the flywheel, and a number of start/stop cycles that is eight times the number expected in a plant life. The final flaw size has been determined to remain smaller than the allowable flaw size for the flywheel under the relevant design conditions, including postulated accident conditions. Therefore, the extension of the 3-year interval inspection to a 10-year interval will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Tennessee Valley Authority, Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: February 4, 2000 (TS 99–14).

Brief description of amendments: The proposed amendments would change the Sequoyah Nuclear Plant (SQN) Technical Specification Limiting Conditions for Operations for the reactor coolant system cold leg accumulators (CLAs). The upper CLA water limit and required pressure range would both be decreased to more appropriately account for instrument uncertainties and instrument line tap locations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), Tennessee Valley Authority (TVA), the licensee, has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The capability of the accumulators to perform their safety function is not affected by this change. All components and system functional requirements remain the same. There are no new sequences of events which would increase the probability of an accident analyzed in the Final Safety Analysis Report (FSAR). Therefore, the proposed activity does not increase the probability of an accident previously evaluated in the FSAR. The fuel cladding peak temperature established by the ECCS [Emergency Core Cooling System] evaluation model remains below 2200 degrees Fahrenheit for a loss-of-coolant accident (LOCA). As such, the assumptions on fuel failure and isotope release post-LOCA do not change from the information presented in the FSAR.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The primary function of the CLAs is in the event of a large break LOCA to support accident mitigation. CLAs are not a contributor to events that could generate accidents. The CLA system volume capability bounds this change in operational limits and the system is not physically changing. Therefore, the proposed activity does not create a possibility for an accident of a different type than any evaluated previously.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

The safety function provided by the CLAs is to inject core cooling water into the reactor coolant system when system pressure decreases below a predetermined value during a LOCA. The timing (function of pressure) and amount (function of volume) of cooling water is modeled in the ECCS evaluation model. The proposed changes to the accumulator operational limits have been evaluated using the Sequoyah plant specific ECCS model. The evaluation shows an increase in the peak fuel cladding temperature from 2162 degrees Fahrenheit to 2185 degrees Fahrenheit. The results confirm that existing LOCA safety analysis acceptance criteria (established by 10 CFR 50.46) continue to be met for the revised accumulator limits. The safety analysis acceptance criteria continues to be met with the revised limits. The 23 degree increase in the peak fuel cladding temperature associated with accumulator operation is not a significant reduction in the margin of safety.

The NRC has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Tennessee Valley Authority, Docket No. 50–390 Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of amendment request: March 6, 2000 (TS 99–09).

Description of amendment request: The proposed amendment would revise the Watts Bar Nuclear Plant (WBN) Unit 1 Technical Specifications (TS) and associated TS Bases for Limiting Condition for Operation (LCO) 3.9.4 Containment Penetrations. The revision would permit both doors of the containment personnel airlocks to be open during refueling operations to facilitate personnel and equipment access to containment. It would also allow containment penetration flow paths to be open under administrative controls to facilitate maintenance activities during refueling operations.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change to WBN Technical Specification LCO 3.9.4, Refueling Operations—Containment Penetrations, would allow both doors of the containment personnel airlocks and certain containment penetration flow paths to be open during core alterations and movement of irradiated fuel within containment under specific administrative controls. The proposed change is consistent with NRC approved TS travelers TSTF–68, R2 and TSTF–312, R1, and proposes controls similar to the administrative controls currently allowed by WBN TS (LCO 3.6.3) for containment penetrations during more restrictive, higher operational modes. The administrative controls will ensure appropriate personnel are aware of the open personnel airlocks and penetration flow paths and ensure designated individual(s) are assigned to promptly close the airlock doors and penetration flow paths in the event of a fuel handling accident (FHA) inside containment. Timely closure of penetration flow paths and closure of the airlock doors following containment evacuation will ensure that the unlikely transmission of radioactive material from the reactor building to the auxiliary building is minimized.

In order to minimize the consequences of any leakage of radionuclides past these open penetrations during the period of time before their closure, additional procedural controls will be provided to ensure the integrity of the WBN auxiliary building secondary containment enclosure (ABSCE) boundary and proper auxiliary building gas treatment system (ABGTS) operation. These controls will ensure that in the event of a fuel handling accident (FHA) inside containment, the following will be promptly accomplished: shutdown and isolation of the reactor building purge air ventilation system, auxiliary building isolation, and initiation of ABGTS. Therefore, through the use of these controls for the proposed license amendment, the offsite dose consequences of a FHA inside containment with open airlock doors and/or open penetration flow paths remain well within the 10 CFR 100 limits and within the limits of 10 CFR 50, Appendix A, General Design Criteria 19 for control room operator dose.

[The licensee's application also states that ''The results for the fuel handling analysis inside containment with open airlock doors and/or open penetration flow paths are bounded by the current analysis.'']

The containment personnel airlock doors and containment penetration flow paths are not initiators to any previously evaluated accident for WBN. In addition, the position of the airlock doors and penetration flow paths during refueling operations has no affect on the probability of the occurrence of any accident previously evaluated. The proposed revision does not alter any plant equipment or operating practices in such a manner that the probability of an accident is increased. Since the probability of a accident is not affected by the positions of the containment personnel airlock doors, and because the doses remain within acceptable limits, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The open containment personnel airlock doors and containment penetration flow paths are not accident initiators and do not represent a significant change in the configuration of the plant. The proposed allowance to open the containment personnel airlock doors and penetrations during refueling operations will not adversely affect plant safety functions or equipment operating practices such that a new or different accident could be created. Therefore, since plant safety functions are not adversely affected and the isolation status of containment personnel airlock doors and penetration flow paths do not contribute to the initiation of postulated accidents, the proposed revision will not create a new or different kind of accident from any accident previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

WBN Technical Specification LCO 3.9.4 closure requirements for containment penetrations ensure that the consequences of a postulated FHA inside containment during core alterations or fuel handling activities remain within acceptable limits. The LCO establishes containment closure requirements, which limit the potential escape paths for fission products by ensuring that there is at least one integral barrier to the release of radioactive material. The proposed change to allow the containment personnel airlock doors and containment penetration flow paths to be open during refueling operations under administrative controls does not significantly affect the expected dose consequences of a FHA because of the absence of containment pressurization during refueling. Without this motive force, the potential for additional offsite dose consequence is unlikely. The proposed administrative controls provide assurance that prompt closure of the airlock doors and penetration flow paths will be accomplished in the event of a FHA inside containment thus minimizing the transmission of radioactive material from the reactor building to the auxiliary building. Under the proposed TS change, the provisions to ensure shutdown and isolation of the reactor building purge air ventilation system, auxiliary building isolation, and initiation of ABGTS and to promptly isolate open penetration flow paths and close the airlock doors following containment evacuation, provide assurance that the offsite dose consequences of a FHA inside containment will remain well within the 10 CFR 100 limits and within the limits of 10 CFR 50, Appendix A, General Design Criteria 19 for control room operator dose. Therefore, the proposed change to the WBN Technical Specifications does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 10H, Knoxville, Tennessee 37902.

NRC Section Chief: Richard P. Correia.

Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: September 16, 1999.

Brief description of amendment: The proposed amendment would increase the licensed capacity for spent fuel assembly storage in the Spent Fuel Pool and revise the configuration for storage of fresh fuel.

Date of publication of individual notice in the ***Federal Register***: December 8, 1999 (64 FR 68702).

Expiration date of individual notice: January 7, 2000.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: February 29, 2000, as supplemented on March 31, 2000.

Brief description of amendment request: The amendments would add a note to the completion time of Condition A for Technical Specification 3.7.2, ''Emergency Service Water (ESW) System and Normal Heat Sink.'' This note would provide a one-time extension to the completion time for one ESW subsystem inoperable from 7 to 14 days. This note would allow the replacement of one ESW pump currently scheduled to occur in May 2000 and will expire on May 31, 2000.

Date of publication of individual notice in ***Federal Register***: March 9, 2000 (65 FR 12589).

Expiration date of individual notice: April 10, 2000.

PP&L, Inc., Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment request: March 14, 2000, as supplemented March 27, 2000.

Brief description of amendment request: The proposed amendment would amend the licenses to change the required implementation date for previously issued license Amendment No. 184 to Facility Operating License NPF–14 and Amendment No. 158 to Facility Operating License NPF–22. The proposed amendment would not alter any of the requirements of the SSES Unit 1 and 2 Technical Specifications (TSs).

Date of publication of individual notice in ***Federal Register***: April 27, 2000 (65 FR 24718).

Expiration date of individual notice: May 30, 2000.

PP&L, Inc., Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of amendment request: April 10, 2000.

Brief description of amendment request: Permits deferral of testing of primary containment penetration flange o-rings on spectacle flanges 2S299A and 2S299B until the Unit 2 10th refueling outage, scheduled for spring 2001 or a prior Unit 2 outage requiring entry into Mode 4.

Date of publication of individual notice in ***Federal Register***: April 21, 2000 (65 FR 21487).

Expiration date of individual notice: May 22, 2000.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see: (1) The applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of application for amendment: October 25, 1999 (U–603281).

Brief description of amendment: The amendment revised the Technical Specification definitions for channel calibrations, channel functional tests, and logic system functional tests.

Date of issuance: April 25, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment No.: 128.

Facility Operating License No. NPF–62: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: January 12, 2000 (65 FR 1920).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: November 19, 1999, as supplemented on March 16, 2000.

Brief description of amendment: This amendment revises the Technical Specifications (TS) to incorporate the American Society for Testing and Materials (ASTM) D3803–1989, Standard Test Method for Nuclear-Grade Activated Carbon,'' in accordance with NRC Generic Letter (GL) 99–02, ''Laboratory Testing Of Nuclear-Grade Activated Charcoal,'' dated June 3, 1999. Specifically, TS 4.7.6 has been revised for the Control Room Emergency Filtration System, TS 4.7.7 has been revised for the Reactor Auxiliary Building Emergency Exhaust System, and TS 4.9.12 has been revised for the Fuel Handling Building Emergency Exhaust System.

Date of issuance: May 2, 2000.

Effective date: May 2, 2000.

Amendment No. 98.

Facility Operating License No. NPF–63. Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register***: December 15, 1999 (64 FR 70081).

The March 16, 2000, submittal contained clarifying information only,

and did not change the initial no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 2000. No significant hazards consideration comments received: Yes. One comment was received, and is addressed in the above-referenced Safety Evaluation.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: March 17, 2000.

Brief description of amendment: The amendment revises Technical Specifications (TSs) associated with probes used in steam generator tube inspections, specifically TS Section 4.13.A.3.f. The proposed change would provide more flexibility in the type of probe used and would reflect current technological advances in inspection equipment, while still maintaining the current 610-mil diameter probe restriction.]

Date of issuance: April 28, 2000.

Effective date: As of the date of issuance to be implemented within 30 days.

Amendment No.: 209.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 27, 2000 (65 FR 16230).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 28, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket Nos. 50–313 and 50–368, Arkansas Nuclear One, Units 1 and 2, Pope County, Arkansas

Date of amendment request: November 16, 1999.

Brief description of amendments: The proposed changes to the Arkansas Nuclear One, Units 1 and 2, Technical Specifications (TSs) and associated Bases provided a 30-day allowed outage time (AOT) for startup transformer No. 2, which is an offsite power source shared by both units. This 30-day AOT will be used infrequently for the purpose of performing preventative maintenance to increase the reliability of the transformer. In addition, changes have been made to the requirements associated with demonstrating the operability of the emergency diesel generators (EDGs), in the event a required power source is inoperable, to increase the reliability of the EDGs.

Date of issuance: April 28, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 206 and 215.

Facility Operating License Nos. DPR–51 and NPF–6: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: January 26, 2000 (65 FR 4271).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 28, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: February 24, 2000.

Brief description of amendment: The amendment revised Technical Specification (TS) 4.4.11 on reactor coolant system vent flow verification, TS 4.6.1.1.a on containment penetration closure verification (non-automatic), and TS 4.6.3.1.2 on containment isolation valve actuation verification. The changes eliminated unnecessary mode restrictions on these surveillance requirements.

Date of issuance: April 26, 2000.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment No.: 214.

Facility Operating License No. NPF–6: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 22, 2000 (65 FR 15379).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 26, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 6, 1998, as supplemented by letter dated March 3, 2000, Moderator Temperature Coefficient test near the end of each cycle.

Brief description of amendment: The proposed change modifies the requirement to perform a Moderator Temperature Coefficient test near the end of each cycle.

Date of issuance: April 21, 2000.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 159.

Facility Operating License No. NPF–38: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: August 25, 1999 (64 FR 46435). The March 3, 2000, letter did not change the scope of the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 21, 2000.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 15, 1999, as supplemented by letter dated January 6, 2000.

Brief description of amendment: The proposed change modifies plant technical specifications to extend the Reactor Coolant System Pressure Temperature Curve Limit to 16 Effective Full Power Years.

Date of issuance: April 24, 2000.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 160.

Facility Operating License No. NPF–38: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: January 26, 2000 (65 FR 4276).

The January 6, 2000, letter reduced EFPY from 20 years, requested in the July 15, 1999, letter, to 16 years. This change is bounded by, and did not change the scope of, the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 24, 2000.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of application for amendments: November 23, 1999, as supplemented February 22, 2000.

Brief description of amendments: The amendments make the following changes to the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS–1 and BVPS–2) Technical Specifications (TSs): (1) For BVPS–1, surveillance requirement (SR) 4.8.1.1.2.b.3.b is revised to reflect a narrower required diesel generator (DG) frequency band; an associated footnote is deleted; associated Bases are revised to reflect these TS changes. (2) For BVPS–2, SR 4.8.1.1.2.f is revised to clarify that the

DGs are only required to achieve a minimum frequency and voltage within the first 10 seconds of the related test, and that the stated voltage and frequency bands are requirements for steady state operation of the DGs; a footnote is also added to this SR. (3) Page formats are revised as needed to permit the addition or deletion of text.

Date of issuance: April 25, 2000.

Effective date: As of date of issuance and shall be implemented within 60 days.

Amendment Nos.: 230 and 109.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 8, 2000 (65 FR 12292). The February 22, 2000, letter provided supplemental information and did not change the initial proposed no significant hazards consideration determination or expand the amendments beyond the scope of the initial notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–412, Beaver Valley Power Station, Unit 2, Shippingport, Pennsylvania

Date of application for amendment: September 22, 1999, as supplemented April 27, 2000.

Brief description of amendment: The amendment allowed a one-time only extension to the surveillance interval of the Technical Specification Surveillance 4.7.12.d for functional testing of snubbers. The extension is limited to the first re-entry into MODE 6 following the defueled condition during the 8th refueling outage or November 30, 2000, whichever occurs sooner.

Date of issuance: May 3, 2000.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 110.

Facility Operating License No. NPF–73: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: November 17, 1999, (64 FR 62711).

The April 27, 2000, letter did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 3, 2000.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit 1, Ottawa County, Ohio

Date of application for amendment: November 2, 1999.

Brief description of amendment: This amendment revised the Technical Specifications (TSs) to modify 1) TS Table 3.3–4, ''Safety Features Actuation System Instrumentation Trip Setpoints,'' to remove the ''Trip Setpoint'' values for Instrument String Functional Unit ''f'', Borated Water Storage Tank (BWST) Level, 2) the ''Allowable Values'' entry for this same Functional Unit, consistent with updated calculations using current setpoint methodology, 3) TS 3/4.3.2.1, ''Safety Features Actuation System Instrumentation,'' and Bases to reflect the removal of ''Trip Setpoints'' described above, and 4) TS 3/4.5.4, ''Emergency Core Cooling Systems—Borated Water Storage Tank,'' and Bases to increase the minimum volume of water in the BWST.

Date of issuance: May 4, 2000.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment No.: 241.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: December 15, 1999 (64 FR 70087).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 4, 2000.

No significant hazards consideration comments received: No.

Illinois Power Company, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of application for amendment: October 23, 1998, as supplemented February 22 and June 24, 1999, and March 31, 2000.

Brief description of amendment: The amendment would allow implementation of a feedwater leakage control system to address leakage through the primary containment feedwater penetration valve.

Date of issuance: April 25, 2000.

Effective date: April 25, 2000.

Amendment No.: 127.

Facility Operating License No. NPF–62: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: November 18, 1998 (63 FR 64118).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: February 18, 2000, as supplemented March 31, 2000.

Brief description of amendments: The proposed license amendments would approve a change to the facility involving an unreviewed safety question discovered by the licensee during a 10 CFR 50.59 evaluation of modifications to the auxiliary feedwater (AFW) pump rooms to protect the equipment in the rooms from the environmental effects of a postulated high-energy line break. This will be accomplished by sealing the AFW pump rooms to ensure that the rooms do not communicate with the turbine buildings or each other.

Date of issuance: April 25, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 244.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Operating License.

Date of initial notice in ***Federal Register***: February 25, 2000 (65 FR 10116).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

North Atlantic Energy Service Corporation, et al., Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: December 13, 1999.

Description of amendment request: The amendment changes the license to delete expired license conditions and to make editorial and administrative changes to correct or clarify the license.

Date of issuance: April 27, 2000.

Effective date: As of its date of issuance, and shall be implemented within 60 days.

Amendment No.: 68.

Facility Operating License No. NPF–86: Amendment revised the License.

Date of initial notice in ***Federal Register***: February 9, 2000 (65 FR 6408).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 27, 2000.

No significant hazards consideration comment received: No.

North Atlantic Energy Service Corporation, et al., Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: February 18, 2000.

Description of amendment request: The amendment revises Technical Specifications (TSs) Surveillance Requirements 4.0.5.a, 4.0.5.b, 4.0.5.e, and 4.4.6.2.2.e. These changes are required to ensure consistency between the TSs and the second 10-year inservice test program by approval to use the 1995 Edition and 1996 Addenda of the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code). The revision to TSs Surveillance Requirement 4.0.5.a also incorporates semi-quarterly and biennial intervals to the list of required frequencies for performing inservice test and inspection activities.

Date of issuance: May 8, 2000.

Effective date: As of its date of issuance, and shall be implemented by August 18, 2000.

Amendment No.: 69.

Facility Operating License No. NPF–86: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: April 5, 2000 (65 FR 17917).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 2000.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: December 14, 1999, as supplemented February 11, March 30, and April 26, 2000.

Brief description of amendment: This amendment will revise Technical Specifications (TSs) Sections: 3.3.2.1, ''Instrumentation—Engineered Safety Feature Actuation System Instrumentation;'' 3.3.3.1, ''Instrumentation—Monitoring Instrumentation—Radiation Monitoring;'' 3.7.6.1, ''Plant Systems—Control Room Emergency Ventilation System;'' 3.9.3.1, ''Refueling Operations—Decay Time;'' 3.9.4, ''Refueling Operations—Containment Penetrations;'' 3.9.9, ''Refueling Operations—Containment Radiation Monitoring;'' 3.9.10 ''Refueling Operations—Containment Purge Valve Isolation System;'' 3.9.13, ''Refueling Operations—Storage Pool Radiation Monitoring;'' 3.9.14, ''Refueling Operations—Storage Pool Area Ventilation System—Fuel Movement;'' 3.9.15, ''Refueling Operations—Storage Pool Area Ventilation System—Fuel Storage;'' 3.9.16.1, ''Refueling Operations—Shielded Cask;'' 3.9.16.2, ''Refueling Operations—Shielded Cask;'' 3.9.17, ''Refueling Operations—Movement of Fuel in Spent Fuel Pool;'' and 3.9.19.2, ''Refueling Operations—Spent Fuel Pool—Storage Pattern''; and add new TS 3.3.4, ''Containment Purge Valve Isolation Signal.'' The requested changes would make the TSs and the Final Safety Analysis Report (FSAR) consistent with the new analyses of the fuel handling and cask drop accidents. The Index Pages and the Bases for these TSs will be modified to reflect these proposed changes.

Date of issuance: April 28, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 245.

Facility Operating License No. DPR–65: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: March 17, 2000 (65 FR 14632).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 28, 2000.

No significant hazards consideration comments received: No.

Northeast Nuclear Energy Company, et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of application for amendment: June 15, 1999, as supplemented July 20, September 3, and November 29, 1999, and January 18, 2000.

Brief description of amendment: The amendment modifies the license to change the number of owners from 14 to 13 and to remove Montaup Electric Company as an owner as a result of the transfer of its interest in Millstone Nuclear Power Station, Unit No. 3 to New England Power Company, an existing owner.

Date of issuance: May 1, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 180.

Facility Operating License No. NPF–49: Amendment revised the License.

Date of initial notice in ***Federal Register***: January 19, 2000 (65 FR 2990).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 24, 2000, issued with the February 24, 2000, Order approving the transfer as noticed in the **Federal Register** on March 1, 2000 (65 FR 11091).

No significant hazards consideration comments received: No.

PECO Energy Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: February 29, 2000, as supplemented on March 31, 2000.

Brief description of amendments: The amendments will add a note to the completion time of Condition A for Technical Specification 3.7.2, ''Emergency Service Water (ESW) System and Normal Heat Sink.'' This note will provide a one-time extension to the completion time for one ESW subsystem inoperable from 7 to 14 days. This note will allow the replacement of one ESW pump currently scheduled to occur in May 2000 and will expire on May 31, 2000.

Date of issuance: April 25, 2000.

Effective date: Both units, as of the date of issuance and shall be implemented no later than May 31, 2000.

Amendments Nos.: 231 and 236.

Facility Operating License Nos. DPR–44 and DPR–56: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 9, 2000 (65 FR 12589).

The March 31, 2000, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

PP&L, Inc., Docket No. 50–388, Susquehanna Steam Electric Station, Unit 2, Luzerne County, Pennsylvania

Date of application for amendment: April 10, 2000.

Brief description of amendment: The amendment adds a note to Technical Specification Surveillance Requirement 3.6.1.1.1 to defer performance of this test on a one-time basis for spectacle flanges 2S299A and 2S299B o-rings until the Unit 2 10th Refueling Outage (Spring 2001) or a prior Unit 2 outage requiring entry into Mode 4. The change allowed Unit 2 operation to continue until an outage occurs where leak rate surveillance testing on spectacle flanges 2S299A and 2S299B can be performed.

Date of issuance: May 8, 2000.

Effective date: As of date of issuance and shall be implemented within 30 days.

Amendment No.: 160.

Facility Operating License No. NPF–22. This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: April 21, 2000 (65 FR 21487).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 2000.

No significant hazards consideration comments received: No.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: March 15, 2000.

Brief description of amendment: This amendment changes Technical Specification (TS) Definition 1.7, CORE ALTERATION. The definition has been revised to be similar to the definition of CORE ALTERATION that is documented in NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants, BWR/4.''

Date of issuance: April 25, 2000.

Effective date: As of the date of issuance, and shall be implemented within 3 days.

Amendment No.: 125.

Facility Operating License No. NPF–57: This amendment revised the TSs.

Date of initial notice in ***Federal Register***: March 23, 2000 (65 FR 15657).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

Public Service Electric & Gas Company, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: September 30, 1999, as supplemented March 27, 2000.

Brief description of amendment: This amendment revised the Technical Specifications (TSs) associated with the Safety Limit Minimum Critical Power Ratios in order to support the operation of Hope Creek Generating Station in the upcoming Cycle 10 with a mixed core of General Electric (GE) and Asea Brown Bovieri/Combustion Engineering (ABB/CE) fuel. In addition, administrative changes have been made to the TSs to reflect the change in fuel vendor from GE to ABB/CE.

Date of issuance: May 1, 2000.

Effective date: As of the date of issuance, and shall be implemented within 60 days after completion of Cycle 9.

Amendment No.: 126.

Facility Operating License No. NPF–57: This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: November 3, 1999 (64 FR 59805).

The March 27, 2000 letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 1, 2000.

No significant hazards consideration comments received: No.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: July 20, 1999, as supplemented on October 25, 1999.

Brief description of amendment: The amendment revises Technical Specifications to reflect the implementation of increased core flow.

Date of Issuance: April 25, 2000.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 187.

Facility Operating License No. DPR–28: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register***: August 25, 1999 (64 FR 46450). The October 25, 1999, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated April 25, 2000.

No significant hazards consideration comments received: No.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of application for amendment: March 2, 2000.

Brief description of amendment: The amendment increases the minimum refueling boron concentration to 2200 parts per million (ppm) from 2100 ppm as specified in the Technical Specification 3.8.a.5.

Date of issuance: May 1, 2000.

Effective date: Immediately upon its date of issuance and is to be implemented within 30 days of the date of issuance.

Amendment No.: 147.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** *March 30, 2000 (65 FR 16969).*

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 1, 2000.

No significant hazards consideration comments received: No.

Notice of Issuance of Amendments to Facility Operating Licenses and Final Determination of no Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of

increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and electronically from the ADAMS Public Library component on the NRC Web site, http://www.nrc.gov (the Electronic Reading Room).

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. By June 16, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

Duke Energy Corporation, et al., Docket No. 50–414, Catawba Nuclear Station, Unit 2, York County, South Carolina

Date of application for amendments: May 3, 2000.

Brief description of amendments: The amendment revised the Technical Specifications (TS) and associated Bases Section 3.6.9 for the Hydrogen Ignition System. Specifically, the proposed amendment modifies Surveillance Requirements (SRs) 3.6.9.1, 3.6.9.2, and 3.6.9.3 to exclude the two hydrogen ignitors located beneath the reactor vessel missile shield from the applicability of the SRs. These two ignitors are presently considered to be inoperable at Unit 2 and cannot be accessed for replacement with the unit in its current operating mode (Mode 1). This change is effective for Unit 2 Cycle 11 only, or until such time that the unit enters Mode 5 (cold shutdown) such that the inoperable ignitors can be accessed for replacement.

Date of issuance: May 5, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment No.: 178.

Facility Operating License No. NPF–52: Amendment revised the Technical Specifications and associated Bases.

Public Comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, finding of emergency circumstances, consultation with the State of South Carolina, and final no significant hazards consideration determination are contained in a Safety Evaluation dated May 5, 2000.

Attorney for licensee: Ms. Lisa F. Vaughn , Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard L. Emch, Jr.

Dated at Rockville, Maryland, this 10th day of May 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–12302 Filed 5–16–00; 8:45 am]

BILLING CODE 7590–01–P

POSTAL RATE COMMISSION

[Docket No. A2000–1; Order No. 1292]

Appeal of Post Office Closing

AGENCY: Postal Rate Commission.

ACTION: Notice of Docket No. A2000–1.

SUMMARY: The Commission has established a docket to consider an objection to the closing of the Roanoke, WV post office. It also has issued a procedural schedule.

DATES: See **SUPPLEMENTARY INFORMATION** section for dates.

ADDRESSES: Correspondence should be addressed to Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001.

FOR MORE INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, (202) 789–6820.

SUPPLEMENTARY INFORMATION: On May 10, 2000, the Postal Rate Commission (PRC) issued a notice and order (No. 1292) accepting an appeal of the closing of the Roanoke, West Virginia post office, ZIP Code 26423. The appeal was filed by Robert J. Conley, president of the Lewis County Commission, on behalf of the Commission and post office customers, pursuant to 39 U.S.C. 404(b)(5). The appeal has been assigned Docket No. A2000–1 and a procedural schedule has been established.

The appeal was filed April 21, 2000. The categories of issues apparently raised are the effect on the community (39 U.S.C. 404(b)(2)(A)) and effect on postal services (39 U.S.C. 404(b)(2)(C)).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

Scheduling matters. The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404(b)(5)). The procedural schedule has been developed to accommodate the delay in publication of this notice and order. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 14 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

Ordering paragraphs. Ordering paragraph (a) directs the Postal Service shall file the record in this appeal by May 25, 2000. Ordering paragraph (b) directs the Secretary of the Postal Rate Commission to publish this notice and order and procedural schedule in the **Federal Register**.

Procedural schedule. Key dates in this docket include: April 21, 2000, filing of appeal letter; May 10, 2000, issuance of Commission notice and order on filing of appeal; June 5, 2000, last day of filing of petitions to intervene (see 39 CFR 3001.111(b)); June 15, 2000, deadline for petitioner's participant statement or initial brief (see 39 CFR 3001.115(a) and (b)); July 5, 2000, deadline for Postal Service's answering brief (see 39 CFR 3001.115(c)); July 20, 2000, deadline for petitioner's reply brief, should petitioner choose to file one (see 39 CFR 3001.115(d)); July 27, 2000, deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116); August 21, 2000, expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(b)(5)).

Dated: May 11, 2000.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 00–12309 Filed 5–16–00; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:
Form 8–A, OMB Control No. 3235–0056, SEC File No. 270–54
Form 18–K, OMB Control No. 3235–0120, SEC File No. 270–108

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of management and Budget for extension and approval.

Form 8–A (OMB Control No. 3235–0056, SEC File No. 270–54) is a registration statement for certain classes of securities pursuant to Section 12(b)

and 12(g) of the Securities Exchange Act of 1934. The information required on Form 8–A provides investors with the necessary information to make investment decisions regarding securities offered to the public. The likely respondents will be companies. The information collected must be filed with the Commission on occasion. Form 8–A is a public document. Form 8–A takes approximately 3 hours to prepare and is filed by 1,540 respondents for a total of 4,620 burden hours.

Form 18–K (OMB Control No. 3235–0120; SEC File No. 270–108) is used as an annual report for foreign governments and political subdivisions with securities listed on a United States exchange. Form 18–K permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The information collected on Form 18–K must be filed with the Commission annually. Form 18–K is a public document Form 18–K takes approximately 8 hours to prepare and is filed by 20 respondents for a total of 160 burden hours.

Written 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology Securities and Exchange Commission, 450 5th Street NW, Washington, DC 20549.

Dated: May 9, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–12407 Filed 5–16–00; 8:45 am]

BILLING CODE 8010–01–M

STATE DEPARTMENT

[Public Notice #3279]

Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on June 28 and 29, at the Drake Hotel, Chicago, Illinois. Pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b[c] [1] and [4], it has been determined the meeting will be closed to the public. Matters relative to classified national security information as well as privileged commercial information will be discussed. The agenda will include updated committee reports, a world threat overview and a round table discussion that calls for the discussion of classified and corporate proprietary/security information as well as private sector physical and procedural security policies and protective programs at sensitive U.S. Government and private sector locations overseas.

For more information contact Marsha Thurman, Overseas Security Advisory Council, Department of State, Washington, D.C. 20522–1003, phone: 202–663–0533.

Dated: May 8, 2000.

Peter E. Bergin,

Director of the Diplomatic Security Service, Department of State.

[FR Doc. 00–12428 Filed 5–16–00; 8:45 am]

BILLING CODE 4710–24–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Mid Delta Regional Airport, Greenville, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Mid Delta Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990) (Title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before June 16, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Airport District Office, Federal Aviation Administration, 100 West Cross Street, Suite B, Jackson, MS 39208–2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Clifton E. Nash, Airport Director of the City of Greenville at the following address: 166 Fifth Avenue, Suite 300, Greenville, MS 38703–9737.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Greenville under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Patrick Vaught, Program Manager, FAA/Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208–2307, 601–664–9885. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Mid Delta Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation At of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulation (14 CFR Part 258).

On May 10, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by City of Greenville was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 32, 000.

The following is a brief overview of the application.

PFC Application No.: 00–02–C–00–GLH.

Level of the proposed PFC: $3.00.

Proposed charge effective date: October 1, 2000.

Proposed charge expiration date: February 1, 2003.

Total estimated net PFC revenue: $82,743.

Brief description of proposed project(s): Acquire Airfield Sweeper, Develop New DBE Plan, Conduct Airport Master Plan Study Phase I, Develop Plans & Specifications for Airport Access Road Rehabilitation, Purchase 4KW Regulator for Taxiway Lights, Conduct Airport Master Plan Study Phase II, Rehabilitate Airport

Access Road, Rehabilitate Taxiway B, Construct & Rehabilitative Security Fence.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs:

Air Taxi/Commercial Operators filing Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the City of Greenville, Mid Delta Regional Airport.

Issued in Jackson, Mississippi on May 10, 2000.

Keafur Grimes,

Acting Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 00–12422 Filed 5–16–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice; correction.

SUMMARY: The Department of Veterans Affairs published a document in the **Federal Register** on April 18, 2000, to revise an existing routine use to the system of records entitled ''Personnel and Accounting Pay System—VA'' (27VA047) as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23009 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/24/91), 58 FR 39088 (7/21/93), 58 FR 40852 (7/30/93), 60 FR 35448 (7/7/95), 62 FR 41483 (8/1/97), and 62 FR 68362 (12/31/97). This system of records contains information on current and former salaried VA employees. Inadvertently, the proposed routine use statement was omitted. This document makes a correction by adding the proposed routine use statement. Further, the submission of written comments, suggestions, or objections to the proposed routine use statement, and the effective date of the new routine use statement are corrected.

FOR FURTHER INFORMATION CONTACT: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1154, Washington, DC 20420, at (202) 273–8605.

Correction

In the **Federal Register** of April 18, 2000, in FR Doc. 00–9606, the following corrections are made:

1. On page 20851, in the second column, the first full paragraph is corrected to read:

''Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use of the system of records to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1154, Washington, DC 20420. All relevant material received before June 16, 2000 will be considered.''

2. On page 20851, in the third column, the first full paragraph is corrected to read:

''If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the new routine use statement is effective June 16, 2000.''

3. On page 20851, in the third column, following the conclusion of the preamble, add the following:

Notice of Amendment to System of Records

In the system of records identified as 27VA047, ''Personnel and Accounting Pay System—VA,'' as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23009 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/24/91), 58 FR 39088 (7/21/93), 58 FR 40852 (7/30/93), 60 FR 35448 (7/7/95), 62 FR 41483 (8/1/97), and 62 FR 68362 (12/31/97) the system is revised as follows:

* * * * *

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

* * * * *

28. Information from this system of records may be disclosed in response to legal processes, including interrogatories, served on the Agency in connection with garnishment proceedings against current or former VA employees under 5 U.S.C. 5520a.

* * * * *

Dated: May 10, 2000.

Thomas O. Gessel,

Director, Office of Regulations Management.

[FR Doc. 00–12325 Filed 5–16–00; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register
Vol. 65, No. 96
Wednesday, May 17, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 210

RIN 0584-AC38

National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches

Correction

In rule document 00–11259, beginning on page 26904, in the issue of Tuesday, May 9, 2000, make the following corrections:

§210.2 [Corrected]

1. On page 26912, in the third column, in §210.2, five stars should be added after the definition of ''*Food item*''.

2. On page 26915, the first table should read as follows:

MINIMUM NUTRIENT AND CALORIE LEVELS FOR SCHOOL LUNCHES
TRADITIONAL FOOD-BASED MENU PLANNING APPROACH (SCHOOL WEEK AVERAGES)

	MINIMUM REQUIREMENTS			RECOMMENDED
NUTRIENTS AND ENERGY ALLOWANCES	GROUP II PRESCHOOL AGES 3-4	GROUP III GRADES K-3 AGES 5-8	GROUP IV GRADES 4-12 AGES 9 AND OLDER	GROUP V GRADES 7-12 AGES 12 AND OLDER
Energy allowances (calories)	517	633	785	825
Total fat (as a percentage of actual total food energy)	[1]	[1, 2]	[2]	[2]
Saturated fat (as a percentage of actual total food energy)	[1]	[1, 3]	[3]	[3]
RDA for protein (g)	7	9	15	16
RDA for calcium (mg)	267	267	370	400
RDA for iron (mg)	3.3	3.3	4.2	4.5
RDA for Vitamin A (RE)	150	200	285	300
RDA for Vitamin C (mg)	14	15	17	18

[1] The Dietary Guidelines recommend that after 2 years of age "...children should gradually adopt a diet that, by about 5 years of age, contains no more than 30 percent of calories from fat."

[2] Not to exceed 30 percent over a school week

[3] Less than 10 percent over a school week

[FR Doc. C0–11259 Filed 5–16–00; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Wednesday,
May 17, 2000

Part II

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Community Food Projects Competitive Grants Program, Fiscal Year 2000; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service Request for Proposals (RFP): Community Food Projects Competitive Grants Program, Fiscal Year 2000

AGENCY: Cooperative State Research, Education, and Extension Service (CSREES), USDA.

ACTION: Notice of request for proposals and request for input.

SUMMARY: The Federal Agriculture Improvement and Reform Act of 1996 established new authority for a program of Federal grants to support the development of community food projects designed to meet the food needs of low-income people; increase the self-reliance of communities in providing for their own food needs; and promote comprehensive responses to local food, farm, and nutrition issues.

This RFP sets out the objectives for these projects, the eligibility criteria for projects and applicants, and the application procedures. Proposals are requested for (1) projects designed to increase food security in a community (termed Community Food Projects), and (2) projects that provide Training and Technical Assistance on a nationwide basis to entities interested in developing Community Food Projects (termed T&TA Projects).

This RFP contains the entire set of instructions needed to apply for a Fiscal Year (FY) 2000 Community Food Projects Competitive Grants Program grant.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2000 Community Food Projects Competitive Grants Program for use in development of any future requests for proposals for this program.

DATES: Proposals must be received on or before June 29, 2000. Proposals received after this date will not be considered for funding. Comments regarding this request for proposals are requested within six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303, Aerospace Center; 901 D Street, SW, Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

Written comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW; Washington, DC 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding.

FOR FURTHER INFORMATION CONTACT: Dr. Mark R. Bailey, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2241, 1400 Independence Avenue, SW, Washington, DC 20250–2241; telephone: (202) 401–1898; mbailey@reeusda.gov, or Dr. Elizabeth Tuckermanty, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2240, 1400 Independence Avenue, SW, Washington, DC 20250–2240, telephone: (202) 205–0241; Internet: etuckermanty@reeusda.gov.

SUPPLEMENTARY INFORMATION:

Table of Contents

Stakeholder Input
Catalog of Federal Domestic Assistance
Part I—General Information
A. Legislative Authority
B. Purpose, Scope and Fund Availability
C. Definitions
D. Eligibility
E. Matching Requirements
Part II—Preparation of a Proposal
A. Program Application Material
B. Content of Proposals
C. Submission of Proposals
D. Acknowledgment of Proposals
Part III—Review Process
A. General
B. Evaluation Factors
C. Conflicts of Interest and Confidentiality
Part IV—Additional Information
A. Access to Peer Review Information
B. Grant Awards
C. Use of Funds; Changes
D. Applicable Federal Statutes and Regulations
E. Confidential Aspects of Proposals and Awards
F. Regulatory Information

Stakeholder Input

CSREES is soliciting comments regarding this solicitation of applications from any interested party. These comments will be considered in the development of any future RFP for the program. CSREES has determined that this program is not an agricultural research, extension, or education program for the purposes of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998, 7 U.S.C. 7613(c)(2). Therefore, CSREES is not required by statute to solicit stakeholder input regarding this RFP. CSREES, however, always welcomes constructive comments from interested parties regarding an RFP or particular program. Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this Notice.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.225, Community Food Projects Competitive Grants Program.

Part I—General Information

A. Legislative Authority

Section 25 of the Food Stamp Act of 1977, as amended by Section 401(h) of the Federal Agriculture Improvement and Reform Act of 1996 (Pub. L. No. 104–127) (7 U.S.C. 2034), authorized a new program of Federal grants to support the development of community food projects.

B. Purpose, Scope and Fund Availability

1. Purpose and Scope

a. *Community Food Projects.* The purpose of the Community Food Projects Competitive Grants Program (CFPCGP) is to support the development of Community Food Projects with a one-time infusion of Federal dollars to make such projects self-sustaining or to support stand-alone T&TA activities. Community Food Projects should be designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm, and nutrition issues.

Community Food Projects are intended to take a comprehensive approach to developing long-term solutions that help to ensure food security in communities by linking the food production and processing sectors to community development, economic opportunity, and environmental enhancement. Comprehensive solutions may include elements such as: (i) Improved access to high quality, affordable food among low-income households; (ii) expanded economic opportunities for community residents through local businesses or other economic development, improved

employment opportunities, job training, youth apprenticeship, school-to-work transition, and the like, and (iii) support for local food systems, from urban gardening to local farms that provide high quality fresh foods, ideally with minimal adverse environmental impact. Any solution proposed must tie into community food needs.

Project goals should integrate multiple objectives into their design. Proposed projects should seek to address impacts beyond a specific goal such as increasing food produced or available for a specific group. Goals and objectives should integrate economic, social, and environmental impacts such as job training, employment opportunities, small business expansion, neighborhood revitalization, open space development, transportation assistance or other community enhancements.

Proposed projects should seek comprehensive solutions to problems across all levels of the food system, not only short-term food relief. This point is emphasized because some proposals submitted previously were primarily for expanding applicant efforts in food relief and assistance, or for connecting established or partially established programs (such as community gardens and farmers' markets), with little evidence of strategic planning and participation by stakeholders in the proposed project design. Proposals should emphasize a food system and/or food security approach and show evidence of information sharing, coalition building, and substantial community linkages.

Applicants should be aware of several USDA and Federal policy initiatives that have the potential to strengthen the impact and success of some Community Food Projects. These include the Department's Community Food Security Initiative and its seven action areas of local infrastructure, economic and job security, Federal nutrition assistance safety net, supplemental food provided by nonprofit groups, food production and marketing, education and awareness, and research, monitoring, and evaluation.

Other related Federal activities include: food recovery and gleaning efforts; connecting low-income urban consumers with rural food producers; aiding citizens in leaving public assistance and achieving self-sufficiency; and utilizing microenterprise and/or development projects related to community food needs. Other relevant and ongoing Federal initiatives include: USDA farmers' markets; USDA's Office of Sustainable Development and Small Farms; USDA and U.S. Department of Housing and Urban Development designated Empowerment Zones, Enterprise Communities; and the AmeriCorps National Service Program.

Applicants should recognize the role played by food and nutrition assistance programs administered by USDA. Applicants may choose to discuss, in their proposals, the utilization of these programs by the community in connection with the proposed Community Food Project. These programs include: the Food Stamp Program; child nutrition programs such as the School Lunch, School Breakfast, Women, Infants, and Children (WIC) Supplemental Nutrition, Child and Adult Care Food, and Summer Food Service Programs; and commodity distribution programs.

Resources available from other Federal programs such as the Community Food and Nutrition Program (CFNP) and Job Opportunities for Low-Income Individuals (JOLI) program (administered by the Office of Community Services within the U.S. Department of Health and Human Services), may also impact Community Food Projects.

The primary objectives of the CFPCGP are to increase the food self-reliance of communities; promote comprehensive responses to local food, farm and nutrition issues; develop innovative linkages between the public, for-profit, and nonprofit food sectors; and encourage long-term planning activities and comprehensive multi-agency approaches.

Community Food Projects are intended to bring together stakeholders from the distinct parts of the food system. Solutions to hunger and access to food should reflect a process that involves partnership building among the public, private nonprofit, and for-profit sectors. Together, these parties can address issues such as: the capacity of the community to produce food and support local growers; the need for, and location of, grocery stores that market affordable, high quality food; transportation to provide access to food supplies; economic opportunities for residents to increase income, thereby increasing economic access to high quality nutritious food; community development issues; and the environment. Wherever possible, Community Food Projects should support food systems based on strategies that improve the availability of high-quality locally or regionally produced foods to low-income people.

Community Food Projects should build on these local experiences and encourage innovative long-term efforts. A project should be designed to endure and outlive the one-time infusion of Federal funds. Community Food Projects should be designed to become self-supporting (or have a sustainable funding source). Projects also should have the potential to be a replicable model. Examples of previously funded Community Food Projects may be viewed on the Internet in the CFPCGP website at http://www.reeusda.gov/crgam/cfp/community.htm.

b. Training and Technical Assistance Grants. Potential applicants to the Community Food Projects Competitive Grants Program may have outstanding ideas that could address community food security problems, but are reluctant to submit proposals because they may not be familiar with the USDA and other Federal agency grant application and administration processes. The enabling legislation recognized this possibility when it authorized the Secretary of Agriculture to provide technical assistance to an entity seeking the assistance. T&TA project proposals are being solicited in this RFP in order to address this situation. T&TA projects should be designed to assist potential applicants in the following areas: understanding the grant application process; understanding the purposes of the CFPCGP; being familiar with the necessary components of a competitive CFPCGP proposal; understanding what constitutes an appropriate and eligible community food project under the CFPCGP; providing technical assistance, when appropriate, to successful applicants in carrying out their projects; and provide the USDA with a performance report at the conclusion of the grant that delineates the relative successes of their various technical assistance activities.

A T&TA project proposal should demonstrate an applicant's technical expertise in the above noted areas. The proposal should also show that the applicant organization has the capacity to provide training and technical assistance to applicants on a regional or national basis, through regional workshops, electronic media, or other appropriate means. Additionally, the applicant should also demonstrate capacity or experience in being able to assist successful applicants in carrying out their projects. Organizations that can demonstrate an involvement in community food security issues and programs are strongly encouraged to apply.

2. Fund Availability

The amount of funds available in FY 2000 for support of grant awards under this program is approximately

$2,400,000. Up to $250,000 of that amount will be available for T&TA Projects.

Applicants should request a budget commensurate with the proposed project. However, no single grant shall exceed $100,000 in any single year or more than $250,000 over three years.

Applicants, regardless of the type of project, may request one, two, or three years of funding, but in all cases, the grant term may not exceed three years for any one project. A Community Food Project may be supported by only a single grant under this program.

Awards will be made based on the merit of the proposed project with budgets considered only after the merits of the project have been determined. USDA reserves the right to negotiate final budgets with successful applicants. The grantee shall perform a substantive portion of the project. No more than one-third of a Community Food Project award, as determined by budget expenditures, may be subawarded to for-profit organizations. For additional knowledge or expertise that is not available within the applicant organization, funds for expert consultation may be included in the ''All Other Direct Costs'' section of the proposed budget.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

Administrator means the Administrator of CSREES and any other officer or employee of the Department to whom the authority involved is delegated.

Authorized departmental officer means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

Authorized organizational representative means the president, director, or chief executive officer or other designated official of the applicant organization who has the authority to commit the resources of the organization.

Budget period means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

Cash contributions means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

Community Food Project is a community-based project that requires a one-time infusion of Federal assistance to become self-sustaining and is designed to increase food security in a community by: (i) Meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues.

Department or *USDA* means the United States Department of Agriculture.

Expert reviewers means individuals selected from among those recognized as uniquely qualified by training and experience in their respective fields to give expert advice on the merit of grant applications in such fields who evaluate eligible proposals submitted to this program in their respective area(s) of expertise.

Grant means the award by the Secretary of funds to an eligible entity to assist in meeting the costs of conducting, for the benefit of the public, an identified Community Food or Training and Technical Assistance Project.

Grantee means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

Matching means that portion of allowable project costs not borne by the Federal Government, including the value of in-kind contributions.

Prior approval means written approval evidencing prior consent by an authorized departmental officer.

Private non-profit entity means any nongovernmental corporation, trust, association, cooperative or other organization which: (i) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (ii) is not organized primarily for profit; and (iii) uses its net proceeds to maintain, improve, and/or expand its operations.

Project means the particular activity within the scope of the program supported by a grant award.

Project director means the single individual designated in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

Project period means the period, as stated in the award document, during which Federal sponsorship begins and ends.

Secretary means the Secretary of Agriculture and any other officer or employee of the Department of Agriculture to whom the authority involved is delegated.

Third party in-kind contributions means non-cash contributions of property or services including real property, equipment, supplies and other expendable property, provided by non-Federal third parties and directly benefitting and specifically identifiable to the project.

Training and Technical Assistance (T&TA) Project means a project of regional or national scope that requests Federal Assistance to help community-based entities develop proposals for funding under the CFPCGP and to provide information, education, and skills training to Community Food Project applicants, potential applicants, and grantees.

D. Eligibility

1. Community Food Project Grant Eligibility

Private, nonprofit or other entities meeting the following three requirements are eligible to receive a Community Food Project grant:

a. Have experience in the area of:

i. Community food work, particularly concerning small and medium-size farms, including the provision of food to people in low-income communities and the development of new markets in low-income communities for agricultural producers; or

ii. Job training and business development activities for food-related activities in low-income communities;

b. Demonstrate competency to implement a project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

c. Demonstrate a willingness to share information with researchers, practitioners, and other interested parties.

2. Technical and Training Assistance Grant Eligibility

Private, nonprofit or other entities meeting the following three requirements are eligible to apply for and receive a T&TA grant under this program:

a. Have the capacity to provide, on a regional or national basis, training and technical assistance in community food security, including the assessment of community food needs, appraisal of existing community assets pertaining to food security issues, coalition building, project development, evaluation and completion, proposal preparation, and fund raising;

b. Demonstrate competency to implement a T&TA project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

c. Demonstrate a willingness to share information with researchers, evaluators, practitioners, and other interested parties.

3. Partners and Collaborators

Applicants are encouraged to seek and create partnerships with public or private, nonprofit or for-profit entities, including links with academic and/or other appropriate professionals, community-based organizations, and local government entities. Only the applicant must meet the eligibility requirements. Project partners and collaborators need not meet the eligibility requirements.

E. Matching Requirements

Successful Community Food Project applicants must provide matching funds amounting to at least 50 percent of the total cost of the project during the term of the grant award. The Federal share of a Community Food Project costs can be no more than 50 percent of the total. Matching funds are not required for T&TA grants.

Community Food Project grantees may provide matching funds through cash and/or in-kind contributions, including third-party in-kind contributions, fairly evaluated, including facilities. The non-Federal share of the funding may come from State government, local government, other non-profit entities, or private sources. Examples of qualifying matching contributions may include direct costs such as: rent for office space used exclusively for the funded project; duplication or postage costs; and staff time from an entity other than the applicant for job training or nutrition education.

Part II—Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CFPCGP website (http://www.reeusda.gov/crgam/cfp/community.htm). Program application materials also are available from the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. If calling or sending e-mail, please indicate that you want a copy of the application materials for the Fiscal Year 2000 Community Food Projects Competitive Grants Program.

B. Content of Proposals

1. General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½″ ×11″) white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (*e.g.,* Geneva, Helvetica, Times Roman).

(b) Each page of the proposal, beginning after the Project Summary, and including the budget pages, required forms, and any appendices, should be numbered sequentially in the top right hand corner.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 8 copies (9 total) must be submitted in one package.

2. Cover Page

Each copy of each grant proposal must have as its cover page an ''Application for Funding'', Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing project director(s) (PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PD or co-PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the ''Application for Funding'' form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(a) Title of Proposed Project (Block 6). The title of the proposed project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed.

(b) Blocks 7., 13., 18., 19., 20., and 21. have been completed for you.

(c) In Block 8., enter ''Community Food Project'', or ''T&TA Project.''

(d) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(e) Other Funding Agencies (Block 22). List the names or acronyms of all other public or private funding agencies including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential funding agencies will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided.

3. Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal.

4. Project Summary

The Project Summary must be 250 words or less, on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and organizations of all PDs and co-PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on overall project goal(s) and supporting objectives, and plans to accomplish the project goal(s). The importance of a concise, informative Project Summary cannot be overemphasized.

5. Prior CFPCGP Funding

If an applicant has previously received CFPCGP support, information on the results from prior funding must be included. For each award received, list the CFPCGP award number, the title of the project, the amount and period of support, a brief summary of the results completed, and the actual and anticipated long-term effects of these results. This information should be provided on a separate page, immediately following the project summary.

6. Project Narrative

For Community Food Project Proposals, the Project Narrative shall not exceed 10 single- or double-spaced pages of written text. To ensure fair and equitable competition, reviewers are instructed to read only the first 10 pages of a project narrative and may ignore information on additional pages. The Project Narrative must repeat and respond to the eight points in (a) through (h) below:

a. *The Community To Be Served and the Needs To Be Addressed.* Identify and succinctly describe the critical elements and needs of the local food economy or food system, including demographics, income, and geographic characteristics of the area to be served.

b. *The Organizations Involved in the Project.* List the organizations to be involved in carrying out the proposed project and the segments of the local food economy or system they link.

Include a description of the relevant experience of each organization, including the applicant organization, that will be involved, and any project history. Proposals should demonstrate extensive community linkages and coalitions. Letters from the organizations involved acknowledging their support and contributions must be provided in an appendix to the proposal. Letters specifying the type and amount of support, where appropriate, are strongly encouraged to provide evidence of community involvement.

c. *Project Goals and Purposes.* List the goals and/or purposes of the project and a justification for the goals in terms of the identified need(s).

d. *Activities to Achieve the Goals.* Discuss how the goals will be achieved. Provide a systematic description of the approach by which the goals will be accomplished.

e. *Timeline.* Identify the major milestones that will indicate progress toward achieving the project goals. Provide a timeline or systematic description of the approach for accomplishing major project objectives.

f. *Relationship to Program Objectives.* Discuss how the project will make progress toward addressing the three major objectives of the CFPCGP. Each Community Food Project, by definition, must be designed to: (i) Meet the food needs of low-income people; (ii) increase the self-reliance of communities in providing for their own food needs; and (iii) promote comprehensive responses to local food, farm and nutrition issues.

In addressing the objectives, applicants may want to describe how the project fosters: innovative linkages and coalitions between two or more sectors of the food system; entrepreneurial, job training, and microenterprise opportunities; and short-term and long-term planning to promote community food security through multiple activities conducted in collaboration with other entities.

g. *Evaluation.* Community Food Project proposals should contain a strong evaluation component. Innovative evaluation strategies are especially encouraged. Evaluations should focus on the measurement of success in meeting the three objectives of the CFPCGP.

Through CFPCGP project operations and an evaluation of them, USDA also hopes to learn more about what happens to make such projects succeed, partially succeed, or fail. Therefore, proposals are encouraged that include both process evaluations (developing and monitoring indicators of progress towards the objectives) and outcome evaluations (to determine whether the objectives were met). Applicants should seek the help of experts in evaluation design and implementation, as appropriate.

h. *Self-Sustainability.* Describe how a one-time infusion of Federal funds will be sufficient for the proposed Community Food Project to advance local capacity-building and achieve sustainability. Entrepreneurial projects should provide evidence (*e.g.*, a market analysis or the outline of a business plan) to demonstrate that it is likely to become self-sustaining and provide employees with important job skills.

For T&TA project proposals, the Project Narrative shall not exceed 10 pages. To ensure fair and equitable competition, reviewers are instructed to read only the first 10 pages of a project narrative and to ignore information on additional pages. The project narrative must repeat and respond to the following six points in (a) through (f) below:

a. *Community Food Security Issues and Programs.* The proposal should provide a succinct description of community food security issues and programs and the scope of involvement of the applicant entity. Such items as the food economy or food system should be noted as should pertinent information regarding demographics, income, geographic characteristics of the area(s) previously served.

b. *Organizations Involved.* List all collaborating organizations and individuals who will be assisting you and their respective roles in provision of training and technical assistance. Provide documentation that these organizations have agreed to collaborate if the proposal is successful.

c. *Project Goals and Purposes.* List the goals and/or purposes of the project and a justification for the goals in terms of the types of services that will be provided.

d. *Activities to Achieve the Goals.* Discuss how the goals will be achieved. Provide a systematic description of the approach by which the goals will be accomplished.

e. *Time Line.* The proposed work should be for a three-year period. Training and technical assistance should be scheduled so that potential applicant organizations will have ample opportunity to take advantage of the assistance offered with enough time to construct and submit a community food project proposal in any given year.

f. *Evaluation.* T&TA proposals should contain an internal evaluation component so as to provide enough timely information over the course of the project to improve the training and technical assistance.

7. Key Personnel

Identify the key personnel to be involved in the project, including the project director, if known, and describe their relevant experience. In the Appendix, include resumes or vitae that provide adequate information for reviewers to make an informed judgment as to the capabilities and experience of the key personnel. For new positions in the project or for positions that are currently unfilled, a job description should be provided. An applicant should include an organizational chart, if available, detailing where the project fits in the overall organization.

8. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. Evidence, in the form of a letter or e-mail from the collaborator/subcontractor that details the services that will be provided, and a budget and a budget narrative, should be provided as an appendix to the grant application. If the need for consultant services is anticipated, the proposal narrative should provide a justification for the use of such services, a statement of work to be performed, the rate of pay, and a resume or curriculum vita for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget and budget narrative for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grant and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to

subrecipients. In addition, required clauses from Sections 40–48 (''Procurement Standards'') and Appendix A (''Contract Provisions'') to 7 CFR part 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

9. Budget

a. Budget Form—Prepare the Community Food Projects Competitive Grants Program budget form in accordance with instructions provided. A separate budget form is required for each year of requested support. In addition, a cumulative budget and budget narrative (see section b. below) is required detailing the total support requested for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project.

The following guidelines should be used in developing your proposal budget(s):

1. Salaries and Wages. Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

2. Fringe Benefits. Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

3. Nonexpendable Equipment. Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

4. Materials and Supplies. The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative.

5. Travel. The type and extent of travel and its relationship to project objectives should be described briefly and justified. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR part 3015.205(b)(4) for further guidance.

All successful applicants should plan to attend an evaluation training meeting. Therefore applicants should include in their proposed budget request funding for two persons to travel to Washington, DC to attend a two to three day meeting. More information will be provided once successful applicants are identified.

6. All Other Direct Costs. Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the ''Instructions for Completing the Community Food Projects Competitive Grants Program Budget'' for additional guidance relating to this budget category. Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

7. Indirect Costs—If available, the current rate negotiated with the cognizant Federal negotiating agency should be used. Indirect costs may not exceed the negotiated rate. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K. on the Budget Form. If no rate has been negotiated, a reasonable dollar amount for indirect costs may be requested, which will be subject to approval by USDA. In the latter case, if a proposal is recommended for funding, an indirect cost rate proposal must be submitted prior to award to support the amount of indirect costs requested. CSREES will request an indirect cost rate proposal and provide instructions, as necessary. A proposer may elect not to charge indirect costs and, instead, use all grant funds for direct costs. If indirect costs are not charged, the phrase ''None requested'' should be written in this space.

b. Budget Narrative—All budget categories, with the exception of Indirect Costs for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form.

c. Matching Funds—As stated in part I.E., matching funds are mandatory for Community Food Projects. (Matching funds are not mandatory for T&TA projects.) Proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(i) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) the dollar amount of the cash donation; and (5) a statement that the donor will pay the cash contribution during the grant period; and

(ii) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) a good faith estimate of the current fair market value of the third party in-kind contribution; and (5) a statement that the donor will make the contribution during the grant period.

The sources and amounts of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to the following for further guidance and other requirements relating to matching and allowable costs: 7 CFR part 3019, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations; OMB Circular A–21, Cost Principles for Educational Institutions; OMB Circular A–122, Cost Principles for Non-Profit Organizations; Federal Acquisition Regulations (48 CFR subpart 31.2, Principles for determining costs with profitmaking firms and those nonprofit organizations that are specifically excluded from the provisions of OMB Circular No. A–122); and 7 CFR part 3015, the USDA Uniform Federal Assistance Regulations.

10. Current and Pending Support

All proposals must contain Form CSREES–663 listing other current publicly or privately supported (including in-house) projects to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget for this proposed project. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to other possible sponsors will not prejudice proposal review or evaluation by CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

11. Certifications

By signing Form CSREES–661 the applicant is providing the certifications required by 7 CFR part 3017, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

12. Compliance With the National Environmental Policy Act (NEPA) Form CSREES–1234

As outlined in 7 CFR part 3407 (CSREES supplemental regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In most cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, ''NEPA Exclusions Form,'' must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion, the specific exclusion, and the reasons therefore. Form CSREES–1234 and supporting documentation should be included as the last component of the proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity. This will be the case in rare instances when substantial controversy on environmental grounds exists or other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

C. Submission of Proposals

1. When To Submit (Deadline Date)

Proposals must be received on or by June 29, 2000. Proposals received after this date will not be considered for funding.

2. What To Submit

An original and eight copies must be submitted. All copies of the proposal must be submitted in one package.

3. Where To Submit

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 303, Aerospace Center; 901 D Street, SW; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Community Food Projects Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part III—Review Process

A. General

Each proposal will be evaluated in a two-part process. First, each proposal will be screened to ensure it meets the basic eligibility requirements as set forth in this RFP. Proposals not meeting the eligibility requirements will be returned without review. Second, each proposal that meets the eligibility requirements will be evaluated and judged on its merits by expert reviewers.

Since the award process must be completed by September 30, 2000, applicants should submit fully developed proposals that meet all the requirements set forth in this RFP and have fully developed budgets as well. However, USDA does retain the right to conduct discussions with applicants to resolve technical and/or budget issues as it deems necessary.

A number of expert reviewers will conduct the merit review based on the evaluation criteria. These reviewers will be drawn from a number of areas, among them government, universities, non-profit organizations, and other pertinent entities involved in community food security or similar activities. The views of the individual reviewers will be used by CSREES to

determine which proposals will be recommended to the Administrator for funding. Evaluated proposals will be ranked based on merit. Final approval for those proposals recommended for an award will be made by the Administrator.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Care will be taken to avoid actual, potential, and the appearance of conflicts of interest among reviewers. Evaluations will be confidential to USDA staff members, expert reviewers, and the project director(s), to the extent permitted by law.

B. Evaluation Factors

The evaluation of Community Food Project proposals by expert reviewers will be based on the following criteria, weighted relative to each other, and assigned a point value, as noted in the parentheses following each criteria discussion.

1. How well the proposed project addresses the three statutory CFPCGP objectives of: (i) Meeting the food needs of low-income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues (25 points);

2. How significant are the food security issues that will be addressed by the proposed project, and is there an informative description of the community, its characteristic, assets, and needs (15 points);

3. The appropriateness of the goals and purposes of the project and how these goals will be achieved. Proposed project activities should be designed to address one or more of the following goals, which will be given equal weight: (i) Developing linkages between two or more sectors of the food system; (ii) supporting the development of entrepreneurial activities; (iii) developing innovative linkages between the for-profit and nonprofit food sectors; and (iv) encouraging long-term planning activities and multi-system, interagency approaches (20 points);

4. The relevance of the experience of the organizations that are involved in the proposed project, including the applicant entity, and the type and extent of support that other organizations will be providing. Applicant organizations should demonstrate a history of commitment to and direct involvement in food security projects in low-income communities or in communities with low-income groups. The qualifications of staff involved with the proposed project and/or organizational leadership should reflect the expertise necessary to carry out the proposed activities or similar types of activities. Experience in and connections with the community will be considered as important as academic or professional credentials in this regard (20 points);

5. The viability of plans for realistically achieving self-sufficiency with a one-time infusion of Federal funds. Entrepreneurial projects should provide evidence (*e.g.*, a market analysis or the outline of a business plan) to demonstrate that it is likely to become self-sustaining. Other projects should identify actual or potential funding sources for continuation of the project after Federal funding has ended (15 points);

6. The strength of the proposed project's evaluation component and how it will contribute to the evaluation of the CFPCGP on a national basis (8 points); and

7. The time line for accomplishing project goals and objectives is realistic and achievable (2 points).

The evaluation of T&TA Projects by expert reviewers will be based on the following criteria, weighted relative to each other, and assigned a point value, as noted in the parentheses following each criteria:

1. How well the proposed project assists applicants, eligible entities, and others in understanding the three statutory CFPCGP objectives of: (i) Meeting the food needs of low income people; (ii) increasing the self-reliance of communities in providing for their own food needs; and (iii) promoting comprehensive responses to local food, farm, and nutrition issues (35 points);

2. The appropriateness of goals and purposes of the project and how those goals will provide T&TA activities that will assist organizations and individuals regionally or nationwide in addressing the CFPCGP goals of: (i) Developing linkages between two or more sectors of the food system; (ii) supporting the development of entrepreneural activities; (iii) developing innovative linkages between the for-profit and nonprofit food sectors; and (iv) encouraging long-term planning activities and multiple activities conducted in collaboration with other entities (30 points);

3. The experience of the applicant and other organizations (if any) to be involved in the proposed project. Applicants should demonstrate a history of or the capability for involvement in T&TA on Community Food Projects or other similar programs. The relevant qualifications of staff involved in the proposed project should be provided (20 points) and;

4. The timeline for accomplishing the planning, scheduling, and delivery of T&TA is realistic and achievable (15 points).

C. Conflicts-of-Interest and Confidentiality

During the evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflict-of-interest the academic and administrative autonomy of an institution shall be determined by reference to the January 1998 issue of the Codebook for Compatible Statistical Reporting of Federal Support to Universities, Colleges, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and evaluations, will be kept confidential, except to those involved in the review process, to the extent allowed by law. In addition, the identities of expert reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants.

Part IV—Additional Information

A. Access to Peer Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PD after the review process has been completed.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded the grant;

(b) Title of project;

(c) Name(s) and address(es) of project director(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

All grants awarded under this program will be awarded using a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee or the PD(s) is uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the awarding official of CSREES prior to effecting such changes.

(d) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

(e) Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed three (3) years.

(f) Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

D. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to grants 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 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR Part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (*e.g.,* Circulars Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308, as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR Part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR Part 3018—USDA implementation of Restrictions on Lobbying. Imposes on recipients of Federal contracts, grants, cooperative agreements, and loans prohibitions and requirements for disclosure and certification related to lobbying.

7 CFR Part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR Part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR Part 3407—CSREES supplemental regulations for implementation of the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15d (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 *et seq.*—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

E. Confidential Aspects of Proposals and Awards

(1) When a proposal results in a grant, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal.

(2) When a proposal does not result in a grant the original copy will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995 as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, DC, this 11th day of May 2000.

Colien Hefferan,

Associate Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 00–12336 Filed 5–16–00; 8:45 am]

BILLING CODE 3410–22–P

Federal Register

Wednesday,
May, 17, 2000

Part III

Department of Education

Smaller Learning Communities Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000 Funds

DEPARTMENT OF EDUCATION

[CFDA No. 84.215L]

Smaller Learning Communities Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000 Funds

Note to Applicants: This notice is a complete application package. Together with the statute authorizing these grants and the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a Smaller Learning Communities planning or implementation grant under this competition. These grants are authorized by title X, part A, section 10105 of the Elementary and Secondary Education Act of 1965 (ESEA) (20 U.S.C. 8005).

Purpose of Program: The Smaller Learning Communities grant program will support the development of small, safe, and successful learning environments in large high schools that ensure all students graduate with the knowledge and skills necessary to make successful transitions to college and careers, and to be good citizens. ''Large high schools'' are schools that include grades 11 and 12 and enroll at least 1,000 students in grades 9 and above.

Eligible Applicants: Local educational agencies (LEAs) applying on behalf of large high schools or large high schools funded by the Bureau of Indian Affairs (BIA schools), are eligible to apply for a planning or implementation grant. Applicants may work independently or in partnership with other public agencies or private non-profit organizations or both. A group of LEAs may also apply following procedures specified in 34 CFR 75.127–129 of EDGAR. Applicants may establish their eligibility using enrollment data for the current school year or the most recently completed school year.

Deadline for Transmittal of Applications: July 17, 2000.

Deadline for Intergovernmental Review: September 14, 2000.

Estimated Available Funds: $45,000,000.

Note: The Secretary intends to reserve $2,250,000 from these funds for evaluation, technical assistance, and school networking activities.

Types and Ranges of Awards: The Secretary will award both planning grants and implementation grants under this notice. LEAs may apply on behalf of one or more eligible schools. LEAs may also propose a district-wide strategy directed at eligible high schools. For a one-year planning grant, an LEA may request, on behalf of a single school, $25,000 to $50,000 per project. LEAs applying on behalf of a group of eligible schools or that intend to develop a district-wide strategy may request funds up to $250,000 per planning grant. For a three-year implementation grant, an LEA may request, on behalf of a single school, $250,000 to $500,000 per project. LEAs applying on behalf of a group of eligible schools or that intend to implement a district-wide strategy may request funds up to $2,500,000 per implementation grant. LEAs may submit multiple applications targeting separate schools within each funding category. However, an LEA may not apply on behalf of an eligible high school in more than one application. The total amount an LEA may receive through any combination of awards made under this program may not exceed $4 million.

Note: The size of awards will be based on a number of factors. These factors include the scope, quality, and comprehensiveness of the proposed program and the size of the population to be served.

Estimated Number of Awards: The Secretary is not estimating the number of awards under each category of grants available through this notice.

Project Period: Planning grants will fund activities up to 12 months. Implementation grants will fund activities up to 36 months.

Note: Applicants applying for implementation grants are required to provide detailed budget information for the total grant period requested. To provide the applicant maximum flexibility regarding start-up and maintenance costs, the Secretary anticipates awarding the entire grant amount for both planning and implementation at the time of the initial award.

Page Limits: Applicants are strongly encouraged to limit the application narrative to no more than 20 to 25 double-spaced, standard-type pages.

The following standards are preferred: (1) A ''page'' is 8.5″ × 11″ (one side only) with one-inch margins (top, bottom, and sides). (2) All text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs, must be double-spaced (no more than three lines per vertical inch). If using a proportional computer font, applicants are requested to use a 12-point font.

The page limit does not apply to the cover sheet, the one-page abstract, budget section, appendices, and forms and assurances. However, all of the application narrative must be included in the narrative section.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98 and 99.

SUPPLEMENTARY INFORMATION: The recent violent incidents in a number of schools across the country deeply disturbed Americans. The incidents reinforced what many educational practitioners and researchers were already highlighting as a problem—the impersonal nature of large high schools that leave too many young people feeling apathetic, isolated, and alienated from their peers, schools, and communities.

Research on school size has created a widespread movement towards smaller schools and the creation of smaller learning communities within large high schools. In 1996, the National Association of Secondary School Principals, in conjunction with the Carnegie Foundation for the Advancement of Teaching, issued a report entitled, ''Breaking Ranks: Changing an American Institution.'' The report recommends that high schools break into units of no more than 600 students: (1) To ensure that teachers and students get to know and care about each other; and (2) to provide teachers with opportunities to use a variety of instructional strategies that accommodate and engage individual learners.

These recommendations are supported further by a growing body of research on the association between smaller learning environments and positive student outcomes. In general, smaller learning communities have been found to have positive effects on students' relationships with peers, teachers, and staff, and their extracurricular participation. Students participating in smaller learning communities also have been found to have better attendance, higher course passage rates, and fewer suspensions compared to demographically similar students in more traditional high school settings (Oxley, 1990; Fine 1994). Further studies suggest that, for example, the benefits of smaller schools may include higher rates of school satisfaction, school completion, or postsecondary enrollment (Raywid 1995; Klonsky 1995; Funk and Bailey 1999; Kemple and Snipes 2000). New research suggests that smaller school size may even help compensate for the adverse effects of poverty on student achievement in elementary, middle, and secondary schools (Rural School and Community Trust: http://ruralchallengepolicy.org.

National statistics show that approximately 70 percent of American

high school students today attend schools that enroll more than 1,000 students. Nationwide, 4,500 high schools enroll 1,000 or more students. Over time, high schools have become increasingly larger. While some schools have realized the benefits of smaller learning communities and have restructured and reorganized, there are thousands of schools that have not yet begun the process of creating smaller learning communities.

Researchers have suggested that the positive outcomes associated with smaller schools stem from the schools' ability to create close, personal environments in which teachers can work collaboratively, with each other and with a small set of students, to challenge students and support learning. A variety of strategies, such as block scheduling and teacher advisories, are thought to provide important supports for smaller learning environments. Some data suggest that these approaches offer substantial advantages to both teachers and students (Ziegler 1993; Caroll 1994).

Description of Program

The Smaller Learning Communities grant program is authorized under section 10105 of part A of title X of the ESEA (see Appendix A). Title X authorizes the Secretary to support nationally significant programs and projects to: (1) Improve the quality of education; (2) assist all students in meeting challenging State content standards; and (3) contribute in achieving the National Education Goals.

The goal of the Smaller Learning Communities grant program is to encourage large high schools to undertake research-based strategies in developing, implementing, and expanding smaller learning communities. Strategies for recasting large schools as a set of small learning communities are described in the Conference Report for the Consolidated Appropriations Act, 2000 [Pub. L. 106–113, H.R. Conference Report No. 106–479, at 1240(1999)]. These strategies include but are not limited to—(1) Establishing small learning clusters, ''houses,'' career academies, magnet schools, or other approaches to creating schools within schools;

(2) Block scheduling;

(3) Personal adult advocates, teacher-advisory systems, and other mentoring strategies;

(4) Reducing teaching loads; and

(5) Other innovations designed to create a more personalized high school experience for students and improve student achievement.

The definitions and terms used above are expanded in Appendix B.

Application Content

Title X [part A, section 10105 (a)] of ESEA specifies particular content that all Smaller Learning Communities grant applications must include (this is called ''required content''). Each of these required items has been incorporated into the selection criteria that are published in this notice. Required content is repeated in Appendix C.

Title X [part A, section 10105 (b)] also provides examples of activities that may be funded by a grant, and thus may be included in a proposal. These examples are listed in Appendix D as ''allowable activities.''

The Smaller Learning Communities grant program will award two types of grants—planning grants and implementation grants.

Planning Grants

The purpose is to provide grantees the opportunity to develop a plan for recasting a large high school (or high schools) as a set of small learning communities. Thus, the planning and development activities described in the applicant's planning grant proposal shall result in the production and submission of a viable implementation plan, including the elements described in Appendix C of this notice. Schools with a viable implementation plan will be able to take the next step, which is to implement the plan and create the smaller learning communities. The Department may hold future competitions for implementation grants limited to LEAs that have successfully developed implementation plans through planning grants.

Planning grants will also describe schools' overall need for the project.

Implementation Grants

To apply for implementation funds, applicants must be prepared either to implement a new smaller learning community program within each targeted high school, or to expand an existing smaller learning community program. Thus, applications for an implementation grant must describe a viable implementation plan. Implementation grants will also describe schools' overall need for the project.

Reporting Requirements and Expected Outcomes

Both planning and implementation grant applicants must describe their:

(a) Project goals,

(b) Measurable objectives,

(c) Measures of student outcomes and performance, and

(d) Indicators to gauge progress toward meeting project goals and objectives. These elements form the basis for a student database and reporting system.

The Secretary requires grantees with implementation grants to have a data collection system with the capacity to produce annual performance reports. These reports will record the grantee's yearly progress toward expected programmatic outcomes. The Secretary will use these reports to measure the success of the grantee's project, as well as the progress of the Department of Education's Smaller Learning Communities grant program nationwide. Outcome and performance measures that will be required include:

(1) Number of students scoring at each proficiency level for each subject measured by the State (or district) assessment.

(2) Number of students taking the SAT and ACT, and their average scores.

(3) Number of students who take courses for which they receive both high school and college credit.

(4) Number of students completing high school.

(5) Number of students involved in extracurricular activities.

(6) Number of incidents of student violence.

(7) Number of expulsions, suspensions or other disciplinary actions.

(8) Number of reported incidents of student alcohol or drug use.

(9) Overall reported average daily attendance for October.

Note: The actual performance report form is undergoing separate OMB review.

Implementation grant applicants will be required to submit, with their applications, initial baseline data for each measure of student outcomes and performance named above. Baseline data will describe the same school year upon which grant eligibility has been established. These data may be reported in either the application narrative or in an appendix. Upon notification of award, grantees with implementation grants will be required to submit student outcome and performance data for three years preceding the baseline year.

Outreach Sessions

To share information about the Smaller Learning Communities grant program, the Department held a series of regional-based outreach sessions. Information disseminated at these sessions is available on the website listed below. The Department will also

sponsor a satellite teleconference and webcast on June 8, 2000 from 12:00 to 1:30 p.m. EST to help applicants prepare for this grant competition. To register for this event, applicants are asked to visit our web page, at the U.S. Department of Education site. It follows: http://www.ed.gov/offices/OESE/SLCP.

Competition Requirements

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed rules. However, section 437(d)(1) of the General Education Provisions Act (GEPA) exempts from this requirement rules that apply to the first competition under a new or substantially revised program. The Smaller Learning Communities grant program was funded for the first time under the fiscal year 2000 appropriation for Labor, Health and Human Services and Education (Public Law 106–113). As this competition is the first competition under the program, it qualifies as a new competitive grants program. The Secretary, in accordance with section 437(d)(1) of GEPA, to ensure timely awards, has decided to forgo public comments with respect to the requirements in this notice.

Priorities: The Secretary is particularly interested in receiving applications that meet the following invitational priorities. However, an application that meets the invitational priorities will receive no competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

(1) The Secretary invites applications that plan to develop, implement, or expand a smaller learning community in high schools currently enrolling 2,500 or more students in grades 9 and above. Applicants may provide data reflecting enrollment during the current school year or the most recently completed school year.

(2) The Secretary invites applications that plan to develop, implement, or expand a smaller learning community in high schools residing within designated Empowerment Zones or Enterprise Communities. Applicants must provide proof of such designation within their application.

Selection Criteria

Under the Smaller Learning Communities grant program competition announced in this notice, a technical review panel will make a careful evaluation of applications. Each panelist will evaluate the applications against the criteria listed below. The panel results are advisory in nature and not binding on the Secretary. The Secretary will use the following selection criteria and associated point values in evaluating applications for planning and implementation grants:

(a) The maximum score for all of these criteria is 100 points.

(b) The maximum score for each criterion is indicated in parentheses. Within each criterion, the Secretary evaluates each factor equally.

Planning Grants

(a) *Need for the project.* (25 points) In determining the need for the proposed project, the Secretary considers the following factors:

(1) The description and documentation of the need for the services to be provided and the need for the activities to be carried out by the proposed project, in targeted schools, consistent with the social and educational problems and issues generally associated with the impersonal nature of large high schools. Need may consider factors such as: enrollment; attendance and drop-out rates, incidents of violence, drug and alcohol use and disciplinary actions; percentage of students who pass graduation exams or local assessments, enroll in advanced level courses, register for college entrance exams and matriculate into postsecondary institutions or training; percentage of students that have limited English proficiency, that are considered migrant youth, that come from low-income families or are otherwise considered disadvantaged; the applicant's fiscal capacity to fund programs described here without Federal assistance; or other local need factors as described by the applicant.

(2) The extent to which specific gaps or weaknesses (including the nature and magnitude of those gaps and weaknesses) in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project.

(b) *Foundation for planning.* (15 points) In determining the merit of the proposed process for developing a viable implementation plan, the Secretary considers the extent to which the following activities:

(1) Involve and document the support of stakeholders, both within the school community (*e.g.*, administrators, teachers, other staff, students, and parents) and within the greater community (*e.g.*, representatives of institutions of higher education, employers, workforce investment boards, youth councils, and community-based organizations).

(2) Collect and use data that describe school needs.

(3) Use research-based findings in the proposed restructuring of the learning environment.

(c) *Feasibility and soundness of the planning process.* (50 points) In determining the feasibility and soundness of the planning process as a means toward producing a viable implementation plan, the Secretary considers the extent to which the planned activities:

(1) Are based on a commitment to meet the needs of all students and ensure the successful completion of their education or career goals.

(2) Will establish smaller learning communities having clear goals and objectives connected to a mission statement and to student needs.

(3) Are likely to prepare the applicant to implement smaller learning communities.

(4) Follow a timeline appropriate to the goals and outcomes to be achieved.

(5) Involve key personnel who are qualified to undertake project activities.

(d) *Commitment of resources to the planning effort.* (10 points) In determining the commitment of resources to the planning effort the Secretary will consider the extent to which:

(1) The requested budget adequately supports the proposed activities.

(2) State, local, and other Federal funds will be used to support the development of the plan.

(3) The administrative and managerial relationship between the LEA and the smaller learning community demonstrates a commitment to the concept of a smaller learning community and the planning process.

Implementation Grants

(a) *Need for the project.* (25 points) In determining the need for the proposed project, the Secretary considers the following factors:

(1) The description and documentation of the need for the services to be provided and the need for the activities to be carried out by the proposed project, in targeted schools, consistent with the social and educational problems and issues generally associated with the impersonal nature of large high schools. Need may consider factors such as: enrollment; attendance and drop-out rates, incidents of violence, drug and alcohol use and disciplinary actions; percentage of students who pass graduation exams or local assessments, enroll in advanced level courses, register for college entrance exams and matriculate into postsecondary

institutions or training; percentage of students that have limited English proficiency, that are considered migrant youth, that come from low-income families or are otherwise considered disadvantaged; the applicant's fiscal capacity to fund programs described here without Federal assistance; or other local need factors as described by the applicant.

(2) The extent to which specific gaps or weaknesses (including the nature and magnitude of those gaps or weaknesses) in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project.

(b) *Foundation for implementation.* (10 points) In determining the quality of the implementation plan, the Secretary considers the extent to which the implementation process:

(1) Substantively involves and documents the support of stakeholders both within the school community (e.g., administrators, teachers, other staff, students, and parents) and within the greater community (e.g., such as representatives of institutions of higher education, employers, workforce investment boards, youth councils, and community-based organizations).

(2) Uses research-based findings and outside technical assistance in the proposed restructuring.

(c) *Feasibility and soundness of the plan* (45 points) In determining the quality of the proposed project, the Secretary considers the extent to which:

(1) The goals and objectives of the smaller learning communities correspond to identified needs, to a mission statement, and are written in terms of student outcomes, including achievement.

(2) The proposed smaller learning communities will enable all students to reach challenging State content standards and performance standards, ensuring the successful completion of high school and preparation for college or a career.

(3) The curriculum and instructional practices within each smaller learning community are aligned to its goals and to its theme or emphases, where they exist.

(4) Professional development activities offered to teachers, non-instructional school staff, and others are aligned with smaller learning community goals.

(5) The applicant provides a rationale for—

- Identifying grade levels and ages of students to be served by the smaller learning community; and
- The methods and timetable for placing students in the smaller learning community.

Note: Students are not to be placed according to ability, performance, or any other measure of merit.

(6) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including—

- The past experience, training, and clearly defined responsibilities of personnel who have key roles in carrying out the project; and
- The timelines and milestones for accomplishing project tasks.

(d) *Quality of the project evaluation.* (10 points) In determining the quality of the evaluation, the Secretary considers whether the applicant has designed an effective method for:

(1) Collecting student performance data for—

- Required annual performance reports;
- Baseline data (refer to ''Reporting Requirements and Expected Outcomes'') and data for three years preceding the baseline (the latter due upon award); and
- Monitoring and understanding changes in student outcomes for continuous improvement.

(2) Describing, on an annual basis, the smaller learning communities and related program changes undertaken to make the smaller learning communities safe and successful. This information will be reported in the Annual Performance Report.

(e) *Adequacy of resources.* (10 points) In determining the adequacy of resources for the proposed project, the Secretary considers the extent to which:

(1) The State, local, and other Federal funds will be used to support the implementation of the plan.

(2) The applicant will limit equipment and other purchases in order to maximize the amounts spent on delivery of services to students.

(3) The applicant demonstrates a commitment to sustaining the project beyond the period covered by the Federal grant.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedures established in each State under the Executive order.

If you want to know the name and address of any State Single Point of Contact (SPOC), see the list published in the **Federal Register** on January 21, 2000 (65 FR 3552); or you may view the latest SPOC list on the OMB Web site at the following address: http://www.whitehouse.gov/omb/grants.

In States that have not established a process or chosen a program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372–CFDA #84.215L, U.S. Department of Education, Room 7E200, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

We will determine proof of mailing on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

Please Note That the Above Address is not the Same Address as the One to Which the Applicant Submits its Completed Application. Do Not Send Applications to the Above Address.

Instructions for Transmittal of Applications

(a) If you want to apply for a grant, you must—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.215L), Room 3633, Regional Office Building #3, 7th and D Streets, SW, Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.215L), Room 3633, Regional Office Building #3, 7th

and D Streets, SW, (D Street, southwest entrance), Washington, D.C.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(d) The Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(e) The applicant must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (ED 424) the CFDA number for this competition: CFDA 84.215L.

Application Instructions and Forms

The appendices to this notice contain all required forms and instructions, including instructions for preparing the application narrative, a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with section 427 of the General Education Provisions Act (GEPA), various assurances and certifications, and a checklist for applicants.

To apply for an award under this competition, your application must be organized in the following order and include the following four parts. The parts and additional materials are as follows:

Part I: Coversheet for the Smaller Learning Communities (SLC) Grant Program Application Package (Appendix F).

Part II: Application for Federal Assistance (ED 424, Exp. 06/30/2001) and instructions.

Part III: Budget Information-Non-Construction Programs (ED Form No. 524) and instructions. An applicant for a multi-year project must provide a budget narrative that provides budget information for each budget period of the proposed project period.

Part IV: Application Narrative.

In preparing the narrative, applicants should clearly keep in mind the selection criteria that will be used to evaluate applications, and ensure that each of these criteria are addressed. Section 8005(a) of the statute describes additional information that applicants must address in their applications. Please refer to the statute, which is provided in Appendix A of this application package.

Part V: Appendices.

Applications may contain appendices that are excluded from the 20–25 page limitation. However, appendices may be used only to explicate or corroborate points already made clear in the text. For example, implementation grant applicants may place in an appendix the baseline data used to address the selection criterion ''Quality of the project evaluation.''

Part VI: Assurances and Certifications:

a. Assurances-Non-Construction Programs (Standard Form 424B).

b. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

c. Certifications regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

Note: ED Form 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

d. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions.

An applicant may submit information on photostatic copies of the application, budget forms, assurances, and certifications as printed in this notice in the **Federal Register**. However, the application form, assurances, and certifications must each have an original signature. All applicants are required to submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application, one bound and one unbound copy suitable for photocopying. Please mark each application as ''original'' or ''copy.'' To aid with the review of applications, the Department encourages applicants to submit three additional paper copies and one electronic copy (in Department of Education standard program format) of the application. The Department will not penalize applicants who do not provide additional copies. No grant may be awarded unless a completed application form, including the signed assurances and certifications, has been received.

FOR FURTHER INFORMATION CONTACT: John De Cleene or Todd May, Smaller Learning Communities Grant Program, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone: (202) 260–2195 (John De Cleene) or (202) 260–0960 (Todd May). E-mail: smallerlearningcommunities@ed.gov.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternate format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.html

http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority: 20 U.S.C. 8005.

Dated: May 11, 2000.

Michael Cohen,

Assistant Secretary for Elementary and Secondary Education.

Patricia McNeil,

Assistant Secretary for Vocational and Adult Education.

Appendix A.—ESEA, Title X, Part A

Sec. 10105. Smaller Learning Communities

(a) In General.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary

may require. Each such application shall describe—

(1) Strategies and methods the applicant will use to create the smaller learning community or communities;

(2) Curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

(3) The extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

(4) The process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

(5) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

(6) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

(7) The goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

(8) The methods by which the applicant will assess progress in meeting such goals and objectives;

(9) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

(10) A description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

(11) How the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

(12) Grade levels or ages of students who will participate in the smaller learning community or communities; and

(13) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

(b) Authorized Activities.—Funds under this section may be used—

(1) To study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

(2) To research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

(3) To provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

(4) To develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

Appendix B.—Definitions and Terms

Definition. The following definition is used in this notice:

Magnet School means a public school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Terms. The following terms are used in this notice:

Flexible Scheduling is a means of reconfiguring the school day. For example, block courses may be scheduled for two or more continuous class periods or days to allow students greater time for laboratory or project-centered work, field trips or work-based learning, and special assemblies or speakers.

Career Academies are typically schools-within-schools that offer students academic programs organized around broad career themes. Often integrating classroom instruction with work-based learning, academies try to equip students with the necessary skills for both workforce entry and postsecondary education.

Career Clusters generally refer to groupings formed around broad-based industry areas and address all types of skills, ranging from entry-level to advanced practice. A cluster represents those industries or career areas that have a high degree of commonality in work functions, knowledge, or skills.

Houses generally are organizational arrangements that assign students and teachers to sub-schools. Students take some or all courses with their house members and from their house teachers. Each house typically has its own student activity program, student government, disciplinary policies, and social activities. Houses may be year-long (within a grade) or multi-year (combine grades).

Mentoring Programs designate adults to act as advocates for students. Teachers, counselors, and other school staff (as well as community volunteers or employees at work-based learning sites) serve as mentors, working in consultation with classroom teachers, counselors, and related service personnel to help students individually or in small groups, on a regular basis over an extended period of time.

Schools-within-Schools are autonomous programs housed within a larger school building. These programs report directly to the district rather than to the host school's principal and are formally authorized by the superintendent or board of education. Schools-within-schools have their own culture, program, staff, students, budget, and school space.

Teacher Advisories are similar to mentoring programs. They organize adults to personalize the high school experience and support academic achievement. Some schools and districts establish advisory classes that meet weekly; others schedule students for less formal one-on-one or group time with teachers. Advisory activities may include helping students develop personal learning plans, introducing students to career clusters, helping students select courses, and working with students on postsecondary plans and pre-employment skills.

Appendix C.—Required Content

Planning Grants

Planning grants will describe the planning and development activities that will be undertaken to produce and submit a viable Implementation Plan, as described below and in section 10105(a) of the ESEA (Appendix A).

Implementation Grants

Implementation Plans will describe—

(a) The smaller learning communities the applicant will create.

(b) Additional strategies the applicant will combine with the smaller learning

communities so that they are safe and successful. ''Additional strategies'' may include, for example, new instructional practices, curriculum, or themes; or they may include a process for involving parents in their students' education.

(c) How the proposed collection of strategies (the smaller learning communities along with other proposed strategies)—

(1) Address identified school needs;

(2) Are based on reliable research and effective practice; and

(3) Will enable all students to meet challenging standards.

(d) The extent of involvement of teachers and other personnel in investigating, designing, implementing, and sustaining the smaller learning community or communities;

(e) The process to be used for involving students, parents, and other stakeholders in the development and implementation of the smaller learning community or communities;

(f) Any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller community or communities;

(g) The training and professional development activities that will be offered to teachers and others involved in the activities assisted under part A of title X of the ESEA;

(h) The goals and objectives of the activities assisted under part A of Title X of the ESEA, including a description of how such activities will help enable all students to reach challenging State content standards and State student performance standards;

(i) The methods by which the applicant will assess progress in meeting such goals and objectives;

(j) If the smaller learning community or communities exist as a school-within-a-school, the relationship, including the governance and administration, of the smaller learning community to the rest of the school;

(k) The administrative and managerial relationship between the LEA and the smaller learning community or communities, including how the LEA will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

(l) How the applicant will coordinate or use funds provided under part A of title X of the ESEA with other funds provided under the ESEA or other Federal laws; and

(m) The grade levels or ages of students who will participate in the smaller learning community or communities; and

(n) The method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance, or any other measure of merit, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

Appendix D.—Allowable Activities

Planning Grants

Examples of activities that may be conducted under a planning grant include—

(1) Studying the feasibility of recasting a large school as a set of smaller learning communities and investigating instructional strategies that are appropriate for smaller learning communities;

(2) Building consensus among key stakeholders and supporting planning and development activities to provide guidance in creating the smaller learning community;

(3) Assessing staff training and development needs for participation in and management of the smaller learning community;

(4) Developing strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community;

(5) Initiating pilot projects to test key components of the program design and data collection methods;

(6) Analyzing statutory, regulatory, and administrative barriers to the creation of the smaller learning environment; and

(7) Preparing the implementation plan required for submission of a proposal for a future implementation grant.

Implementation Grants

Examples of activities that may be conducted under an implementation grant include—

(1) Implementing and expanding strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and performance standards;

(2) Providing professional development for school staff in innovative teaching methods that challenge and engage students in the smaller learning community or communities;

(3) Implementing and expanding strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community;

(4) Implementing and expanding strategies that benefit eligible large schools throughout the applicant's district. Examples of these may include implementing a district-wide ninth grade academy, teacher advisory program, or district-wide mentoring program;

(5) Obtaining the services of outside experts in the implementation of the smaller learning community. Assistance may include curriculum development, leadership strategies, community consensus building, data collection, or evaluation design;

(6) Providing stipends and release time for teachers, administrators, and community members involved in the implementation or expansion of the smaller learning community; and

(7) Implementing academic and social support systems for students attending the smaller learning community.

Appendix E.—Instructions for the Application Narrative

The narrative is the section of the application where statutory application requirements and the selection criteria used by reviewers in evaluating the application are addressed. The narrative must encompass each function or activity for which funds are being requested. Before preparing the application narrative, you should read carefully the statute, the description of the program, and the selection criteria we use to evaluate applications.

You should note the preferable page limits for the application narrative stated in this notice under *Page Limits.*

1. Begin with a one-page Abstract summarizing the proposed Smaller Learning Communities project, including a short description of the population to be served by the project and, if available, data on project participants' overall need, demographics and race/ethnicity. Also include a description of project objectives and activities.

2. Include a table of contents listing the parts of the narrative in the order of the selection criteria and the page numbers where the parts of the narrative are found. Be sure to number the pages.

3. Describe fully the proposed project in light of the selection criteria in the order in which the criteria are listed in the application package. Do not simply paraphrase the criteria.

4. Provide the following in response to the attached ''Notice to all Applicants:'' (1) A reference to the portion of the application in which information appears as to how you are addressing steps to promote equitable access and participation, or (2) a separate statement that contains that information.

5. If the application is from a group, attach the group's agreement. When applying for funds as a group, such as a consortium, individual eligible applicants must enter into an agreement signed by all members of the group. The group's agreement must detail the activities each member of the group plans to perform, and must bind each member to every statement and assurance made in the group's application. (The designated applicant must submit the group's agreement with its application.)

6. You may include supporting documentation as appendices to the narrative. This material should be concise and pertinent to the competition. Note that we consider only information contained in the application when ranking applications. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels.

7. Attach copies of all required assurances and forms.

Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, you are not required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is To be inserted],(Expiration Date: [To be inserted]). The time required to complete this information collection is estimated to average sixty-five (65) hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* Diane Austin, Smaller Learning Communities Grant Program, U.S. Department of Education, 400 Maryland Avenue SW, FB–6, 5C149, Washington, DC 20202–6200.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Diane Austin, Smaller Learning Communities Grant Program, U.S. Department of Education, 400 Maryland Avenue SW, FB–6, 5C149, Washington, DC 20202–6200.

Appendix F.—Application Coversheet

Coversheet: Smaller Learning Communities (SLC) Grant Program Application Package

1. Type of grant applied for. (Check just one.)

Application for Planning Grant
Application for Implementation Grant

2. LEA Name and Address:

NCES District ID:

3. Name and Address of Each School Named in the Accompanying SLC Application:

1. Name:
2. Name:
3. Name:
4. Name:
5. Name:
6. Name:

(Please list any additional schools on a separate page and attach.)

Checklist for Applicants

The following forms and other items must be included in the application in the order listed below:

1. Application cover sheet (Appendix F).
2. Application for Federal Assistance (ED 424).
3. Budget Information—Non-Construction Programs ED Form No. 524) and budget narrative.
4. Application Narrative, including information that addresses section 427 of the General Education Provisions Act (see the section entitled ''NOTICE TO ALL APPLICANTS''), and relevant appendices.
5. Group agreement, if applicable.
6. Assurances—Non-Construction Programs (SF 424B).
7. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).
8. Disclosure of Lobbying Activities (Standard Form LLL).
9. GPRA.

[OMB Control No. 1810–0631 (exp. 10/31/2000)]

Notice to All Applicants

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103–382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What Are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427:

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in Braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct ''outreach'' efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1810–0631 (Exp. 10/31/2000). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

BILLING CODE 4000–01–P

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name: _____

Address: _____

_____
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number: |_|_|_|_|_|_|_|_|_|_|

3. Applicant's T-I-N |_|_| - |_|_|_|_|_|_|_|_|

4. Catalog of Federal Domestic Assistance #: **84.338** ➔

5. Project Director: _____

Address: _____

City State Zip code + 4
Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

E-Mail Address: _____

6. Is the applicant delinquent on any Federal debt? ___Yes ___No
(If "Yes," attach an explanation.)

Title: _____

7. Type of Applicant *(Enter appropriate letter in the box.)* |_____|

A - State
B - County
C - Municipal
D - Township
E - Interstate
F - Intermunicipal
G - Special District
H - Independent School District
I - Public College or University
J - Private, Non-Profit College or University
K - Indian Tribe
L - Individual
M - Private, Profit-Making Organization
N - Other *(Specify)*: _____

8. Novice Applicant ___Yes ___ No

Application Information

9. Type of Submission:

-PreApplication	*-Application*
___Construction	___Construction
___Non-Construction	___Non-Construction

10. Is application subject to review by Executive Order 12372 process?
___ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/_____

___ No *(If "No," check appropriate box below.)*
___ Program is not covered by E.O. 12372.
___ Program has not been selected by State for review.

11. Proposed Project Dates: ___/___/_____ ___/___/_____
Start Date: End Date:

12. Are any research activities involving human subjects planned at any time during the proposed project period? ___Yes ___No
a. If "Yes," Exemption(s) #: b. Assurance of Compliance #:

_____ ***OR*** _____

c. IRB approval date: ___ Full IRB **or**
_____ ___ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$ _____.00
b. Applicant	$ _____.00
c. State	$ _____.00
d. Local	$ _____.00
e. Other	$ _____.00
f. Program Income	$ _____.00
g. **TOTAL**	$ _____.00

ED 424 (rev 11/12/99)

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative:

b. Title:

c. Tel. #: ( ) _____ Fax #: ( ) _____

d. E-mail Address:

e. **Signature of Authorized Representative**

Date: ___/___/_____

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No."** **The remaining parts of item 11 are then not applicable.**

If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 11a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 11a, are appropriate. **Provide this narrative information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 11.**

If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 11a and continue with the remaining parts of item 11, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 11b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 11c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 11c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 11b and skip 11c. In this case, the applicant organization, by the signature on the application,

is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 13.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 14e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725

Protection of Human Subjects in Research (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned.

If you marked item 11 on the application "Yes" and designated exemptions in 11a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 11 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 11/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily*

determined by the investigator or associated with the information), the definition of human subject is met. [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

DUNS Number Instructions

D-U-N-S No.: Please provide the applicant's D-U-N-S Number. You can obtain your D-U-N-S Number at no charge by calling **1-800-333-0505** or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL:

http://www.dnb.com/dbis/aboutdb/intlduns.htm

The D-U-N-S Number is a unique nine-digit number that does not convey any information about the recipient. A built in check digit helps assure the accuracy of the D-U-N-S Number. The ninth digit of each number is the check digit, which is mathematically related to the other digits. It lets computer systems determine if a D-U-N-S Number has been entered correctly.

Dun & Bradstreet, a global information services provider, has assigned D-U-N-S numbers to over 43 million companies worldwide.

	U.S. DEPARTMENT OF EDUCATION BUDGET INFORMATION NON-CONSTRUCTION PROGRAMS	OMB Control Number: 1890-0004 Expiration Date: 02/28/2003

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11, Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direc Costs (lines 1-8)						
10. Indirect Costs						
11, Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This form is now undergoing OMB clearance and should be considered draft until a new valid OMB collection number is obtained.

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data resources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington, DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program instructions if attached.

Section A – Budget Summary: U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B – Budget Summary: Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C – Other Budget Information

Pay attention to applicable program specific instructions, if attached.

Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

If applicable to this program, provide the rate and base on which fringe benefits are calculated.

Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040
Assurances: Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget.
Send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §§276c and 18 U.S.C. §§874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the

National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L.93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official	**Title**	
Applicant Organization		**Date Submitted**

Authorized for Local Reproduction
Standard Form 424 B (4-88) Prescribed by OMB Circular A-102

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 600 Independence Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 600 Independence Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE
SIGNATURE DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE
SIGNATURE DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV 12/88), which is obsolete)

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount**, *if known:* **$**	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that the U.S. Department of Education imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or
2. For a fellowship, scholarship, stipend, discretionary grant, or loan in any program of the U.S. Department of Education that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105l);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));

OR

B. I have made arrangements satisfactory to the U.S. Department of Education to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to the U.S. Department of Education for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ _____

(Signature) (Date)

_____

(Typed or Printed Name)

Name or Number of the USDE program under which this certification is being made: _____

State Single Point of Contact (SPOC) List

The official version of the State Single Point of Contact List is published by the Office of Management and Budget (OMB). The Department has made every effort to ensure the accuracy of the information contained in this unofficial version. However, the only official version of the State Single Point of Contact (SPOC) List is posted on the Grants Management section of the OMB web site:

http://www.whitehouse.gov/omb/grants/spoc.html.

[FR Doc. 00–12368 Filed 5–16–00; 8:45 am]
BILLING CODE 4000–01–U

Federal Register

Wednesday,
May 17, 2000

Part IV

Department of Commerce

National Telecommunications and Information Administration

Technology Opportunities Program (TOP); Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 981203295–0112–04]

RIN 0660–ZA06

Technology Opportunities Program (TOP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of applications received.

SUMMARY: On January 5, 2000, in the **Federal Register** (65 FR 681–688), the National Telecommunications and Information Administration (NTIA) announced the availability of funds for the Technology Opportunities Program (TOP) to promote the widespread use of advanced telecommunications and information technologies in the public and non-profit sectors. By providing matching grants for information infrastructure projects, this program will help develop a nationwide, interactive, multimedia information infrastructure that is accessible to all citizens, in rural as well as urban areas. This Notice announces the applications that were received in response to the January 5, 2000, solicitation.

In all, 662 applications were received from forty-eight states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. The total amount requested by the applications is $269.6 million.

Notice is hereby given that the program received applications from the following organizations. Identification of any application only indicates its receipt. It does not indicate that it has been accepted for review, that it has been determined to be eligible for funding, or that an application will receive an award.

Alabama:		
City of Troy	Troy	000136
Crisis Services of North Alabama	Huntsville	000446
Dothan/Houstan County Communications District	Dothan	000072
George C. Wallace State Community College	Hanceville	000449
Madison County Commissions	Huntsville	000634
Reverend Peter James Kirksey and Florence Lee Kirksey Foundation	Boligee	000265
Scottsboro/Jackson County	Scottsboro	000020
Alaska:		
Alaska Information Radio Reading & Education Service	Anchorage	000601
Alaska Justice Statistical Analysis Unit	Anchorage	000536
Borough of Matanuska-Susitna	Palmer	000155
Sitka Tribe of Alaska	Sitka	000048
TDX Foundation	Anchorage	000051
University of Alaska Fairbanks	Fairbanks	000129
University of Alaska Southeast	Ketchikan	000199
Arizona:		
Arizona Department of Environmental Quality	Phoenix	000164
Arizona State University	Tempe	000464
City of Flagstaff	Flagstaff	000026
City of Tucson	Tucson	000035
Coconino County Information Systems	Flagstaff	000031
Community Council, Inc dba Community Forum	Phoenix	000203
Lowell Observatory	Flagstaff	000122
Navajo Family Health Resource Network	Window Rock	000382
Northern Arizona Academy	Show Low	000380
Pima County	Tucson	000276
Portable Practical Education Programs, Inc	Tucson	000168
Volunteer Interfaith Caregiver Program	Sierra Vista	000098
Arkansas:		
70 West Fire Protection Association	Hot Springs	000126
City of Murfreesboro	Murfreesboro	000310
Communities in Schools of Arkansas, Inc	Little Rock	000213
University of Central Arkansas	Conway	000232
California:		
Association of Bay Area Governments	Oakland	000054
Black Technologies Advancement	San Jose	000304
Black Women for Wellness	Los Angeles	000416
Board of Trustee of the Leland Stanford Junior University	Stanford	000427
California School of Professional Psychology Research & Service Foundation	San Diego	000208
California Science Center Foundation	Los Angeles	000325
California State University Fresno Foundation	Fresno	000431
California State University Fresno Foundation	Fresno	000641
Center for Autobiographic Studies	Lake View Terrace	000405
Center for Medical Studies	Irvine	000540
Charles R. Drew University of Medicine	Los Angeles	000252
CHARO Community Development Corporation	Los Angeles	000466
City of Bakersfield	Bakersfield	000608
City of El Monte	El Monte	000049
City of Fremont	Fremont	000330
City Of Mirada	La Mirada	000644
City of Santa Clarita	Santa Clarita	000147
City of Turlock	Turlock	000165
City of West Hollywood	West Hollywood	000496
Colfax Elementary School District	Colfax	000130
Community College Foundation	Sacramento	000599

Community Development Technologies Center	Los Angeles	000647
Contra Costa County Board of Supervisors	Concord	000219
CSPP Research and Service Foundation	San Diego	000260
Desert Sands Unified School District	La Quinta	000216
East Bay Community Foundation	Oakland	000486
Foundation for Advancements in Science and Education	Los Angeles	000286
Foundation for Understanding and Enhancement	Walnut Creek	000106
Greenlining Institute	San Francisco	000598
Grossman Union High School District	El Cajon	000334
Ink People, Inc	Eureka	000392
Japanese American Cultural & Community Center	Los Angeles	000407
Kingdom Harvest Ministries	Los Angeles	000585
KQED, Inc	San Francisco	000551
Landon Pediatric Foundation	Ventura	000278
Latino Issues Forum	San Francisco	000447
Legal Aid Society of Orange County	Santa Ana	000284
Lemon Grove School District	Lemon Grove	000153
Los Angeles County Museum of Natural History Foundation	Los Angeles	000437
Los Angeles Theatre Alliance	Los Angeles	000089
Mission City Community Network, Inc	North Hills	000552
Nonprofit Tech Association	San Francisco	000421
NORCAL Center on Deafness, Inc	Sacramento	000378
Orange County	Santa Ana	000052
Orange County Sheriff	Santa Ana	000369
Palm Springs Public Library	Palm Springs	000152
Pangea Foundation	San Diego	000403
People Oriented Systems Institute (POSI)	Hayward	000033
Pesticide Action Network North America Regional Center	San Francisco	000509
Rancho Santiago Community College District	Santa Ana	000354
Rolling Readers USA, Inc	San Diego	000587
Round Valley Indian Health Center	Covelo	000340
San Diego County	San Diego	000289
San Diego State University Foundation	San Diego	000262
San Diego State University Foundation	San Diego	000477
San Jose State University Foundation	San Jose	000011
San Jose State University Foundation	San Jose	000345
SLONET Regional Information Access	San Luis Obispo	000511
Social and Public Art Resource Center	Venice	000522
Southern California Association of Governments	Los Angeles	000207
Special Services for Groups	Los Angeles	000193
Tri-City Mental Health Center	Pomona	000484
University of California	Santa Barbara	000467
University of California	Davis	000602
Western Identification Network, Inc	Sacramento	000436
Western University of Health Sciences	Pomona	000311
Westside Center for Independent Living, Inc	Los Angeles	000388
Youth Policy Institute	Manhattan Beach	000632
Colorado:		
Board of Weld County Commissioners	Greeley	000096
CESR-RockThePlanet.org	Boulder	000430
City of Wheat Ridge	Wheat Ridge	000470
Community Health System	Colorado Springs	000670
County Sheriffs of Colorado	Longmont	000373
Denver Juvenile Court	Denver	000448
Family Learning Center	Boulder	000526
Five Points Media Center Corporation	Denver	000450
Garfield County Emergency Communications Authority	Garfield	000090
Poudre Fire Authority	Fort Collins	000056
Poudre Health Services District	Fort Collins	000258
Rocky Mountain Mutual Housing Association	Denver	000294
Technology Transfer Solutions	Greenwood Village	000397
United States Space Foundation	Colorado Springs	000142
University of Colorado at Denver	Denver	000135
Connecticut:		
Bloomfield Board of Education	Bloomfield	000205
Connecticut Association for United Spanish Action, Inc	Meriden	000327
Groton Public Schools	Groton	000434
Hall Neighborhood House, Inc	Bridgeport	000563
Leadership, Education and Athletics in Partnership, Inc	New Haven	000577
Northwestern Connecticut Community College	Litchfield	000003
Saint Francis Hospital and Medical Center	Hartford	000112
State of Connecticut	Wethwesfield	000433
Towards Education for All with Multimedia, Ltd.	West Hartford	000313
Town of Bloomfield	Bloomfield	000094
Town of Darien	Darien	000032
Town of Manchester	Manchester	000386

Town of Vernon	Vernon	000131
Wilton Police Department	Wilton	000215
WorkPlace, Inc	Bridgeport	000256
District of Columbia:		
American Institute for Social Justice	Washington	000341
American Public Health Association	Washington	000545
Byte Back, Inc	Washington	000588
Children's National Medical Center	Washington	000546
Church Association for Community Services	Washington	000562
DC Children and Youth Investment Trust Corporation	Washington	000547
Fund for the Future of Our Children	Washington	000558
Joint Center for Political and Economic Studies	Washington	000523
Joint Educational Facilities	Washington	000550
Lutheran Social Services of the National Capital Area	Washington	000677
Metropolitan Police Department	Washington	000603
National Council of La Raza, Inc	Washington	000457
National Organization for Children	Washington	000596
Peoples Involvement Corporation	Washington	000655
See Forever Foundation	Washington	000555
Startup Anywhere	Washington	000590
The Congress of National Black Churches	Washington	000538
University of the District of Columbia	Washington	000574
Florida:		
Broward County	Ft. Lauderdale	000366
Christian Shopping Network, Inc	Orlando	000513
City of Homestead	Homestead	000593
City of Lauderhill	Lauderhill	000100
Department of Health	Tallahassee	000406
Everglades Wildlife Sanctuary, Inc	LaBelle	000027
Fairchild Tropical Garden	Miami	000145
Florida Community College at Jacksonville	Jacksonville	000298
Florida Gulf Coast University	Fort Myers	000451
Indian River Community College	Fort Pierce	000495
Miami-Dade Community College	Miami	000458
Miami-Dade Weed & Seed, Inc	Miami	000414
Miccosukee Tribe of Indians of Florida	Miami	000489
Mote Marine Laboratory	Sarasota	000188
Pinellas County	Clearwater	000390
Pinellas County Cooperative Extension Service	Largo	000409
RLJ Business Development, Inc	North Miami Beach	000357
Sarasota County Board of County Commissioners	Sarasota	000488
School Board of Miami-Dade County	Miami	000305
School Board of Miami-Dade County	Miami	000368
South Florida Regional Planning Council	Hollywood	000117
Techworld PCS	Miami	000610
Town of Indialantic	Indialantic	000065
University of Central Florida	Orlando	000162
Georgia:		
City of Atlanta	Atlanta	000537
Clayton County Government	Jonesboro	000662
Coastal Plain Regional Library	Tifton	000068
Dublin Laurens Commission of Children Youth and Family	Dublin	000267
Georgia Bureau of Investigation	Decatur	000044
Georgia Department of Human Resources	Atlanta	000083
Georgia Tech Research Corporation	Atlanta	000204
South Georgia Business and Development Authority	Camilla	000480
St. Joseph's/Candler Health System	Savannah	000424
West Georgia Telecommunications Alliance, Inc	Carrollton	000275
Hawaii:		
Bishop Museum	Honolulu	000399
Child and Family Service	Ewa Beach	000141
Hawaii Health Systems Foundation	Honolulu	000009
National Tropical Botanical Garden	Kalaheo	000494
St. Francis Healthcare System	Honolulu	000198
Idaho:		
Blaine County	Hailey	000014
Capital City Development Corporation	Boise	000041
Saint Alphonsus Regional Medical Center, Inc	Boise	000661
Illinois:		
Carole Robertson Center for Learning	Chicago	000114
Center for Neighborhood Technology	Chicago	000435
Charles A. Hayes Family Investment Center	Chicago	000514
Chicago State University	Chicago	000170
Chicago State University	Chicago	000627
City of Rockford	Rockford	000393
Eastern Will County Dispatch Center	Crete	000241

Educational Assistance Ltd	Wheaton	000187
Illinois Community Action Association	Springfield	000569
Illinois Department of Corrections	Springfield	000247
Jobs for Youth/Chicago, Inc	Chicago	000218
Kane County	Geneva	000080
LPE Foundation	Schaumburg	000251
McHenry County	Woodstock	000086
Metro McLean County Centralized Communications Center	Bloomington	000077
Mexican Fine Arts Center Museum	Chicago	000583
Network Exchange Collaborative	Chicago	000246
Performance Community	Chicago	000116
Signal Community Institute	Chicago	000271
Southern Illinois University at Edwardsville	Edwardsville	000004
Touchette Regional Hospital	Centreville	000349
Trailsways Girl Scout Council, Inc	Joliet	000460
University of Illinois	Champaign	000163
Village of North Aurora	North Aurora	000095
Winnebago County	Rockford	000352
Woman Made	Chicago	000659
Indiana:		
City of Noblesville	Noblesville	000022
Four County Comprehensive Mental Health	Logansport	000045
Hamilton Center, Inc	Terre Haute	000600
Housing Authority of the City of Evansville	Evansville	000481
Indiana State Council of Opportunities Industrialization Center, Inc	Indianapolis	000280
Indiana Youth Services Association, Inc	Indianapolis	000007
Integrated Public Safety Commission	Indianapolis	000365
Purdue University	West Lafayette	000288
Stone Belt Arc, Inc	Bloomington	000581
Kansas:		
Chanute Public Schools	Chanute	000226
Colby Public Schools	Colby	000618
Emporia State University	Emporia	000175
Inter-Faith Ministries	Wichita	000184
Learning for Life Institute	Lenexa	000636
United Way of the Plains	Wichita	000240
Urban League of Wichita, Inc	Wichita	000441
Kentucky:		
Appalachian College Association	Berea	000015
Center for Rural Development	Somerset	000320
City of Louisville	Louisville	000150
Commonwealth of Kentucky	Richmond	000005
Innovative Productivity, Inc	Louisville	000335
Lost Squadron Museum, Inc	Middlesboro	000292
Morehead State University	Rowan	000042
Pulaski County Extension Service	Somerset	000525
University of Kentucky Research Foundation	Lexington	000272
University of Louisville Research Foundation, Inc	Louisville	000132
Louisiana:		
City of Shreveport	Shreveport	000177
Dillard University	New Orleans	000609
Grambling State University	Grambling	000306
Housing Authority of East Baton Rouge Parish	Baton Rouge	000214
Jefferson Parish Sheriff's Office	Thibodaux	000362
Military Education and Training Enhancement Fund, Incorporated	New Orleans	000046
Parish of Lafourche	Thibodaux	000328
Redemption Christian Center Church	Hammond	000564
Shreveport Community Renewal	Shreveport	000374
Southern University at Baton Rouge	Baton Rouge	000024
St. Bernard Sheriffs Department	Chalmette	000666
St. Martin Parish	St. Martinsville	000401
Technology Institute of New Orleans	New Orleans	000371
Maine:		
Blue Hill Memorial Hospital	Blue Hill	000013
Cary Medical Center	Caribou	000293
Coastal Enterprises, Inc	Wiscasset	000185
CyberSeniors.org	Portland	000530
Eastern Maine Development Corporation	Bangor	000415
Pine Tree Legal Assistance, Inc	Portland	000319
South Portland Police Department	South Portland	000034
Western Maine Community Action	East Wilton	000091
Maryland:		
Baltimore City Health Department	Baltimore	000322
Coppin State College	Baltimore	000510
Development Training Institute	Baltimore	000539
Hagerstown Telework Center	Hagerstown	000505

Maryland Department of Aging	Baltimore	000159
Maryland Department of Human Resources	Baltimore	000270
Prince George's County Public Schools	Upper Marlboro	000576
Tri-County Council For Southern Maryland	Charlotte Hall	000111
Massachusetts:		
All Care Visiting Nurse Association	Lynn	000638
Boston Photo Collaborative	Jamaica Plain	000524
Business Inclusion Council, Inc	Worchester	000281
Digital Bridge Foundation	Roxbury	000295
Education Development Center, Inc	Newton	000191
Friends of the Soldiers' Home in Holyoke, Inc	Holyoke	000104
Greater Boston Police Council, Inc	Waltham	000029
Hebrew Rehabilitation Center for Aged	Boston	000194
Legal Assistance Corporation for Central Massachusetts	Worcester	000062
Massachusetts Executive Office of Health and Human Services	Boston	000606
Museum of Science	Boston	000465
Northeastern University	Boston	000672
Quincy-Geneva Housing Corporation	Dorchester	000630
Salem State College	Salem	000268
Spaulding Rehabilitation Hospital	Boston	000108
Springfield Technical Community College	Sprinfield	000224
Timothy Smith Trust for ''Old Roxbury''	Boston	000221
United Way of Massachusetts Bay, Inc	Boston	000614
USS Constitution Museum Foundation	Boston	000309
VSA Arts of Massachusetts	Boston	000394
Wilbraham Public Access	Wilbraham	000148
Woburn Housing Authority	Woburn	000103
Michigan:		
Academy of Westland	Westland	000074
Albion College	Albion	000367
Black Child and Family Institute	Lansing	000291
City of Detroit Employment and Training Department	Detroit	000222
City of Fraser	Fraser	000442
Deckerville Community Hospital	Deckerville	000591
Genesee County Community Action Agency	Flint	000498
Grand Rapids Legal Assistance	Grand Rapids	000476
Grand Traverse Band of Ottawa and Chippewa Indians	Suttons Bay	000503
Great Lakes Community Broadcasting, Inc	Mount Pleasant	000491
Keweenaw Bay Ojibwa Community College	Baraga	000379
Lapeer County	Lapeer	000314
Lenawee County Sheriff	Adrian	000227
Livingston County	Howell	000384
Macomb Intermediate School District	Clinton	000617
Madonna University	Livonia	000264
Michigan Humanities Council	Lansing	000353
Michigan State University	East Lansing	000285
Michigan State University	East Lansing	000507
Mott Community College	Flint	000561
Muskegon Community Health Project	Muskegon	000250
Northpointe Behavioral Healthcare Systems	Kingsford	000485
Operation ABLE of Michigan	Southfield	000266
School District of the City of Detroit	Detroit	000018
University of Michigan	Ann Arbor	000471
Valley Area Agency on Aging	Flint	000228
Wayne County	Detroit	000261
Webworks Alliance	Jackson	000234
Minnesota:		
Anoka County	Anoka	000167
Arts Midwest	Minneapolis	000440
Asian Media Access, Inc	Minneapolis	000200
Children's Health Care, Inc	Minneapolis	000529
City of Mankato	Mankato	000350
City of Minneapolis	Minneapolis	000059
City of Minneapolis	Minneapolis	000376
Community Health Information Collaborative	Duluth	000143
Hennepin County	Minneapolis	000283
Hennepin County	Minneapolis	000296
MIGIZI Communications, Inc	Minneapolis	000506
Minnesota American Indian Chamber of Commerce	Minneapolis	000567
Northwest Technical College	Bemidji	000064
Ordway Center for the Performing Arts	St. Paul	000239
Pine Technical College	Pine City	000329
Saint Paul Public Schools ISD 625	St. Paul	000438
Saint Paul Urban League	Saint Paul	000344
South Central Service Cooperative	North Mankato	000355

Mississippi:		
Central Mississippi Planning and Development District	Jackson	000439
City of Olive Branch	Olive Branch	000342
Mississippi Action for Community Education	Greenville	000356
Missouri:		
Barnes-Jewish Hospital	St. Louis	000363
Boys and Girls Club of Greater Kansas City	Kansas City	000646
City of Ballwin	Ballwin	000040
City of St. Louis	St. Louis	000299
Learning Exchange	Kansas City	000468
Missouri State Highway Patrol	Jefferson City	000432
National Association of Black Telecommunications Professionals, Inc	St. Louis	000279
Neighborhood Alliance Resource Center	Kansas City	000154
REJSIS Commission	St. Louis	000315
St. Louis 2004 Corporation	St. Louis	000445
St. Louis County Government Department of Human Services	Clayton	000348
St. Louis Zoo	St. Louis	000479
Trinity Full Gospel Ministries	St. Louis	000575
University of Missouri at Missouri-St.Louis	St. Louis	000520
Montana:		
Eureka Public School	Eureka	000359
Fort Peck Health Coalition	Wolf Point	000039
Loud Thunder International, Inc	Great Falls	000592
Montana Department of Labor and Industry	Helena	000190
Montana District Export Council	Silver Bow	000651
Montana State University at Billings	Billings	000277
Montana Supreme Court	Helena	000128
Montana Tech of the University of Montana	Butte	000105
University of Montana	Dillon	000010
University of Montana	Missoula	000463
West Mont Home Management Services	Helena	000076
Nebraska:		
City of Crete	Crete	000058
City of South Sioux City	South Sioux City	000047
Educational Service Unit #7	Columbus	000422
Lincoln Action Program, Inc	Lincoln	000019
Lincoln Arts Council	Lincoln	000568
North Platte Nebraska Hospital Corporation	North Platte	000426
Omaha Tribe of Nebraska	Macy	000102
Rural Health Partners, Inc, d.b.a Heartland Health Alliance	Lexington	000428
West Community Schools	Omaha	000273
Winnebago Housing & Development Commission	Winnebago	000620
Nevada:		
Community Services Agency	Reno	000197
Nevada Association of Latin Americans	Las Vegas	000640
Supreme Court of Nevada	Carson	000123
United Way of Northern Nevada & the Sierra	Reno	000418
New Hampshire:		
Concord Hospital	Concord	000099
Crotched Mountain Foundation	Greenfield	000235
JSI Research and Training	Concord	000528
Manchester Neighborhood Housing Services, Inc	Manchester	000084
New Jersey:		
Atlantic County	Northfield	000493
Bergen County Workforce Investment Board	Hackensack	000061
Borough of North Plainfield	North Plainfield	000597
Burlington County Institute of Technology Foundation	Mount Holly	000081
City of Camden	Camden	000490
City of Camden	Camden	000594
City of Newark	Newark	000595
County of Essex	Newark	000223
First Baptist Community Development Corporation	Somerset	000559
Kennedy Dancers, Inc	Jersey City	000408
Legal Services of New Jersey	Edison	000395
Puerto Rican Action Board, Incorporated	New Brunswick	000134
Salem County Inter-Agency Council of Human Services	Salem	000063
State of New Jersey	Trenton	000501
Township of Irvington	Irvington	000055
Township of Upper	Tuckahoe	000417
University of New Jersey	Piscataway	000107
New Mexico:		
Branigan Cultural Center Foundation	Las Cruces	000263
Crownpoint Institute of Technology	Crownpoint	000474
Cuba Independent Schools, #62	Cuba	000548
Gallup-McKinley County Schools	Gallup	000411
Helping Hands, Inc	Mora	000140
Pueblo of Acoma	Acoma Pueblo	000318

Pueblo of Santa Ana	Bernalillo	000323
Rio Arriba Family Care Network, Inc	Espanola	000192
University of New Mexico	Albuquerque	000478
Youth Development, Inc	Albuquerque	000455
New York:		
Asian American Business Development Center	New York	000075
Associated Blind, Inc	New York	000462
Beacon of Hope House, Inc	New York	000244
Black Rock Forest Consortium	Cornwall	000236
Black United Fund of New York, Inc	New York	000584
Buffalo Independent Secondary Schools Network	Buffalo	000303
Camp Friendship Youth Program	Brooklyn	000616
Community Access, Inc	New York	000391
Community School District 13	Brooklyn	000211
Community Technology Resource Center, Inc	Buffalo	000656
Dominican Sisters Family Health Service, Inc	Ossining	000206
Downtown Arts Projects	New York	000604
East Side House Settlement	Bronx	000412
EDAD, Inc	New York	000582
Exit Art/The First World	New York	000642
Family Services, Inc	Poughkeepsie	000499
Federation Employment and Guidance Service, Inc	New York	000157
Home Aide Service of Eastern, NY, Inc	Troy	000173
Homeless & Travelers Aid Society	Albany	000605
Hudson Planning Group, Inc	New York	000109
Hudson River HealthCare	Peekskill	000372
Incorporated Village of Freeport	Freeport	000444
Latimer-Woods Economic Development Association	Brooklyn	000297
Lutheran Medical Center	Brooklyn	000521
Making Opportunities for Upgrading Schools and Education	New York	000321
Ministerial Interfaith Association/Touro College Partnership	New York	000456
Monroe County	Rochester	000301
Mount Sinai Hospital	New York	000586
Nachas Healthnet, Inc	Brooklyn	000549
New York Association for Pupil Transportation	Albany	000387
New York College of Osteopathic, Medicine of New York Institute of Technology	Old Wheatley	000556
New York Institute of Technology	Central Islip	000336
New York-Presbyterian Hospital	New York	000565
Non-Profit Assistance Corporation	New York	000572
North General Hospital	New York	000475
Northeast Parent & Child Society, Inc	Schenectady	000233
Peninsula Hospital Center	Far Rockway	000639
Project for Public Spaces, Inc	New York	000410
Putnam County Bureau of Emergency Services	Carmel	000125
Research Foundation of SUNY	Utica	000423
Research Foundation of SUNY	Albany	000534
Rome City School District	Rome	000274
St. Joseph's Hospital Health Center	Syracuse	000082
St. Nicholas Neighborhood and Housing Rehabilitation Corporation	Brooklyn	000326
State University of New York at Binghamton	Binghamton	000079
United Way of Greater Utica, Inc	Utica	000146
University of Rochester	Rochester	000160
Westchester Education Coalition, Inc	Elmsford	000324
North Carolina:		
City of Laurinburg	Laurinburg	000343
City of Mount Airy	Mount Airy	000069
Durham County Literacy Council	Durham	000180
ExplorNet	Raleigh	000201
Faith Empowerment Community Consortium	Charlotte	000650
Southeastern Community College	Whiteville	000238
Southside High School	Chocowinity	000351
Southwestern Community College	Sylva	000671
North Dakota:		
McKenzie County Job Development Authority	Watford City	000053
North Dakota Association of Tribal Colleges	Bismarck	000535
North Dakota State University	Fargo	000230
United Tribes Technical College	Bismarck	000166
Ohio:		
Association for Children for Enforcement of Support, Inc	Toledo	000243
Bowling Green State University	Bowling Green	000282
Children's Hospital	Columbus	000202
Children's Hospital Medical Center	Cincinnati	000120
City of Barberton	Barberton	000413
City of Huber Heights	Huber Heights	000097
City of Marietta	Marietta	000316
Cleveland Museum of Art	Cleveland	000212

Cleveland Treatment Center	Cleveland	000607
Daybreak, Inc	Dayton	000287
Deaconess Foundation	Cincinnati	000118
International Association of Directors of Law Enforcement Officer and Standards	Hillard	000579
Northern Buckeye Education Council	Archbold	000404
Ohio Department of Natural Resources	Columbus	000504
Ohio State University Research Foundation	Columbus	000259
Richland County	Mansfield	000231
Trumbull County	Warren	000332
Village of Crooksville	Crooksville	000127
Youngstown State University	Youngstown	000210
Oklahoma:		
Cameron University	Lawton	000085
Cherokee Nation	Tahlequah	000178
Hillcrest Riverside Inc	Tulsa	000073
INTEGRIS South Oklahoma City Hospital Corporation	Oklahoma City	000658
Lawton Outreach Center, Inc	Lawton	000543
Oklahoma Department of Wildlife Conservation	Oklahoma City	000133
South Western Oklahoma Development Authority	Burns Flat	000176
Tulsa City-County Health Department	Tulsa	000667
Urban League of Greater Oklahoma City, Inc	Oklahoma City	000508
Wildewood Christian Church	Oklahoma City	000518
Oregon:		
Blue Mountain Community College	Pendleton	000619
City of Portland	Portland	000092
City of Portland	Portland	000248
Eastern Oregon Collaborative Colleges Center	La Grande	000156
Intertribal GIS Council	Pendleton	000030
Lane Council of Governments	Eugene	000237
Lane Council of Governments	Eugene	000290
Mount Hood Community College	Gresham	000337
Multnomah County Citizen Involvement Committee	Portland	000121
Northwest Portland Area Indian Health Board	Portland	000346
Oregon Rehabilitation Association	Salem	000169
Portland State University	Portland	000057
Rogue Valley Medical Center Foundation	Medford	000381
School District No. 1	Portland	000487
United Way of the Columbia-Willamette	Portland	000454
Pennsylvania:		
Association of Radio Reading Services	Pittsburgh	000531
Columbia Montour Area Agency on Aging	Bloomsburg	000257
Community Action Association of Pennsylvania	Harrisburg	000573
Crawford County Regional Alliance	Meadville	000006
Emergency Medical Service Institute	Pennsylvania	000560
Fayette County Community Action Agency, Inc	Uniontown	000113
Information Renaissance	Pittsburgh	000557
Keystone Economic Development Corporation	Johnstown	000183
Luzerne County Community College	Nanticoke	000512
Mental Health Association of Southeastern Pennsylvania	Philadelphia	000220
North Central Industrial Technical Education Center School	Ridgeway	000402
Northampton Community College	Bethlehem	000001
Northern Tier Industry and Education Consortium	Dimock	000016
Opportunities Industrialization Centers	Philadelphia	000578
Pennsylvania Resources Council	Pittsburgh	000613
Regional Nursing Centers Consortium/Resources for Human Development, Inc	Philadelphia	000375
Saint Maria Goretti High School	Philadelphia	000553
South of South Neighborhood Association, Inc	Philadelphia	000452
SUN Home Health Services, Inc	Northumberland	000589
Technical Assistants	Philadelphia	000017
Tredyffrin TWP	Berwyn	000383
Washington County	Washington	000067
Women's Opportunities Resource Center	Philadelphia	000119
Puerto Rico:		
Inter American University of Puerto Rico	San Juan	000302
Municipality of Anasco	Anasco	000637
Municipality of San Juan	San Juan	000245
University of Puerto Rico	Mayaguez	000571
Rhode Island:		
Ocean State Association of Residential Resources	North Kingstown	000186
Ocean State Higher Education	Narragansett	000137
Rhode Island Development Corporation	Providence	000002
University of Rhode Island	Kingston	000396
South Carolina:		
Aiken County	Aiken	000115
Chester County	Chester	000093
Kershaw County School District	Camden	000229

South Carolina Department of Education	Columbia	000307
South Carolina Educational Television	Columbia	000515
South Dakota:		
Lakota Resource Institute, Inc	Rapid City	000469
Porcupine Contract School	Porcupine	000171
Rosebud Sioux Tribe	Rosebud	000612
Rural Alliance, Inc	Rapid City	000631
Southeast Technical Institute	Sioux Falls	000070
Tennessee:		
City of Oak Ridge	Oak Ridge	000174
Cleveland Bradley Communications Center	Cleveland	000025
CyberTech Community Learning Center, Inc	Memphis	000459
East Tennessee Community Design Center, Inc	Knoxville	000339
Kingsport Tomorrow, Inc	Kingsport	000654
Metro Nashville-Davidson County Planning Department	Nashville	000425
Rural Health Services Consortium, Inc	Rogersville	000629
Tennessee Department of Safety	Nashville	000196
University of Tennessee at Martin	Martin	000043
Texas:		
Association for the Advancement of Mexican Americans, Inc (AAMA)	Houston	000443
Carrollton-Farmers Branch	Farmers Branch	000060
Center for Economic Opportunities	San Juan	000138
CEP.COM	El Paso	000420
City of Dallas	Dallas	000364
City of Fort Worth	Fort Worth	000398
City of Houston	Houston	000308
City of San Antonio	San Antonio	000473
Dallas County	Dallas	000482
Dallas Independent School District	Dallas	000008
Hood County Hospital District	Granbury	000360
Huston-Tillotson College	Austin	000517
Knowbility, Inc	Austin	000635
Kountz Independence School District	Kountze	000254
Latino Education Project	Corpus Christi	000653
Lee College	Baytown	000036
Legal Services of North Texas, Inc	Dallas	000161
Pharr Police Department	Pharr	000472
Tarrant County ACCESS for the Homeless	Fort Worth	000533
Texas A&M Research Foundation	College Station	000300
Texas Association of Minority Business Enterprises	Austin	000633
Texas Mental Health Consumers	Austin	000255
Texas Southern University	Houston	000532
Texas Workforce Commission	Austin	000217
TIRR Rehabilitation Centers	Houston	000544
University of North Texas	Denton	000038
University of Texas at El Paso	El Paso	000195
University of Texas Medical Branch	Galveston	000429
Upper Rio Grande Workforce Development Board, Inc	El Paso	000189
Webdone.org	Houston	000674
Utah:		
Confedered Tribes of the Goshute Indians	Ibapah	000519
Springville City Corporation	Springville	000182
State of Utah	Salt Lake City	000144
Utah State University	Logan	000172
Utah Valley State College	Orem	000179
Wasatch County	Heber City	000023
Virgin Islands:		
St. Croix Foundation for Community Development	Christiansted	000660
Virginia:		
Chesterfield County	Chesterfield	000483
Chesterfield County	Chesterfield	000497
City of Staunton	Staunton	000066
Colonial Williamsburg Foundation	Williamsburg	000149
Community Associations Institute Research Foundation	Alexandria	000665
Computer Redistribution Team (CRT), Inc	Waynesboro	000124
Fairfax County Public Library Foundation	Fairfax	000516
Fairfax County Public Library Foundation, Inc	Fairfax	000500
Fairfax County Public Schools	Fairfax	000580
Garfield F. Childs Memorial Fund, Inc	Richmond	000652
Green Thumb, Inc	Arlington	000541
New River Valley Planning District Commission	Radford	000158
Norfolk State University	Norfolk	000621
Project WORD, Inc	Arlington	000566
RemeCare, Inc	Charlottesville	000624
Self Reliance Foundation	Arlington	000542
Virginia Mennonite Retirement Community	Harrisonburg	000088

Virginia Union University	Richmond	000453
Vermont:		
State of Vermont	Waterbury	000361
United Way of Chittenden County	Burlington	000370
University of Vermont and State Agricultural College	Burlington	000012
Vermont Symphony Orchestra, Inc	Burlington	000331
Washington:		
Benton County	Richland	000110
Benton Fire District #1	Kennewick	000087
Community Centers Development Council	Spokane	000400
Eastern Washington State Historical Society	Spokane	000139
Kitsap County Central Communications	Bremerton	000209
Lower Columbia College	Longview	000269
Northwest Indian Fisheries Commission	Olympia	000101
Pierce County	Tacoma	000502
Seattle Central Community College	Seattle	000347
Seattle Public Schools	Seattle	000389
Service Corporation of Retired Executives	Seattle	000071
Suquamish Indian Tribe	Suquamish	000554
Washington State Patrol	Olympia	000338
Washington State University	Pullman	000050
Whatcom-State County	Bellingham	000377
West Virginia:		
AEL, Inc	Charleston	000181
Camcare Health Education and Research Institute, Inc	Charleston	000648
Marshall University Research Corporation	Huntington	000151
Mineral Alternative School County	Keyser	000028
Monongalia County Board of Education	Morgantown	000333
Wisconsin:		
City of West Bend	West Bend	000253
Housing Authority of the City of Milwaukee	Milwaukee	000225
Northwest Side Community Development Corporation	Milwaukee	000317
School District of Phelps	Phelps	000037
Wyoming:		
Big Horn County Counseling	Basin	000249
City of Rock Springs	Rock Springs	000385

Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

[FR Doc. 00–12435 Filed 5–16–00; 8:45 am]

BILLING CODE 3510–60–P

Reader Aids

Federal Register

Vol. 65, No. 96

Wednesday, May 17, 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
31245–31426 17

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

2 31245
47 29941
210 .....26904, 31371
220 26904
301 .....26487, 30337, 31245
400 29941
945 25625
959 29942
993 29945
981 25233
985 30341
989 30525
1205 25236
1220 30832
1436 30345
1710 31246
1951 31248

Proposed Rules:
319 30365
360 31289
958 30920
1220 30922
1240 30924
1710 31289

9 CFR

Proposed Rules:
77 25292
94 31290
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

361 31250
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, 31253, 31255, 31256, 31259
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, 31291
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

19 CFR
19 31260
24 31261
101 31262
122 31263
159 31261
174 31261

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, 31293

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
913 31265
Proposed Rules:
111 ....26792, 31118

40 CFR
9 ....25982, 26491
22 30885
52 ....29956, 29959, 30355, 30358, 31093, 31267
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, 25860, 29963, 30543
228 30545
270 39885
271 ....26750, 26755, 29973, 29981
300 30482
721 30912
Proposed Rules:
52 ....26792, 30045, 30387, 31120, 31297
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, 31270
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, 31283
622.....30362, 30547
648.....25887, 30548
660 .....25881, 26138, 31283
679 .....25290, 25671, 30549, 31103, 31104, 31105, 31107, 31288

Proposed Rules:

10.....26664
13.....26664
17 .....26664, 30048, 30941, 30951, 31298
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 17, 2000

AGRICULTURE DEPARTMENT

Farm Service Agency

Program regulations:

Servicing and collection—

Disaster set-aside program; published 5-17-00

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Outer Continental Shelf Lands Act; implementation:

Natural gas transportation through pipeline facilities on Outer Continental Shelf; published 4-17-00

NUCLEAR REGULATORY COMMISSION

Well logging operations; licenses and radiation safety requirements:

Energy compensation sources and other regulatory clarifications; published 4-17-00

POSTAL SERVICE

Practice and procedure:

Administrative subpoenas; issuance procedures in investigations of false representations and lotteries; published 5-17-00

TRANSPORTATION DEPARTMENT

Coast Guard

Anchorage regulations and regattas and marine parades:

OPSAIL 2000, San Juan, PR—

Regulated areas; published 5-16-00

TREASURY DEPARTMENT

Customs Service

Air commerce:

User fee airports; revised list; published 5-17-00

Customs bonded warehouses:

Duty-free stores; permissible locations; published 5-17-00

Financial and accounting procedures:

Customs duties, taxes, fees, and interest; underpayments and overpayments interest; published 5-17-00

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

Permits:

Exempted fishing; comments due by 5-26-00; published 5-16-00

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.