



# Federal Register

---

6-27-00

Vol. 65 No. 124

Pages 39507-39778

Tuesday

June 27, 2000



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](http://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](mailto:gpoaccess@gpo.gov); by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

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

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

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

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 512-1800  
Assistance with public single copies 512-1803

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 523-5243  
Assistance with Federal agency subscriptions 523-5243

### FEDERAL REGISTER WORKSHOP

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

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of 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:** July 11, 2000, at 9:00 a.m.
- WHERE:** Office of the Federal Register  
Conference Room  
800 North Capitol Street, NW.  
Washington, DC  
(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



# Contents

Federal Register

Vol. 65, No. 124

Tuesday, June 27, 2000

## Agricultural Marketing Service

### RULES

Nectarines and peaches grown in—  
California, 39507–39513

### NOTICES

Feeder cattle; grade standards, 39587–39589

## Agriculture Department

*See* Agricultural Marketing Service

*See* Animal and Plant Health Inspection Service

*See* Food and Nutrition Service

*See* Forest Service

### NOTICES

Meetings:

National Agricultural Research, Extension, Education,  
and Economics Advisory Board, 39587

## Air Force Department

### NOTICES

Air Force Institute of Technology; accreditation  
continuation evaluation, 39603

## Animal and Plant Health Inspection Service

### RULES

Interstate transportation of animals and animal products:  
Scrapie control pilot projects, 39534–39536

## Arts and Humanities, National Foundation

*See* National Foundation on the Arts and the Humanities

## Coast Guard

### RULES

Ports and waterways safety:

Lake Erie, Huron River, OH; safety zone, 39545–39549

Lake Erie, Maumee River, OH; safety zone, 39549–39550

Lake Erie, Port Clinton, Ohio, 39543–39545

New Haven Harbor, CT; safety zone, 39546–39547

## Commerce Department

*See* Economic Development Administration

*See* Export Administration Bureau

*See* International Trade Administration

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

## Defense Department

*See* Air Force Department

*See* Navy Department

### RULES

Acquisition regulations:

Contract action reporting requirements update, 39706–  
39721

Production surveillance and reporting, 39721–39723

Progress payments for foreign military sales contracts,  
39721–39722

Technical amendments, 39703–39707

Uncompensated overtime source selection factor, 39720–  
39722

### NOTICES

Agency information collection activities:

Proposed collection; comment request, 39602–39603

## Economic Development Administration

### NOTICES

Trade adjustment assistance eligibility determination  
petitions:

Mearthan, Inc., et al., 39597–39598

## Education Department

### NOTICES

Agency information collection activities:

Proposed collection; comment request, 39603–39604

Submission for OMB review; comment request, 39604

Meetings:

National Commission on Mathematics and Science

Teaching for 21st Century, 39605

## Employment and Training Administration

### NOTICES

Workforce Investment Act; implementation:

One-Stop service delivery system; resource sharing and  
cost allocation methodologies, 39759–39765

## Energy Department

*See* Federal Energy Regulatory Commission

## Executive Office of the President

*See* Presidential Documents

## Environmental Protection Agency

### RULES

Air quality implementation plans; approval and  
promulgation; various States:

Kansas; correction, 39551–39552

Superfund program:

Toxic chemical release reporting; community right-to-  
know—

Phosphoric acid, 39552–39556

### PROPOSED RULES

Air pollutants, hazardous; national emission standards:

Boilers and industrial furnaces; data availability, 39581–  
39584

### NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 39612–  
39613

Meetings:

National Drinking Water Advisory Council, 39613–39614

Science Advisory Board, 39614

Project XL (excellence and leadership) innovative  
technologies projects:

Progressive Auto Insurance Co.; pay-as-you-drive auto  
insurance program, 39614–39615

Reports and guidance documents; availability, etc.:

Air emissions; CERCLA federally permitted release  
definition, 39615–39617

Civil rights; EPA assistance recipients administering  
environmental permitting programs, and  
investigation of administrative complaints  
challenging permits, 39649–39701

Superfund program:

Prospective purchaser agreements—

North Penn Area 7 Site, PA, 39617

**Export Administration Bureau****NOTICES**

## Meetings:

Information Systems Technical Advisory Committee,  
39598

**Federal Aviation Administration****RULES**

## Airworthiness directives:

Empresa Brasileira de Aeronautica S.A., 39541–39543  
General Electric Co., 39536–39538  
McDonnell Douglas, 39539–39540

**PROPOSED RULES**

## Airworthiness directives:

Boeing, 39574–39576  
Empresa Brasileira de Aeronautica S.A., 39576–39578  
Learjet, 39578–39580

**Federal Communications Commission****RULES**

## Radio services, special:

Private land mobile services—  
220-222 MHz band; geographic partitioning and  
spectrum disaggregation, 39559–39560

**NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 39617–39618  
Submission for OMB review; comment request, 39618–  
39619

## Television broadcasting:

Limited low power television/television translator/Class  
A television auction filing window, 39619

**Federal Emergency Management Agency****PROPOSED RULES**

## Flood insurance program:

Insurance coverage and rates—  
Insured structures; inspection by communities, 39725–  
39758

**Federal Energy Regulatory Commission****NOTICES***Applications, hearings, determinations, etc.:*

Algonquin Gas Transmission Co. et al., 39605–39606  
Black Marlin Pipe Line Co., 39606–39607 39606  
Canyon Creek Compression Co., 39607  
Colorado Interstate Gas Co., 39607  
Dauphin Island Gathering Partners, 39607–39608  
Discovery Gas Transmission LLC, 39608  
Florida Gas Transmission Co., 39608  
Great Lakes Energy Partners, LLC, 39608–39609  
Gulf States Transmission Corp., 39609  
KN Wattenberg Transmission L.L.C., 39609  
Mississippi Canyon Gas Pipeline, LLC, 39609  
Mississippi River Transmission Corp., 39610  
PNM Electric & Gas Services, Inc., 39610  
PNM Gas Services et al., 39610–39611  
St. Joseph Light & Power Co., 39611–39612  
Stingray Pipeline Co., 39612  
Transok, LLC, 39612  
Williston Basin Interstate Pipeline Co., 39612

**Federal Reserve System****NOTICES**

## Banks and bank holding companies:

Change in bank control, 39619–39620  
Formations, acquisitions, and mergers, 39620  
Permissible nonbanking activities, 39620

Meetings; Sunshine Act, 39620–39621

**Fish and Wildlife Service****NOTICES**

## Comprehensive conservation plans; availability, etc.:

Ottawa, Cedar Point, and West Sister Island National  
Wildlife Refuges, OH, 39626

**Food and Drug Administration****NOTICES**

## Meetings:

Anti-Infective Drugs Advisory Committee, 39623  
Antiviral Drugs Advisory Committee, 39623–39624  
Medical Devices Advisory Committee, 39624

**Food and Nutrition Service****NOTICES**

## Child nutrition programs:

Child and adult care food program—  
National average payment rates, day care home food  
service payment rates, etc., 39589–39591  
National school lunch, special milk, and school breakfast  
programs—  
National average payments/maximum reimbursement  
rates, 39591–39594

**Forest Service****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 39594  
Environmental statements; notice of intent:  
Eldorado National Forest, CA, 39594–39596  
Finger Lakes National Forest, NY, 39596–39597

**General Services Administration****NOTICES**

## Meetings:

Women's Progress Commemoration Commission, 39621

**Health and Human Services Department**

See Food and Drug Administration

**NOTICES**

## Grant and cooperative agreement awards:

National Association for Equal Opportunity in Higher  
Education, 39621–39622

## Privacy Act:

Systems of records, 39622–39623

**Housing and Urban Development Department****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 39624–39625  
Submission for OMB review; comment request, 39625–  
39626

**Immigration and Naturalization Service****RULES**

## Executive Office for Immigration Review:

Representation and appearances; professional conduct for  
practitioners, 39513–39534

**Interior Department**

See Fish and Wildlife Service

See Land Management Bureau

See Surface Mining Reclamation and Enforcement Office

**International Trade Administration****NOTICES**

## Antidumping:

Bulk aspirin from—  
China, 39598–39599

Grants and cooperative agreements; availability, etc.:  
International Buyer Program; domestic trade shows  
support (2002 FY), 39599–39601

**Justice Department**

See Immigration and Naturalization Service

See Prisons Bureau

**Labor Department**

See Employment and Training Administration

**Land Management Bureau****NOTICES**

Classification of public lands:

Utah, 39626–39627

Coal leases, exploration licenses, etc.:

Wyoming, 39627

Meetings:

Resource Advisory Councils—

Front Range, 39627–39628

Northeastern Great Basin, 39628

**Maritime Administration****RULES**

Merchant Marine training:

Service obligations, deferments, and waivers; compliance  
determinations; appeal procedures, 39556–39559

**National Archives and Records Administration****RULES**

John F. Kennedy assassination records:

Interpretive and implementation guidance; CFR part  
transfer, 39550–39551

**NOTICES**

Agency records schedules; availability, 39628–39630

**National Foundation on the Arts and the Humanities****NOTICES**

Meetings:

Arts National Council, 39631

Combined Arts Advisory Panel, 39631

**National Institute of Standards and Technology****NOTICES**

Meetings:

Radio and Telephone Terminal Equipment Directive  
training; workshop, 39601

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—  
Pacific halibut and red king crab, 39564–39566

Marine mammals:

Marine Mammal Protection Act—

Formal rulemaking hearings; practice and procedure  
rules reinstatement, 39560–39564

**PROPOSED RULES**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—  
Pacific Coast salmon, 39584–39585

Western Pacific Fishery Management Council;  
meetings, 39585–39586

**NOTICES**

Permits:

Marine mammals, 39601

**Navy Department****NOTICES**

Inventions, Government-owned; availability for licensing,  
39603

**Nuclear Regulatory Commission****NOTICES**

Meetings; Sunshine Act, 39631–39632

**Patent and Trademark Office****NOTICES**

Intellectual property:

National Intellectual Property Law Enforcement

Coordination Council; policies and agenda; comment  
request, 39601–39602

**Presidential Documents****EXECUTIVE ORDERS**

Government agencies and employees:

Education/training programs, nondiscrimination on basis  
of race, sex, color, national origin, disability, religion,  
age, sexual orientation, parent status, 39775–39778

**PROCLAMATIONS**

*Special observances:*

Korean War, 50th Anniversary, and National Korean War  
Veterans Armistice Day (Proc. 7324), 39773–39774

**Prisons Bureau****PROPOSED RULES**

Administrative remedy program:

Administrative Remedy Program; excluded matters,  
39767–39769

**Public Health Service**

See Food and Drug Administration

**Research and Special Programs Administration****NOTICES**

Hazardous materials:

Exemption applications delayed; list, 39645–39646

**Securities and Exchange Commission****NOTICES**

Agency information collection activities:

Proposed collection; comment request, 39632

Submission for OMB review; comment request, 39633

Investment Company Act of 1940:

Shares substitution applications—

Massachusetts Mutual Life Insurance Co. et al., 39633–  
39638

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 39638–39639

Municipal Securities Rulemaking Board, 39639–39640

National Association of Securities Dealers, Inc., 39640–  
39644

New York Stock Exchange, Inc., 39644–39645

**Small Business Administration****PROPOSED RULES**

Federal claims collection:

Administrative wage garnishment; debt collection  
through offset, 39567–39574

**Surface Mining Reclamation and Enforcement Office****RULES**

Indian lands program:

- Surface coal mining and reclamation operations—
- Permit applications fees; CFR correction, 39543

**Transportation Department***See* Coast Guard*See* Federal Aviation Administration*See* Maritime Administration*See* Research and Special Programs Administration**Veterans Affairs Department****PROPOSED RULES**

Adjudication; pensions, compensation, dependency, etc.:

- Proof of service; evidence certification, 39580–39581

**NOTICES**

Agency information collection activities:

- Proposed collection; comment request, 39647
- 

**Separate Parts In This Issue****Part II**

Environmental Protection Agency, 39649–39701

**Part III**

Department of Defense, 39703–39723

**Part IV**

Federal Emergency Management Agency, 39725–39758

**Part V**Department of Labor, Employment and Training  
Administration, 39759–39765**Part VI**

Department of Justice, Bureau of Prisons, 39767–39769

**Part VII**The President, 39771–39778

---

**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.

|                               |                               |
|-------------------------------|-------------------------------|
| <b>3 CFR</b>                  | 231.....39704                 |
| <b>Proclamations:</b>         | 232 (2 documents) .....39704, |
| 7324.....39773                | 39722                         |
| <b>Executive Orders:</b>      | 235.....39704                 |
| 12250 (See EO                 | 236.....39704                 |
| 13160).....39775              | 242 (2 documents) .....39704, |
| 13160.....39775               | 39722                         |
| <b>7 CFR</b>                  | 249.....39704                 |
| 916.....39507                 | 250.....39704                 |
| 917.....39507                 | 252.....39704                 |
| <b>8 CFR</b>                  | 253 (3 documents) .....39704, |
| 3.....39513                   | 39707, 39722                  |
| 292.....39513                 | Ch. 2.....39704               |
| <b>9 CFR</b>                  | <b>50 CFR</b>                 |
| 54.....39534                  | 228.....39560                 |
| 79.....39534                  | 679.....39564                 |
| <b>13 CFR</b>                 | <b>Proposed Rules:</b>        |
| <b>Proposed Rules:</b>        | 660 (2 documents) .....39584, |
| 134.....39567                 | 39585                         |
| 140.....39567                 |                               |
| <b>14 CFR</b>                 |                               |
| 39 (3 documents) .....39536,  |                               |
| 39529, 39541                  |                               |
| <b>Proposed Rules:</b>        |                               |
| 39 (3 documents) .....39574,  |                               |
| 39576, 39578                  |                               |
| <b>28 CFR</b>                 |                               |
| <b>Proposed Rules:</b>        |                               |
| 542.....39768                 |                               |
| <b>30 CFR</b>                 |                               |
| 750.....39543                 |                               |
| <b>33 CFR</b>                 |                               |
| 165 (5 documents) .....39543, |                               |
| 39545, 39546, 39547, 39549    |                               |
| <b>36 CFR</b>                 |                               |
| Ch. XIV .....39550            |                               |
| 1290.....39550                |                               |
| <b>38 CFR</b>                 |                               |
| <b>Proposed Rules:</b>        |                               |
| 3.....39580                   |                               |
| <b>40 CFR</b>                 |                               |
| 52.....39551                  |                               |
| 372.....30552                 |                               |
| <b>Proposed Rules:</b>        |                               |
| 63.....39581                  |                               |
| 266.....39581                 |                               |
| <b>44 CFR</b>                 |                               |
| <b>Proposed Rules:</b>        |                               |
| 59.....39726                  |                               |
| 61.....39726                  |                               |
| <b>46 CFR</b>                 |                               |
| 310.....39556                 |                               |
| <b>47 CFR</b>                 |                               |
| 90.....39559                  |                               |
| <b>48 CFR</b>                 |                               |
| 201.....39704                 |                               |
| 202.....39704                 |                               |
| 203.....39704                 |                               |
| 204 (2 documents) .....39704, |                               |
| 39707                         |                               |
| 206.....39704                 |                               |
| 209.....39704                 |                               |
| 212.....39704                 |                               |
| 213.....39704                 |                               |
| 215.....39708                 |                               |
| 217.....39704                 |                               |
| 219.....39704                 |                               |
| 225.....39704                 |                               |