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Federal Register

6–28–00 Wednesday
Vol. 65 No. 125 June 28, 2000
Pages 39779–40048

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RESERVATIONS: 202–523–4538

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–097–2]

Melon Fruit Fly; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the melon fruit fly regulations by removing the quarantine on a portion of Los Angeles County, CA, and by removing the restrictions on the interstate movement of regulated articles from that area. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the melon fruit fly into noninfested areas of the United States. We have determined that the melon fruit fly has been eradicated from this portion of Los Angeles County, CA, and that the quarantine and restrictions are no longer necessary. This portion of Los Angeles County, CA, was the only area in the continental United States quarantined for the melon fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the melon fruit fly.

DATES: This interim rule was effective June 23, 2000. We invite you to comment on this docket. We will consider all comments that we receive by August 28, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–097–2, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–097–2.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Wilmer E. Snell, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

The melon fruit fly, *Bactrocera cucurbitae* (Coquillett), is a very destructive pest of fruits and vegetables, including melons, mangoes, peppers, squash, cucumbers, beans, oranges, and peaches. This pest can cause serious economic losses by lowering the yield and quality of these fruits and vegetables and by damaging the seedlings and young plants of squash, melons, and cucumbers. Heavy infestations can result in complete loss of these crops.

The melon fruit fly regulations, contained in 7 CFR 301.97 through 301.97–10 (referred to below as the regulations), restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of melon fruit fly to noninfested areas of the United States.

In an interim rule effective on February 22, 2000, and published in the **Federal Register** on February 22, 2000 (65 FR 8633–8640, Docket No. 99–097–1), we quarantined a portion of Los Angeles County, CA, and restricted the interstate movement of regulated articles from the quarantined area.

Based on trapping surveys conducted by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service, we have determined that the melon fruit fly has been eradicated from the quarantined portion of Los Angeles County, CA. The last finding of melon fruit fly in this area was November 15, 1999.

Since then, no evidence of melon fruit fly infestation has been found in this area. Based on our experience, we have determined that sufficient time has passed to conclude that the melon fruit fly no longer exists in Los Angeles County, CA. Therefore, we are removing Los Angeles County, CA, from the list of quarantined areas in § 301.97–3(c). Melon fruit fly infestations are not known to exist anywhere else in the continental United States.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove an unnecessary regulatory burden on the public. A portion of Los Angeles County, CA, was quarantined due to the possibility that the melon fruit fly could be spread from this area to noninfested areas of the United States. Since this situation no longer exists, immediate action is necessary to remove the quarantine on Los Angeles County, CA, and to relieve the restrictions on the interstate movement of regulated articles from that area.

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

Executive Order 12866 and Regulatory Flexibility Act

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

This interim rule relieves restrictions on the interstate movement of regulated

articles from a portion of Los Angeles County, CA.

Within the previously quarantined portion of Los Angeles County, CA, there are approximately 413 small entities that may be affected by this rule. These include 3 distributors, 250 fruit sellers, 27 growers, 126 nurseries, 1 processor, 3 community gardens, 2 swap meets, and 1 farmers market. These 413 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate-not-interstate movement, so the effect, if any, of this rule on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate was minimized by the availability of various treatments that, in most cases, allowed these small entities to move regulated articles interstate with very little additional cost.

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.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

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

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

2. In § 301.97–3, paragraph (c) is revised to read as follows:

§ 301.97–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the melon fruit fly.

Done in Washington, DC, this 22nd day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–16313 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 00–055–1]

Tuberculosis in Cattle and Bison; State and Zone Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the bovine tuberculosis regulations regarding State and zone risk classifications to remove the split-State status of the State of Michigan and to classify the entire State as nonmodified accredited. This action is necessary to help prevent the spread of tuberculosis because Michigan no longer meets the requirements for split-State status.

DATES: This interim rule is effective June 22, 2000. We invite you to comment on this docket. We will consider all comments that we receive August 28, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–055–1, 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. 00–055–1.

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. Joseph Van Tiem, Senior Staff Veterinarian, VS, APHIS, USDA, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–7716.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal.

At the beginning of this century, bovine tuberculosis caused more losses of livestock than all other livestock diseases combined. This prompted the establishment of the National Cooperative State/Federal Bovine Tuberculosis Eradication Program for bovine tuberculosis in livestock.

Federal regulations implementing this program are contained in 9 CFR part 77, ''Tuberculosis'' (referred to below as the regulations), and in the ''Uniform Methods and Rules— Bovine Tuberculosis Eradication'' (UMR), which is incorporated by reference into the regulations. The regulations restrict the interstate movement of cattle, bison, and captive cervids to prevent the spread of bovine tuberculosis.

Restrictions on the interstate movement of cattle and bison not known to be infected with or exposed to tuberculosis are based on whether the animals are moved from States or zones designated as accredited-free States or zones, accredited-free (suspended) States or zones, modified accredited States or zones, or nonmodified accredited States or zones. The status of a State or zone is based on its freedom from evidence of tuberculosis in cattle and bison, the effectiveness of the State's tuberculosis eradication

program, and the degree of the State's compliance with the standards for cattle and bison contained in the UMR.

Prior to the effective date of an interim rule that we published in the **Federal Register** on November 1, 1999 (64 FR 58769–58780, Docket No. 99–008–1), and that was effective as of October 20, 1999, there were no provisions in the regulations to allow separate tuberculosis status for different zones within a State. Even if herds affected with tuberculosis were confined to a very limited area of a State, the classification of the entire State had to take into account the disease situation in that limited area.

One of the changes to the regulations we made in our interim rule was to allow recognition of separate zones with differing tuberculosis risk classifications within a State. We defined ''zone'' to mean a defined geographic land area identifiable by geological, political, manmade, or surveyed boundaries, with mechanisms of disease spread, epidemiological characteristics, and the ability to control the movement of animals across the boundary of the zone taken into account.

To achieve APHIS recognition of such zones, the zones and the State in question must meet certain requirements. First, the State must have the legal and financial resources to implement and enforce a tuberculosis eradication program, as well as the infrastructure, laws, and regulations to require and ensure that tuberculosis cases are reported to State and Federal regulatory authorities. Further, the State must maintain clinical and epidemiological surveillance of animal species at risk of tuberculosis at a rate that allows detection of tuberculosis in the overall population of livestock herds in each zone at a 2 percent prevalence rate (the average prevalence in a herd containing infected animals) with 95 percent confidence. Additionally, a State seeking APHIS recognition of a zone with regard to tuberculosis must enter into a memorandum of understanding with APHIS in which the State agrees to adhere to any conditions for zone recognition particular to that request. As we stated in the interim rule, such a memorandum of understanding is necessary to address epidemiological circumstances particular to the State in question. For instance, in a State in which free-ranging wildlife may be a reservoir of tuberculosis, it may be necessary to conduct baseline surveillance among such wildlife; whereas in a State with less of a risk of tuberculosis in wildlife, such surveillance may not be necessary.

In the interim rule, we recognized specific zones in only one State—the State of Michigan. We stated that Michigan had demonstrated to APHIS that it had the resources to enforce a tuberculosis eradication program and to ensure that diagnoses of tuberculosis are reported to State and Federal authorities, and that it was capable of maintaining surveillance that allows detection of tuberculosis in the overall population of livestock at a 2 percent prevalence rate with 95 percent confidence. We stated additionally that Michigan would enter into a memorandum of understanding with APHIS regarding any conditions for zone recognition particular to that State's circumstances.

Based on the conditions described above, in our November 1, 1999, interim rule, we recognized two zones in Michigan. The smaller of the two zones was classified as nonmodified accredited because the prevalence of tuberculosis among cattle and bison in that zone exceeded the level allowable for modified accredited status. The larger zone, which consisted of most of Michigan, was classified as accredited free.

Because tuberculosis exists in wildlife, particularly cervids, in the smaller zone in Michigan to such an extent that it poses a significant risk to livestock, the memorandum of understanding between APHIS and the State of Michigan included provisions to address that risk. These provisions included an agreement by Michigan to establish three areas of descending risk in the nonmodified accredited zone, with minimum dimensions for the areas of greatest risk. Michigan further agreed to enforce certification, testing, and other surveillance requirements for intrastate movement within the nonmodified accredited zone.

At the time we published our November 1, 1999, interim rule, the detection of tuberculosis in Michigan was limited to a small enough number of livestock herds and localized groups of wildlife that the State had determined it could adequately enforce the intrastate restrictions in the memorandum of understanding. However, since November 1999, Michigan has detected tuberculosis in wildlife at additional sites involving a greater area of the nonmodified accredited zone. Due to these additional detections, Michigan has now determined that it can carry out its tuberculosis control and eradication program more effectively with a single set of statewide requirements than with different requirements for two zones within the State. Therefore, in this interim rule, we are removing Michigan's split-State tuberculosis status. Because the prevalence of tuberculosis-affected cattle and bison herds in Michigan as a whole slightly exceeds that allowed for either accredited-free or modified accredited status, we are classifying Michigan as nonmodified accredited.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment.

Because the State of Michigan has determined that it cannot at this time effectively carry out its tuberculosis eradication program on the basis of split-State tuberculosis status, it is necessary for APHIS to remove such status from the State to help prevent the spread of tuberculosis to and among livestock.

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

Executive Order 12866 and Regulatory Flexibility Act

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

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

Executive Order 12372

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

intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Incorporation by reference, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

Accordingly, we are amending 9 CFR part 77 as follows:

PART 77—TUBERCULOSIS

1. The authority citation for part 77 continues to read as follows:

Authority: 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

2. Section 77.3 is amended by revising paragraph (b) to read as follows:

§ 77.3 Accredited-free States or zones.

* * * * *

(b) The following are accredited-free zones: None.

* * * * *

3. Section 77.5 is amended by revising paragraphs (a) and (b) to read as follows:

§ 77.5 Nonmodified accredited States or zones.

(a) The following are nonmodified accredited States: Michigan.

(b) The following are nonmodified accredited zones: None.

* * * * *

Done in Washington, DC, this 22nd day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–16315 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 00–038–1]

Importation of Bovine Parts From Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations governing the importation of certain animals, meat, and other animal products by prohibiting the importation from Argentina of any bovine parts that are not, by standard practice, part of a bovine carcass that is placed in a chiller for maturation after slaughter. Items prohibited from importation include all parts of bovine heads, feet, hooves, and internal organs. Additionally, we are requiring that bovines slaughtered for the export of fresh beef from Argentina to the United States undergo ante- and post-mortem inspections for signs of foot-and-mouth disease and that representatives of the Animal and Plant Health Inspection Service be allowed access to the establishments where the bovines are slaughtered. We are also clarifying some provisions of the regulations. We are taking these actions as emergency measures to protect the livestock of the United States from foot-and-mouth disease.

DATES: This interim rule is effective June 28, 2000. We invite you to comment on this docket. We will consider all comments that we receive by August 28, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–038–1, 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. 00–038–1.

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. Gary Colgrove, Director, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.21 of the regulations allows the importation of fresh (chilled or frozen) beef from Argentina, but only under certain conditions, because fresh beef from Argentina that does not meet the required conditions would present an unacceptable risk of introducing FMD into the United States.

Maturation Process

Among the conditions for the importation of fresh beef from Argentina is the requirement in § 94.21(k) of this interim rule (designated as § 94.21(h) prior to this interim rule) that the meat come from bovine carcasses that have been allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 36 hours after slaughter and that have reached a pH of 5.8 or less in the loin muscle at the end of the maturation period. This provision goes on to state that if the meat does not meet this pH level after 60 hours, it may not be exported to the United States. This requirement is based on the fact that the FMD virus in meat is inactivated by acidification, which occurs naturally during maturation. An acid environment of a pH of 5.8 or less destroys the virus quickly.

Section 94.21, paragraph (i), of this interim rule (designated as § 94.21(i) prior to this interim rule) provides that beef from Argentina may not be exported to the United States unless all bone, blood clots, and lymphoid tissue have been removed from the meat. The removal of these parts is necessary because any FMD virus these parts might potentially harbor may not be inactivated by the maturation process described above.

It has come to our attention that, in some cases, among the bovine parts being imported into the United States from Argentina are those that are not, by standard practice, part of the carcass that is placed in a chiller for maturation after slaughter. In the rule we published in the **Federal Register** in June 1997 allowing the importation of fresh (chilled or frozen) beef from Argentina (62 FR 34385–34394), it was never our intent that such items be allowed entry into the United States. When we referred to fresh (chilled or frozen) beef in § 94.21, we meant only the traditional cuts of meat obtained from a bovine's carcass, not any part of the animal's head, its feet or hooves, or its internal organs. While portions of a bovine's head, feet, hooves, and internal organs may reach the necessary pH level during the required maturation process, these items can contain lymph tissue and blood clots that may potentially harbor FMD virus that is not inactivated.

Therefore, we are amending § 94.21 to prohibit the importation of any bovine parts that are not, by standard practice, part of the carcass that is placed in a chiller for maturation after slaughter. Included in this prohibition are all parts of bovine heads, feet, hooves, and internal organs.

Ante- and Post-Mortem Inspections

Because FMD has a short incubation period, if animals were infected with FMD at a premises of origin, it is likely that lesions would be visible in at least a few of those animals at the slaughtering establishment prior to slaughter. Similarly, post-mortem inspection of carcasses would be likely to identify any lesions and vesicles in animals infected with FMD. At the time we published our 1997 rule allowing the importation of fresh beef from Argentina, it was standard practice in that country to conduct ante- and post-mortem inspections of cattle at slaughtering establishments, in accordance with the Animal Health Code of the Office International des Epizooties and European Union requirements. Such inspections continue to be conducted as routine procedure.

Because ante- and post-mortem inspections are carried out as standard practice in Argentina, we did not specifically require such inspections in the regulations. However, because of the importance of these inspections in reducing disease risk, we are adding to § 94.21 explicit requirements for ante- and post-mortem inspections of bovines slaughtered for the export of fresh beef from Argentina to the United States.

APHIS Inspection of Slaughtering Establishments

We are also adding to § 94.21, as a condition for the importation of fresh beef from Argentina, that establishments in which the bovines are slaughtered allow periodic APHIS inspection of their facilities, records, and operations. Prior to this interim rule, § 94.21 already required that an authorized official of Argentina certify that the required conditions for importation have been met. We continue to believe that, in the great majority of cases, certification by an authorized official of Argentina that the requirements for importation have been met will be sufficient verification. However, because of the possibility of occasional differing interpretations of the regulations, we consider it advisable to enable APHIS representatives to have access to slaughtering establishments for periodic inspections of the establishments and their records and operations.

Meaning of "Originate"

One of the conditions for the importation of fresh beef from Argentina has been that the beef originate in Argentina. In order to avoid any misunderstanding of our intent regarding the term "originate," we are specifying in § 94.21(a) that fresh (chilled or frozen) beef to be imported from Argentina must originate from bovines that were born, raised, and slaughtered in Argentina. We consider this change necessary to make it clear that beef exported from Argentina that comes from any animals born, raised, or slaughtered in a country other than Argentina may not be imported into the United States.

Blood Clots and Lymphoid Tissue

As discussed above, one of the requirements for importing fresh beef from Argentina has been the removal from the meat of all bone, blood clots, and lymphoid tissue. Although we continue to consider the removal of these parts necessary, we recognize that meat may contain small portions of blood clots or lymphoid tissue that are not visually identifiable as such. Because such small parts are unlikely to harbor any FMD virus that is not inactivated by the process described above under the heading "Maturation Process," and because we recognize that it would be difficult, if not impossible, to remove parts of blood clots or lymphoid tissue that are not recognizable as such, we are clarifying in § 94.21(i) that for fresh beef to be imported from Argentina, all bone and visually identifiable blood clots and lymphoid tissue must have been removed from the meat.

Nonsubstantive Changes

In addition to the changes to the regulations discussed above, we are making some nonsubstantive changes to § 94.21. In § 94.21(e) (designated as § 94.21(g) prior to this interim rule), we are simplifying the wording of a condition for importation to state that "[t]he meat came from bovines that have never been vaccinated for rinderpest," rather than "[t]he meat came from bovines that have not been vaccinated for rinderpest at any time during the lifetime of any of the bovines slaughtered for export of meat," as was stated prior to this interim rule.

Additionally, we are reordering the sequence of the provisions in § 94.21 as follows: Paragraph (b) as set forth prior to this interim rule becomes paragraph (f); paragraph (c) becomes paragraph (j); paragraph (d) becomes paragraph (c); paragraph (e) becomes paragraph (b); paragraph (f) becomes paragraph (d); paragraph (g) becomes paragraph (e); paragraph (h) becomes paragraph (k); and paragraph (j) becomes paragraph (l).

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to protect the livestock of the United States from FMD.

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

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The 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.

This interim rule prohibits the importation of any bovine parts that are not, by standard practice, part of the carcass that is placed in a chiller for

maturation after slaughter. It additionally requires ante- and post-mortem inspections of animals from which fresh beef intended for importation into the United States comes, requires that APHIS representatives be allowed access to slaughtering establishments for periodic inspections, and clarifies certain provisions of the regulations.

Bovine Parts

There are many byproducts of beef production, including hide, hooves, tallow, blood meal, bone meal, head meat, tongue, lungs, tripe, and other organs. Parts used as food can be collectively termed edible offal. Exports of edible offal from the United States are over 10 times greater than U.S. imports of these products. This position as a strong net exporter reflects a domestic market in which prices are affected minimally, if at all, by the limited U.S. demand for imports. Canada, Australia, and New Zealand are the major foreign sources of edible offal for the United States, supplying more than 95 percent of the products imported.

Edible offal imports from Argentina in 1998 and 1999, the only years for which such imports are recorded, are relatively small. They totaled 13.8 metric tons and 460.2 metric tons, respectively, and had values of $41,000 and $1,052,000. Although the amount and value of the importations for 1999 show significant increases over 1998, they represent only 1.3 percent of U.S. edible offal imports.

Entities Affected

The entities in the United States most likely to be directly affected by this rule are meatpacking plants that import edible offal from Argentina. While there may be small entities affected by this rule, their number is not known. However, because edible offal imports from Argentina constitute a very small fraction of edible offal imports overall, and because U.S. imports of these products represent less than 10 percent of U.S. exports of such products, the effects of this rule on all entities, large or small, is expected to be insignificant.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 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 continues 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).

2. Section 94.21 is revised to read as follows:

§ 94.21 Restrictions on importation of beef from Argentina.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) beef from Argentina may be exported to the United States under the following conditions:

(a) The meat is beef from bovines that have been born, raised, and slaughtered in Argentina.

(b) Foot-and-mouth disease has not been diagnosed in Argentina within the previous 12 months.

(c) The meat came from bovines that originated from premises where foot-and-mouth disease and rinderpest have not been present during the lifetime of any bovines slaughtered for the export of meat to the United States.

(d) The meat came from bovines that originated from premises on which ruminants and swine had not been vaccinated with modified or attenuated live viruses for foot-and-mouth disease at any time during the lifetime of the bovines slaughtered for export of meat to the United States.

(e) The meat came from bovines that have never been vaccinated for rinderpest.

(f) The meat came from bovines that were moved directly from the premises of origin to the slaughtering establishment without any contact with other animals.

(g) The meat came from bovines that received ante-mortem and post-mortem veterinary inspections at the slaughtering establishment, with no evidence found of foot-and-mouth disease.

(h) The beef consists only of bovine parts that are, by standard practice, part of the animal's carcass that is placed in a chiller for maturation after slaughter. Bovine parts that may not be imported include all parts of bovine heads, feet, hooves, and internal organs.

(i) All bone and visually identifiable blood clots and lymphoid tissue have been removed from the meat.

(j) The meat has not been in contact with meat from regions other than those listed in § 94.1(a)(2).

(k) The meat came from bovine carcasses that were allowed to maturate at 40 to 50 § F (4 to 10 § C) for a minimum of 36 hours after slaughter and that reached a pH of 5.8 or less in the loin muscle at the end of the maturation period. Any carcass in which the pH does not reach 5.8 or less may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still does not reach a pH of 5.8 or less after 60 hours, the meat from the carcass may not be exported to the United States.

(l) An authorized official of Argentina certifies on the foreign meat inspection certificate that the above conditions have been met.

(m) The establishment in which the bovines are slaughtered allows periodic APHIS inspection of its facilities, records, and operations.

Done in Washington, DC, this 22nd day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–16314 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 436

RIN 1904–AB07

Energy Savings Performance Contracting; Technical Amendments

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is amending the sunset provision

in its regulations on energy savings performance contracting to incorporate the new sunset date established by the Energy Conservation Reauthorization Act of 1998. In addition, DOE is updating references to certain Federal Acquisition Regulation (FAR) provisions in a section of these regulations that deals with unsolicited energy savings performance contract proposals.

EFFECTIVE DATE: The final rule is effective on June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Tatiana Strajnic Muessel, Office of Federal Energy Management Programs, EE–90, 1000 Independence Ave., S.W., Washington, DC 20585; telephone: 202–586–9230.

SUPPLEMENTARY INFORMATION:

I. Explanation of Technical Amendments

When first enacted, section 801(c) of the National Energy Conservation Policy Act provided that the authority to enter into new energy savings performance contracts under that Act ''shall cease to be effective five years after the date procedures and methods are established under subsection (b)'' (42 U.S.C. 8287(c)). DOE incorporated this sunset provision in regulations it promulgated on April 10, 1995 (60 FR 18334), and codified in Subpart B of 10 CFR Part 436. Thus, under the original provision, the authority of Federal agencies to award energy savings performance contracts expired on April 10, 2000.

In the Energy Conservation Reauthorization Act of 1998, Public Law 105–388, Congress amended the sunset provision relating to energy savings performance contracts (42 U.S.C. 8287(c)) to provide that the authority to enter into new energy savings performance contracts ceases to be effective on October 1, 2003. DOE is promulgating a technical amendment to 10 CFR 436.30(a) to incorporate the new statutory sunset date in its regulations.

Today's rule also revises 10 CFR 436.33(b)(1) to update the references to the FAR in that paragraph, which relates to DOE's consideration of unsolicited proposals for energy savings performance contracts.

II. Regulatory and Procedural Requirements

A. Review Under Executive Order 12866

DOE determined that today's regulatory action is not ''a significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Because DOE is not required by the Administrative Procedure Act (5 U.S.C. 553) or any other law to propose this technical amendment for public comment, DOE did not prepare a regulatory flexibility analysis for this rule.

D. Review Under the Paperwork Reduction Act

No new collection of information is imposed by this interim final rule. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions that would not individually or cumulatively have a significant impact on the human environment, as determined by DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is covered under the Categorical Exclusion in paragraph A5 to subpart D, 10 CFR part 1021, which covers rulemakings that interpret or amend an existing regulation without changing the environmental effect of the regulation. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

F. Review under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 10, 1999) requires agencies 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.'' DOE has examined today's rule and has determined that it does 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. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each federal agency to prepare a written assessment of the effects of any federal mandate in a proposed or final rule that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million in any one year. The Act also requires a federal

agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirement that might significantly or uniquely affect them. This final rule does not contain any federal mandate, so these requirements do not apply.

H. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of today's final rule prior to the effective date set forth at the outset of this notice. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 801(2).

List of Subjects in 10 CFR Part 436

Energy, Government contracts.

Issued in Washington, DC, on June 21, 2000.

Dan W. Reicher

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set out in the preamble, DOE amends part 436 of Chapter II, Title 10 of the Code of Federal Regulations, as follows:

PART 436—FEDERAL ENERGY MANAGEMENT AND PLANNING PROGRAMS [AMENDED]

1. The authority citation for Part 436 continues to read as follows:

Authority: 42 U.S.C. 6361; 42 U.S.C. 8251–8263; 42 U.S.C. 8287–8287(c).

2. Section 436.30 in Subpart B, is amended in paragraph (a) by revising the first sentence to read as follows:

§ 436.30 Purpose and scope.

(a) General. This subpart provides procedures and methods which apply to Federal agencies with regard to the award and administration of energy savings performance contracts awarded on or before September 30, 2003. * * *

* * * * *

3. Section 436.33 in Subpart B is amended by revising paragraph (b)(1) to read as follows:

§ 436.33 Procedures and methods for contractor selection.

* * * * *

(b) * * *

(1) Consider unsolicited energy savings performance contract proposals from firms on a qualified contractor list under this subpart which include technical and price proposals and the text of any financing agreement (including a lease-acquisition) without regard to the requirements of 48 CFR 15.602 and 15.602–2(a)(1); 48 CFR 15.603; and 48 CFR 15.607(a), (a)(2), (a)(3), (a)(4) and (a)(5).

* * * * *

[FR Doc. 00–16298 Filed 6–27–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1700

RIN 2550–AA10

Organization and Functions

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Final rule.

SUMMARY: The Office of Federal Housing Enterprise Oversight (OFHEO) is revising its regulations that describe the Agency's organization and functions. The revisions reflect changes in the organizational structure of the Agency and the functional responsibilities of its offices. The revisions include a summary of two new offices and a reference to the location of OFHEO's website.

In promulgating this rule, OFHEO finds that notice and public comment are not necessary. Section 553(b)(3)(A) of Title 5, United States Code, provides that when regulations involve matters of agency organization, procedure or practice, the Agency may publish regulations in final form. In addition, OFHEO finds, in accordance with 5 U.S.C. 553(d), that a delayed effective date is unnecessary. Accordingly, these regulations are effective upon publication.

EFFECTIVE DATE: The final rule is effective June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Christine C. Dion, Associate General Counsel, telephone (202) 414–3838 (not a toll-free number), Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Discussion of the Final Regulation

This final rule informs the public about structural and functional changes within OFHEO that were recently implemented by the Director. Changes in the Agency's structure consist of the establishment of the ''Office of Information Technology'' and the ''Office of Strategic Planning and Management''.

The function of the ''Office of Information Technology'' is to plan, develop, secure, maintain, and assure the quality of OFHEO information systems and records management functions. The functions of the ''Office of Strategic Planning and Management''are to assist the Director in developing and maintaining a long-term strategic plan that is consistent with the mission of OFHEO, and to facilitate efforts to ensure that agency activities and operations are consistent with its strategic plan. This office also is responsible for leading the development of OFHEO's Annual Performance Plans and Annual Performance Reports.

Functional changes made by the Director to existing OFHEO offices are reflected in the offices' new titles. The ''Office of Research, Analysis and Capital Standards'' has been renamed the ''Office of Risk Analysis and Model Development''. This new title indicates that this office's principal functions are to develop and apply econometric, financial, and accounting models to evaluate the credit and interest rate risks of Freddie Mac and Fannie Mae (collectively, the ''Enterprises''), and to undertake related research and analyses. Notably, this office has developed and continues to maintain and enhance the set of models used for stress tests of the Enterprises, including the stress test to determine risk-based capital requirements, as required by OFHEO's enabling statute.[1] In addition to risk analysis and model development, this office has ongoing responsibility for determining the capital classifications of the Enterprises in order to ensure their capital adequacy.

Moreover, the ''Office of the Chief Economist'' has been renamed the ''Office of Policy Analysis and Research''. The name change reflects that the office's primary function is conducting research and policy analysis to assess and project the short- and long-term impact of issues and trends in housing finance. In addition to performing research and analyses, this office is responsible for developing policy options and making recommendations on a broad range of

[1] Federal Housing Enterprises Financial Safety and Soundness Act of 1992, Title XIII, Pub. L. 102–550, 106 Stat. 3941 *et seq.* (Oct. 29, 1992), section 1361.

issues relevant to OFHEO's regulatory oversight.

Although its functions have not changed, the ''Office of Congressional and Public Affairs'' has been renamed the ''Office of External Relations'' to represent its broader external responsibilities, including the coordination and communication with Congress, the news media and the public. The head of the office, the Associate Director for External Relations, continues to serve as spokesperson for OFHEO.

The ''Office of the General Counsel'' is not included in this rule because its functions and name have not changed. The ''Office of Examination Oversight'' and the ''Office of Finance and Administration'' are included in order to provide more detail about their functions.

This rule also references OFHEO's website where, among other things, the public may learn about the Agency. To that end, OFHEO's website includes an organizational chart, which reflects the Agency's structure noted in this rule.

Regulatory Impact

Executive Order 12866, Regulatory Planning and Review

This final rule is not classified as a significant rule under Executive Order 12866 because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets. Accordingly, no regulatory impact assessment is required and this final rule has not been submitted to the Office of Management and Budget for review.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a rule that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the Agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). OFHEO has considered the impact of this final rule under the Regulatory Flexibility Act. The General Counsel certifies that this final rule will not have a significant economic impact on a substantial number of small business entities.

Paperwork Reduction Act

This final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Unfunded Mandates Reform Act of 1995

This final rule does not require the preparation of an assessment statement in accordance with the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531. Assessment statements are not required for regulations that incorporate requirements specifically set forth in law. As explained in the preamble, this rule implements specific statutory requirements. In addition, this rule does not include a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

List of Subjects in 12 CFR Part 1700

Organization and functions (Government agencies).

For the reasons stated in the preamble, OFHEO is amending 12 CFR part 1700 as follows:

PART 1700—ORGANIZATION AND FUNCTIONS

1. The authority citation for part 1700 continues to read as follows:

Authority: 5 U.S.C. 552; 12 U.S.C. 4513, 4526.

2. Section 1700.2 is amended by:

A. Revising paragraphs (c)(1), (c)(2), (c)(3), (c)(5) and (c)(6);

B. Adding paragraphs (c)(7) and (c)(8); and

C. Revising paragraph (d).

§ 1700.2 Organization of the Office of Federal Housing Enterprise Oversight.

* * * * *

(c) *Offices and functions.* (1) *Office of Examination and Oversight.* The Office of Examination and Oversight plans and conducts examinations of the Enterprises, as required by the Act, prepares and issues reports of examination summarizing the financial condition and management practices of each Enterprise, and recommends corrective and preventative actions as appropriate. This office also is responsible for off-site financial safety and soundness monitoring.

(2) *Office of Risk Analysis and Model Development.* The Office of Risk Analysis and Model Development develops and applies econometric, financial and accounting models to evaluate the credit and interest rate risks of the Enterprises, and undertakes other related research and analyses. This office has developed and continues to maintain and enhance the set of models used for stress tests of the Enterprises, including the stress test to determine risk-based capital requirements, as required by the Act. This office is responsible for applying minimum and risk-based capital requirements in determining the capital classifications of the Enterprises in order to ensure their capital adequacy.

(3) *Office of Finance and Administration.* The Office of Finance and Administration provides support services in all areas of financial and administrative management of OFHEO. This office is responsible for developing, managing and implementing agency policies and procedures governing: (i) All human resources functions, including payroll; (ii) Support for all facility and supply requirements; (iii) Agency contracting and procurement programs; and (iv) Agency financial management, budgeting and accounting functions, including travel, internal controls and financial reporting.

* * * * *

(5) *Office of External Relations.* The Office of External Relations is responsible for coordinating and communicating on behalf of OFHEO with the Congress, for monitoring relevant legislative developments, and for analyzing and assisting the Director in developing legislative proposals. This office also is responsible for directing and coordinating communication with the news media and the public. The Associate Director for Public Affairs serves as spokesperson for OFHEO.

(6) *Office of Policy Analysis and Research.* The Office of Policy Analysis and Research conducts research and policy analysis to assess and project the short- and long-term impact of issues and trends in housing finance on OFHEO's regulatory and supervisory responsibilities. This office also develops policy options and makes recommendations to the Director on a broad range of issues.

(7) *Office of Information Technology.* The Office of Information Technology plans, develops, secures, maintains, and assures the quality of the OFHEO information systems and records

management functions. This office is responsible for establishing and implementing policies, procedures and standards in the following areas: information systems development and procurement, office automation, records management, information systems security and other information technology-related services.

(8) *Office of Strategic Planning and Management.* The Office of Strategic Planning and Management assists the Director in developing and maintaining a long term strategic plan that is consistent with the mission of OFHEO and facilitates efforts to ensure that the activities and operations of the Agency are consistent with the strategic plan. This office also is responsible for leading the development of OFHEO's Annual Performance Plans and Annual Performance Reports.

(d) *Additional information.* Current information on the organization of OFHEO may be obtained by mail from the Office of External Affairs, 1700 G Street NW, 4th Floor, Washington, DC 20552. Such information, as well as other OFHEO information, also may be obtained electronically by accessing OFHEO's website located at *''www.OFHEO.gov''.*

Dated: June 22, 2000.

Armando Falcon, Jr.,

Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 00–16287 Filed 6–27–00; 8:45 am]

BILLING CODE 4226–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–108–AD; Amendment 39–11803; AD 2000–13–04]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to all Boeing Model 777–200 and –300 series airplanes, that currently requires revising the Limitations Section of the Airplane Flight Manual (AFM) to prohibit the dispatch of certain airplanes under certain conditions. That amendment also requires repetitive inspections to ensure correct operation of the backup generators; and, for certain airplanes, a one-time inspection to detect damage of the engine external gearbox; and corrective actions, if necessary. This amendment continues the AFM and inspection requirements and expands certain corrective action requirements. This amendment is prompted by reports of inflight shutdowns due to sheared backup generator shafts. The actions specified in this AD are intended to prohibit the dispatch of an airplane with an engine-mounted backup generator having a sheared shaft; and to detect and correct damage to the engine, which could result in inflight shutdowns.

DATES: Effective July 13, 2000.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of December 23, 1999 (64 FR 68618, December 8, 1999).

Comments for inclusion in the Rules Docket must be received on or before August 28, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–108–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 2000–NM–108–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ed Hormel, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2681; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On November 30, 1999, the FAA issued AD 99–25–13, amendment 39–11456 (64 FR 68618, December 8, 1999), applicable to all Boeing Model 777–200 and –300 series airplanes, to require revising the Limitations Section of the Airplane Flight Manual to prohibit the dispatch of certain airplanes under certain conditions. That AD also requires repetitive inspections to ensure correct operation of the backup generators; and, for certain airplanes, a one-time inspection to detect damage of the engine external gearbox; and corrective actions, if necessary.

A correction of the final rule was published in the **Federal Register** on December 22, 1999 (64 FR 71635, December 23, 1999). That AD (AD 99–25–13 C1, amendment 39–11456) corrects incorrect paragraph references in AD 99–25–13. That action was prompted by reports of inflight shutdowns due to sheared backup generator shafts. The actions required by the correction AD are intended to prohibit the dispatch of an airplane with an engine-mounted backup generator having a sheared shaft; and to detect and correct damage to the engine, which could result in inflight shutdowns.

Actions Since Issuance of Previous Rule

Since the issuance of AD 99–25–13 C1, the FAA has received questions from an operator regarding the following corrective action procedures:

- Boeing Service Letter 777–SL–24–023–B, dated August 16, 1999, specifies accomplishment of the applicable actions specified in both Steps 2.a.(1) and 2.a.(2) of that service letter. However, paragraph (d)(1)(ii) in that AD requires the accomplishment of either Steps 2.a.(1) or 2.a.(2), as applicable.
- Boeing Service Letter 777–SL–24–024, dated August 16, 1999, specifies accomplishment of the applicable actions specified in both Steps 1.a.(1) and 1.a.(2) of that service letter. However, paragraph (d)(2) in that AD requires the accomplishment of either Steps 1.a.(1) or 1.a.(2), as applicable.

In response to the operator's questions, the FAA has determined that it is necessary to require the accomplishment of both of the applicable corrective actions specified in paragraph (d)(1)(ii) in that AD [cited as paragraph (f)(1)(ii) in this AD] for airplanes equipped with certain Rolls-Royce engines, and both of the applicable corrective actions specified in paragraph (d)(2) in that AD [cited as paragraph (f)(2) of this AD] for airplanes equipped with certain General Electric engines.

In addition, paragraphs (d)(1)(ii) and (d)(2) in that AD should have specified that the corrective actions required by those paragraphs are specified in certain

steps ''of the service letter.'' That service letter clarification has been added to paragraphs (f)(1)(ii) and (f)(2) of this AD, accordingly.

Paragraphs (d)(3), (d)(3)(i), and (d)(3)(ii) in that AD are cited as paragraphs (d), (d)(1), and (d)(2) of this AD for airplanes equipped with certain Pratt & Whitney engines. Other paragraphs of this AD also have been reformatted.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 99–25–13 C1 to continue to require revising the Limitations Section of the Airplane Flight Manual to prohibit the dispatch of certain airplanes under certain conditions; repetitive inspections to ensure correct operation of the backup generators; and, for certain airplanes, a one-time inspection to detect damage of the engine external gearbox; and corrective actions, if necessary. This amendment also expands the requirements for certain corrective actions.

Determination of Rule's Effective Date

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

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (*e.g.,* reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–108–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 removing amendment 39–11456 (64 FR 71635, December 23, 1999), and by adding a new airworthiness directive (AD), amendment 39–11803, to read as follows:

2000–13–04 Boeing: Amendment 39–11803. Docket 2000-NM–108-AD. Supersedes AD 99–25–13 C1, Amendment 39–11456.

Applicability: Model 777–200 and –300 series airplanes equipped with Rolls-Royce Trent 800, General Electric GE90, or Pratt & Whitney PW4000 series turbofan engines; 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 (h) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prohibit dispatch of an airplane with an engine-mounted backup generator having a sheared shaft; and to detect and correct damage to the engine, which could result in inflight shutdowns; accomplish the following:

Restatement of Requirements of AD 99–25–13 C1

Revisions to the Airplane Flight Manual

(a) For all airplanes: Within 14 days after December 23, 1999 (the effective date of AD 99–25–13 C1, amendment 39–11456), revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following information. This may be accomplished by inserting a copy of this AD in the AFM.

Dispatch of the airplane with an engine-mounted backup generator having a sheared shaft is prohibited.

Following replacement of the backup generator on both the left and right engines, extended twin-engine operations (ETOPS) flight is prohibited until a non-ETOPS flight of at least one hour in duration is accomplished.

Prohibited Servicing or Replacement

(b) For all airplanes: As of 14 days after December 23, 1999, the servicing of both the left and right backup generators or replacement of both backup generators with new or serviceable components by the same individual prior to the same flight is prohibited.

One-Time Actions for Rolls-Royce Engines

(c) For airplanes equipped with Rolls-Royce Trent 800 series turbofan engines: Within 14 days after December 23, 1999, determine whether the status message ''ELEC BACKUP GEN L(R)'' and the maintenance message ''Backup generator L(R) has a sheared shaft'' have occurred within the last 250 flight hours prior to the effective date of this AD. If these messages have occurred during that time, accomplish follow-on corrective actions, as applicable, at the times specified in paragraphs C.1.(c) and D. of Rolls-Royce Service Bulletin RB.211–72–C813, Revision 1, dated July 16, 1999, in accordance with the procedures specified in the service bulletin.

Note 2: Boeing Service Letter 777–SL–24–023-B, dated August 16, 1999, references Rolls-Royce Service Bulletin RB.211–72-C813, Revision 1, dated July 16, 1999, as an additional source of service information to accomplish certain actions required by this AD.

Inspections and Corrective Actions: Pratt & Whitney Engines

(d) For Model 777 series airplanes equipped with Pratt & Whitney PW4000 series turbofan engines: Within 14 days after December 23, 1999, and thereafter prior to each flight, if the status message ''ELEC BACKUP GEN L(R)'' is active, prior to further flight, inspect the Maintenance Access Terminal (MAT) for certain maintenance messages indicating a sheared shaft or low oil pressure, in accordance with Step 1.a. of Boeing Service Letter 777-SL–24–025, dated August 18, 1999.

(1) If any of the specified maintenance messages is active, prior to further flight, remove and replace the backup generator in accordance with Airplane Maintenance Manual (AMM) 24–25–01–000–801 or 24–25–01–400–801, as applicable.

(2) If the backup generator shaft is found to be sheared, or either of the low oil pressure messages are active, prior to further flight, accomplish the corrective actions specified in Step 1.a.(1) of Boeing Service Letter 777-SL–24–025, dated August 18, 1999, in accordance with that service letter.

Flight Test After Replacement of Backup Generators: Pratt & Whitney Engines

(e) For airplanes equipped with Pratt & Whitney PW4000 series turbofan engines: As of 14 days after December 23, 1999, following any replacement of the backup generator on both the left and right engines, accomplish paragraphs (e)(1) and (e)(2) of this AD at the times specified in those paragraphs.

(1) Prior to any ETOPS flight, conduct a non-revenue test flight of at least one hour in duration, or a non-ETOPS flight that is either a non-revenue or revenue flight of at least one hour in duration.

(2) Prior to further flight after accomplishment of the action required by paragraph (e)(1) of this AD: Verify accomplishment of the maintenance actions required by paragraphs (d), (d)(1), and (d)(2) of this AD, as applicable.

New Requirements of This AD

Inspections and Corrective Actions: Rolls-Royce and General Electric Engines

(f) Within 14 days after the effective date of this AD, and thereafter prior to each flight: Accomplish paragraphs (f)(1) or (f)(2) of this AD, as applicable.

(1) For airplanes equipped with Rolls-Royce Trent 800 series turbofan engines: Accomplish paragraphs (f)(1)(i) and (f)(1)(ii) of this AD.

(i) Inspect the Electrical Maintenance Page of the engine indicating and crew alerting system (EICAS), and perform follow-on corrective actions, as applicable, at the times specified in and in accordance with the procedures specified in Boeing Service Letter 777–SL–24–023–B, dated August 16, 1999.

(ii) If the status message ''ELEC BACKUP GEN L(R)'' is active: Prior to further flight, inspect the MAT for certain maintenance messages indicating a sheared shaft or low oil pressure, as specified in Step 2.a. of Boeing Service Letter 777–SL–24–023–B, dated August 16, 1999; and accomplish the corrective actions specified in Steps 2.a.(1) and 2.a.(2) of the service letter, as applicable, in accordance with that service letter.

(2) For airplanes equipped with General Electric GE90 series turbofan engines: If the status message ''ELEC BACKUP GEN L(R)'' is active, prior to further flight, inspect the MAT for certain maintenance messages indicating a sheared shaft or low oil pressure, as specified in Step 1.a. of Boeing Service Letter 777–SL–24–024, dated August 16, 1999; and accomplish the corrective actions specified in Steps 1.a.(1) and 1.a.(2) of the service letter, as applicable, in accordance with the service letter.

Flight Test After Replacement of Backup Generators: Rolls-Royce and General Electric Engines

(g) For airplanes equipped with Rolls-Royce Trent 800 and General Electric GE90 series turbofan engines: As of 14 days after the effective date of this AD, following any replacement of the backup generator on both the left and right engines, accomplish paragraphs (g)(1) and (g)(2) of this AD at the times specified in those paragraphs.

(1) Prior to any ETOPS flight, conduct a non-revenue test flight of at least one hour in duration, or a non-ETOPS flight that is either a non-revenue or revenue flight of at least one hour in duration.

(2) Prior to further flight after accomplishment of the action required by paragraph (g)(1) of this AD: Verify accomplishment of the maintenance actions required by paragraph (f)(1) or (f)(2) of this AD, as applicable.

Alternative Methods of Compliance

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle 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, Seattle ACO.

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

Special Flight Permits

(i) 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 airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(j) Except as provided by paragraphs (a), (d)(1), (e)(1), (e)(2), (g)(1), and (g)(2) of this AD, the actions shall be done in accordance with Rolls-Royce Service Bulletin RB.211–72–C813, Revision 1, dated July 16, 1999; Boeing Service Letter 777–SL–24–023–B, dated August 16, 1999; Boeing Service Letter 777–SL–24–024, dated August 16, 1999; or Boeing Service Letter 777–SL–24–025, dated August 18, 1999; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of December 23, 1999 (64 FR 68618, December 8, 1999). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(k) This amendment becomes effective on July 13, 2000.

Issued in Renton, Washington, on June 21, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16233 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–09]

Establishment of Class E Airspace; Minneapolis, Anoka County-Blaine Airport, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Minneapolis, Anoka County-Blaine Airport, MN. Anoka

County-Blaine Airport is served by Federal Aviation Regulations Part 135 (14 CFR Part 135) air carrier operations. Controlled airspace extending upward from the surface is needed to contain aircraft executing instrument flight procedures and provide a safer operating environment when the control tower is closed. The airport meets the minimum communications and weather observation and reporting requirements for controlled airspace extending upward from the surface. This action creates controlled airspace with a 3.9-mile radius for this airport.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 12, 2000, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Minneapolis, Anoka County-Blaine Airport, MN (65 FR 19701). The proposal was to add controlled airspace extending upward from the surface is contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from the surface of the earth are published in paragraph 6002 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Minneapolis, Anoka County-Blaine Airport, MN, to accommodate and Part 135 air carrier aircraft executing instrument flight rules procedure during periods when the control tower is closed. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

* * * * *

Paragraph 6002 Class E airspace designated on a surface area.

* * * * *

AGL MN E2 Minneapolis, Anoka County-Blaine Airport, MN [New]

Anoka County-Blaine Airport, MN
(Lat. 45°08′42″ N., long 93°12′41″ W.)

Within an 3.9-mile radius of the Minneapolis, Anoka County-Blaine Airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on June 14, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–16333 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–42]

Modification of Class E Airspace; Marquette, MI; Revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: On December 3, 1999, the FAA published a final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI. An integral part of this airspace action is the decommissioning of the Marquette (MQT), MI, VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and commissioning of the new Gwinn (GWI), MI, VOR/DME. On February 2, 2000, the effective date of this final rule was delayed until further notice due to the delay in the commissioning, due to construction, of the new Gwinn VOR/DME. On May 2, 2000, the effective date of this final rule was established as August 10, 2000, concurrent with the commissioning of the GWI VOR/DME. Subsequent to May 2, 2000, the decision was made to change the name of the GWI VOR/DME to the Sawyer (SAW) VOR/DME. This action makes that name correction.

EFFECTIVE DATE: 0901 UTC, August 10, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ilinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION: On December 3, 1999, the FAA published a final rule modifying Class E airspace at marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI (64 FR 67713). Due to a delay in construction, and subsequent commissioning, of the new Gwinn, MI, VOR/DME this airspace action could not be implemented on the original effective date. Accordingly, the effective date of the modification of the Class airspace at Marquette, MI, and the revocation of the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI, was delayed until further notice (65 FR 4871).

Subsequently, the new effective date of the final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and

K.I. Sawyer, MI was established as August 10, 2000 (65 FR 25440). After establishing this new effective date, a decision was made to change the name of the GWI VOR/DME to the SAW VOR/DME to more accurately reflect the location of the navigational aid. Accordingly, all references to the Gwinn (GI), MI, VOR/DME are changed to the Sawyer (SAW), MI, VOR/DME in the final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI (64 FR 67713).

Issued in Des Plaines, Illinois on June 15, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–16334 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–10]

Establishment of Class E Airspace; Minneapolis, Crystal Airport, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Minneapolis, Crystal Airport, MN. Crystal Airport is served by Federal Aviation Regulations Part 135 (14 (CFR Part 135) air carrier operations. Controlled airspace extending upward from the surface is need to contain aircraft executing instrument flight procedures and provide a safer operating environment when the control tower is closed. The airport meets the minimum communications and weather observation and reporting requirements for controlled airspace extending upward from the surface. This action creates controlled airspace with a 3.8-mile radius for this airport.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 19, 2000, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Minneapolis, Crystal Airport, MN (65 FR 20932). The proposal was to add controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from the surface of the earth are published in paragraph 6002 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Minneapolis, Crystal Airport, MN, to accommodate and Part 135 air carrier aircraft executing instrument flight rules procedure during periods when the control tower is closed. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is no minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS, ROUTES, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

* * * * *

Paragraph 6002 Class E airspace designated as a surface area.

* * * * *

AGL MN E2 Minneapolis, Crystal Airport, MN [New]

Crystal Airport, MN
(Lat. 43° 03′ 43″ N., long. 93° 21′ 14″ W.)

Within an 3.8-mile radius of the Minneapolis, Crystal Airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on June 14, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–16335 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–07]

Establishment of Class E Airspace; Wadena, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Wadena, MN. An Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 34 has been developed for Wadena Municipal Airport. Controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain aircraft executing this approach. This action

creates controlled airspace for Wadena Municipal Airport.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 12, 2000, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Wadena, MN (65 FR 19699). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Wadena, MN, to accommodate aircraft executing the proposed RNAV Rwy 34 SIAP Wadena Municipal Airport by creating controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 Feet or more above the surface of the earth

* * * * *

AGL MN E5 Wadena, MN [New]

Wadena Municipal Airport, MN
(Lat. 46° 26′ 51″N., long. 95° 12′ 41″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Wadena Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on June 14, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–16336 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AGL–08]

Establishment of Class E Airspace; Minneapolis, Flying Cloud Airport, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Minneapolis, Flying Cloud Airport, MN. Flying Cloud Airport is served by Federal Aviation Regulations Part 135 (14 CFR Part 135) air carrier operations. Controlled airspace extending upward from the surface is needed to contain aircraft executing instrument flight procedures and provide a safer operating environment when the control tower is closed. The airport meets the minimum communications and weather observation and reporting requirements for controlled airspace extending upward from the surface. This action creates controlled airspace with a 4.0-mile radius for this report.

EFFECTIVE DATE: 0901 UTC, October 5, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, April 12, 2000, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Minneapolis, Flying Cloud Airport, MN (65 FR 19700). The proposal was to add controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from the surface of the earth are published in paragraph 6002 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Minneapolis, Flying Cloud Airport, MN, to accommodate any Part 135 air carrier aircraft executing instrument flight rules procedure during periods when the control tower is closed. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established

body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6002 Class E airspace designated as a surface area

* * * * *

AGL MN E2 Minneapolis, Flying Cloud Airport, MN [New]

Flying Cloud Airport, MN

(Lat. 44°49′38″ N., long. 93°27′26″ W.)

Within a 4.0-mile radius of the Minneapolis, Flying Cloud Airport. This Class E airspace area is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on June 14, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–16337 Filed 6–21–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30088; Amdt. No. 1997]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic description on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC)

Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on June 23, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective August 10, 2000*

Adak, AK, Adak NAF, NDB/DME RWY 23, Orig
Clearwater, FL, Clearwater Air Park, GPS RWY 16, Orig, CANCELLED
Clearwater, FL, Clearwater Air Park, RNAV RWY 16, Orig,
Marietta, GA, Cobb County-McCollum Field, ILS RWY 27, Amdt 1
Marietta, GA, Cobb County-McCollum Field, GPS RWY 9, Orig, CANCELLED
Marietta, GA, Cobb County-McCollum Field, GPS RWY 27, Orig, CANCELLED
Marietta, GA, Cobb County-McCollum Field, RNAV RWY 9, Orig
Marietta, GA, Cobb County-McCollum Field, RNAV RWY 27, Orig
Milledgeville, GA, Baldwin County, NDB RWY 28, Amdt 1
Pikeville, KY, Pike County-Hatcher Field, GPS RWY 9, Amdt Orig-A, CANCELLED
Pikeville, KY, Pike County-Hatcher Field, RNAV RWY 9, Orig
Pikeville, KY, Pike County-Hatcher Field, GPS RWY 27, Amdt Orig-A, CANCELLED
Pikeville, KY, Pike County-Hatcher Field, RNAV RWY 27, Orig
Escanaba, MI, Delta County, ILS RWY 9, Amdt 1
Gwinn, MI, Sawyer Intl, VOR/DME–A, Orig, CANCELLED
Gwinn, MI, Sawyer Intl, NDB RWY 1, Orig, CANCELLED
Gwinn, MI, Sawyer Intl, NDB RWY 19, Orig, CANCELLED
Gwinn, MI, Sawyer Intl, ILS RWY 1, Orig, CANCELLED
Marquette, MI, Sawyer Intl, RNAV RWY 19, Orig
Hancock, MI, Houghton County Memorial, ILS RWY 31, Amdt 13
Iron Mountain/Kingsford, MI, Ford, LOC/DME BC RWY 19, Amdt 13
Iron Mountain/Kingsford, MI, Ford, ILS RWY 1, Amdt 12
Detroit/Grosse, MI, Grosse Ile Muni, RNAV RWY 22, Orig
Marquette, MI, Sawyer Intl, VOR/DME RWY 1, Orig
Marquette, MI, Sawyer Intl, VOR RWY 1, Orig
Marquette, MI, Sawyer Intl, VOR RWY 19, Orig
Marquette, MI, Sawyer Intl, NDB RWY 1, Orig
Marquette, MI, Sawyer Intl, ILS RWY 1, Orig
Saginaw, MI, Saginaw County H. W. Browne, RNAV RWY 27, Orig
Hibbing, MN, Chisholm-Hibbing, LOC BC RWY 13, Amdt 11A, CANCELLED
Baker, MT, Baker Muni, NDB RWY 13, Orig
Baker, MT, Baker Muni, NDB RWY 31, Orig
Monticello, NY, Sullivan County Intl, RNAV RWY 33, Orig
Fargo, ND, Hector Intl, RNAV RWY 8, Orig
Fargo, ND, Hector Intl, RNAV RWY 26, Orig
Fort Stockton, TX, Fort Stockton-Pecos County, VOR RWY 12, Amdt 8
Fort Stockton, TX, Fort Stockton-Pecos County, VOR/DME RWY 30, Orig
Fort Stockton, TX, Fort Stockton-Pecos County, RNAV RWY 12, Orig
Fort Stockton, TX, Fort Stockton-Pecos County, RNAV RWY 30, Orig
Fort Stockton, TX, Fort Stockton-Pecos County, GPS RWY 12, Orig-A
Fort Stockton, TX, Fort Stockton-Pecos County, GPS RWY 30, Orig-A
Port Lavaca, TX, Calhoun County, VOR/DME–A, Amdt 4
Port Lavaca, TX, Calhoun County, NDB RWY 14, Amdt 4
Port Lavaca, TX, Calhoun County, RNAV RWY 14, Orig
Rockport, TX, Aransas Co, VOR/DME OR TACAN–A, Amdt 9
Rockport, TX, Aransas Co, NDB RWY 14, Orig
Rockport, TX, Aransas Co, NDB 1 RWY 14, Amdt 7, CANCELLED
Rockport, TX, Aransas Co, NDB 2 RWY 14, Amdt 3, CANCELLED
Rockport, TX, Aransas Co, RNAV RWY 14, Orig

[FR Doc. 00–16339 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30089; Amdt. No. 1998]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125), telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic Control, Airports, Navigation (air).

Issued in Washington, DC on June 23, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40130, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49)(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending; § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME;§ 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective Upon Publication*

FDC date	State	City	Airport	FDC	SIAP
04/17/00	ID	Boise	Boise Air Terminal (Gowen Field)	0/3788	ILS Rwy 10R, Amdt 8C...
06/01/00	IL	Champaign/Urbana	University of Illinois—Williard	0/5785	GPS Rwy 18 Orig...
06/01/00	MI	Saginaw	MBS Intl	0/06682	VOR OR GPS RWY 32, AMDT 9... This Replaces 0/5787
06/09/00	FL	Gainseville	Gainsevill Regional	0/6193	NDB Rwy 28, Amdt 8B...
06/09/00	MN	Hibbing	Chisholm-Hibbing	0/6178	VOR or GPS Rwy 13, Amdt 12...
06/09/00	MN	Hibbing	Chisholm-Hibbing	0/6179	VOR or GPS Rwy 31, Amdt 16...
06/09/00	NC	New Bern	Craven County Regional	0/6176	VOR or GPS Rwy 22, Amdt 1C...
06/12/00	IL	Chicago	Chicago-O'Hare Intl	0/6259	ILS Rwy 4R, Amdt 6C...
06/12/00	NC	Charlottee	Charlottee/Douglas Intl	0/6260	ILS Rwy 23, Amdt 1...
06/14/00	MI	Menominee	Menominee—Marinette Twin County	0/6347	GPS Rwy 32, Orig... This Replaces 0/5919
06/15/00	FL	Destin	Destin-Fort Walton Beach	0/06411	RNAV Rwy 32, Orig...
06/15/00	FL	Jacksonville	Cecil Field	0/6412	Radar-1, Orig...
06/15/00	IL	Chicago/Lake in the Hills	Lake in the Hills	0/6380	VOR Rwy 26,Amdt 3...
06/15/00	IL	Chicago/Prospect Hgts/ Wheeling.	Palwaukee Muni	0/6416	GPS Rwy 16, Orig...
06/15/00	IL	Chicago	Chicago-O'Hare Intl	0/6382	LOC Rwy 4L, Amdt 19C...
06/15/00	IL	Chicago	Chicago-O'Hare Intl	0/6418	ILS Rwy 14L (Cat I, Cat II, Cat III), Amdt 28C...
06/15/00	IL	Chicago	Chicago-O'Hare Intl	0/6419	ILS Rwy 14R (Cat I, Cat II, Cat III), Amdt 29B...
06/1500	IL	De Kalb	De Kalb Taylor Muni	0/06417	VOR/DME or GPS Rwy 27, Amdt 5...
06/15/00	MI	Pellston	Pellston Regional Airport of Emmet County.	0/6453	VOR or GPS Rwy 23, Amdt 15... This Replaces 0/5908
06/15/00	NH	Lebnon	Lebanon Muni	0/6406	GPS Rwy 25 Orig...
06/15/00	NH	Lebanon	Lebanon Muni	0/6507	GPS Rwy 7 Orig...
06/15/00	OR	Salem	McNary Field	0/6488	NDB or GPS Rwy 31, Amdt 18C...
06/15/00	TN	Memphis	Memphis Intl	0/6377	ILS Rwy 9, Amdt 26...
06/15/00	TN	Memphis	Memphis Intl	0/6378	NDB or GPS Rwy 9, Amdt 26A...
06/15/00	WY	Cheyenne	Cheyenne	0/6481	NDB Rwy 26, Amdt 13...
06/16/00	AK	Nome	Nome	0/6548	ILS Z Rwy 27, Amdt 1...
06/16/00	AK	Nome	Nome	0/6551	ILS Rwy 27, Amdt 5...
06/16/00	ND	Dickinson	Dickinson Muni	0/6522	VOR or GPS–A, Amdt 5...
06/19/00	CA	Los Banos	Los Banos Muni	0/6645	VOR/DME or GPS Rwy 32 Amdt 4A...
06/19/00	CA	NAPA	NAPA County	0/6644	VOR or GPS Rwy 6 Amdt 11A...
06/19/00	CA	Ontario	Ontario Intl	0/6627	ILS Rwy 26L (Cat 1, Cat II, CAT III) Amdt 7A...
06/19/00	FL	Zephyrhills	Zephyrhills Muni	0/6676	GPS Rwy 36, Orig...
06/19/00	MI	Saginaw	MBS Intl	0/6683	VOR or GPS Rwy 14, Amdt 13... This Replaces 0/5788
06/19/00	OK	Stigler	Stigler Muni	0/6648	GPS Rwy 17, Orig...
06/19/00	OK	Stigler	Stigler Muni	0/6649	GPS Rwy 35, Orig...
06/20/00	WI	Fond Du Lac	Fond Du Lac County	0/6743	VOR/DME or GPS Rwy 18, Amdt 6A...
06/20/00	WI	Fond Du Lac	Fond Du Lac County	0/6744	VOR/DME Rwy 36, Amdt 6A...
06/20/00	WI	Fond Du Lac	Fond Du Lac County	0/6745	GPS Rwy 36, Orig-A...
06/20/00	WI	Fond Du Lac	Fond Du Lac County	0/6746	SDF Rwy 36, Amdt 6A...
06/21/00	GA	Rome	Richard B. Russell	0/6805	NDB or GPS–A, Amdt 6...
06/21/00	GA	Rome	Richard B. Russell	0/6806	ILS/DME Rwy 1, Orig...
06/21/00	GA	Rome	Richard B. Russell	0/6807	VOR/DME or GPS Rwy 1, Amdt 8A...
06/21/00	IL	Taylorville	Taylorville Muni	0/6813	NDB Rwy 18, Amdt 3...
06/21/00	MO	Sikeston	Sikeston Memorial Muni	0/6797	VOR/DME or GPS Rwy 2, Amdt 1B...
06/21/00	MO	Sikeston	Sikeston Memorial Muni	0/6798	GPS Rwy 20, Orig-A

[FR Doc. 00–16338 Filed 6–27–00; 8:45 am]
BILLING CODE 4910—13—M

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

15 CFR Part 280

[Docket No: 980623159–0166–04]

RIN 0693–AB47

Procedures for Implementation of the Fastener Quality Act

AGENCY: National Institute of Standards and Technology and the Bureau of Export Administration and the United States Patent and Trademark Office, United States Department of Commerce.

ACTION: Final rule.

SUMMARY: The Director of the National Institute of Standards and Technology (NIST), United States Department of Commerce, and the Under Secretary of the Bureau of Export Administration, United States Department of Commerce, and the Under Secretary for Intellectual Property and Director of the United States Patent and Trademark Office, United States Department of Commerce (collectively referred to as the Department) are today issuing a final rule amending regulations found at 15 CFR part 280 implementing the Fastener Quality Act (FQA). A notice of proposed rulemaking on this topic was published in the **Federal Register** on December 15, 1999. This final rule responds to comments received on the December 15, 1999 notice of proposed rulemaking and incorporates into the regulations amendments to the Fastener Quality Act contained in the Fastener Quality Act Amendments of 1999. The changes include the elimination of testing and paperwork requirements and of NIST's role in evaluating and approving bodies that accredit laboratories and registrars.

The final rule amends the regulations to set forth the procedures under which NIST will accept petitions for approval of certain documents and self-declarations for accreditation bodies. The final rule also amends the enforcement provisions of the regulations to set forth violations as they are contained in the amended FQA. The final rule amends the recordal of insignia provisions of the regulations to remove all references to private label distributors and to provide that fasteners whose insignia must be recorded are those fasteners that are required by the applicable consensus standards to bear ''an insignia'' rather than a ''raised or depressed insignia,'' and that these fasteners are not subject to the recordal requirements if the specifications provide otherwise.

DATES: This rule is effective July 28, 2000.

FOR FURTHER INFORMATION CONTACT: Dr. Subhas Malghan, Director's Office, Technology Services, National Institute of Standards and Technology, Mail Stop 2000, Gaithersburg, MD 20899–2000, telephone number (301) 975–4510.

SUPPLEMENTARY INFORMATION:

Background

The Fastener Quality Act (FQA) was originally enacted in 1990 to protect the public safety by: (1) Requiring that certain fasteners which are sold in commerce conform to the specifications to which they are represented to be manufactured, (2) providing for accreditation of laboratories engaged in fastener testing; and (3) requiring inspection, testing and certification, in accordance with standardized methods, of fasteners covered by the Act. Since its enactment, the FQA has been amended three times (Pub. L. 104–113, Pub. L. 105–234, and Pub. L. 106–34). The Department of Commerce published final implementing regulations for the original FQA on September 26, 1996 and for the FQA as amended by Pub. L. 104–113 on September 8, 1998.

On June 8, 1999, the Fastener Quality Act Amendments of 1999 (the Act) (Pub. L. 106–34, 113 Stat. 118) were enacted ''to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.'' The Act made significant changes to the FQA. Under the Act, the Secretary retains his enforcement functions and the responsibility for establishing and maintaining an insignia recordation program, and the National Institute of Standards and Technology (NIST) must continue its fastener laboratory accreditation program established under the National Voluntary Laboratory Accreditation Program (15 CFR part 285). In addition, the Act creates new responsibilities for NIST, including: acting upon petitions requesting approval of documents setting forth guidance/requirements for certification of manufacturing systems as fastener quality assurance systems by accredited third parties; acting upon petitions requesting approval of documents setting forth guidance/requirements for accreditation of laboratories; and acting upon petitions requesting approval of documents setting forth guidance/requirements for approval of accreditation bodies to accredit laboratories. NIST also must accept affirmations, in the form of self-declarations that the accreditation bodies meet the requirements of the applicable Guide, from accreditation bodies accrediting third parties who certify manufacturing systems as fastener quality assurance systems and from accreditation bodies accrediting laboratories.

The Act eliminates many of the responsibilities delegated by the Secretary of Commerce to NIST under the FQA, including: establishing procedures for private entities (domestic and foreign) to accredit laboratories; establishing conditions for recognizing foreign laboratories accredited by their governments or organizations; establishing the size, selection, and integrity of samples of fasteners to be inspected if not provided in the standards and specifications to which the fasteners are manufactured; establishing a required form for written inspection and testing reports; establishing which entities must retain custody of laboratory testing reports and certificates of conformance and for what period of time.

The Department published a notice of proposed rule making in the **Federal Register** on December 15, 1999 (64 FR 69969), seeking public comment on proposed amendments to the regulations to implement the FQA as amended by the Fastener Quality Act Amendments of 1999. The comment period was to close on January 14, 2000. During the comment period, the Department received five responses requesting an extension of the comment period. On January 11, 2000, the Department published a notice in the **Federal Register** ((65 FR 1572)(2000)) extending the comment period to January 28, 2000.

Summary of Public Comments Received by the Department in Response to the December 15, 1999 Notice of Proposed Rulemaking, and the Department's Response to Those Comments

In addition to the five responses requesting an extension of the comment period, the Department received thirteen responses to the request for comments. Five responses were received from domestic associations; two were from accreditation bodies, one domestic and one foreign; one was from a domestic fastener manufacturer; one was from a foreign steel manufacturer; one was from a domestic fastener importer; one was from a domestic fastener distributor; and one was a domestic quality consultant. A detailed analysis of the comments follows.

Comments on the Fastener Quality Act Amendments of 1999

Comment: Five commenters raised concerns with the Fastener Quality Act Amendments of 1999, not the implementing regulations.

Response: The Department is implementing the legislation enacted by Congress. Comments raising concerns with the Act, itself, are outside the scope of this rulemaking.

Comments on the Establishment of a Hotline System To Facilitate the Reporting of Alleged Violations of the FQA

Comment: Four comments related to the fastener hotline system to facilitate the reporting of alleged violations of the FQA that the Secretary is required to establish and maintain under section 6(d)(2) of the FQA, as amended. All favored the speedy establishment of the hotline. The three associations that commented on this subject said that the hotline should be operated by the Bureau of Export Administration (BXA) since ''BXA is an experienced enforcement agency and has responsibility under sections 280.203 through 280.222 of the proposed regulations for administrative enforcement proceedings.'' The fourth commenter, a domestic manufacturer of products that incorporate fasteners, said that the National Institute of Standards and Technology (NIST) should implement the mandate to establish and maintain the hotline system.

Response: Since the hotline system is to facilitate the reporting of alleged violations of the hotline, and is not a general line for information regarding the FQA, and based on the comments received, the hotline will be operated by BXA, with NIST providing technical support. The telephone number for the hotline is: 1–800–424–2980, and it will be available beginning immediately. This hotline is only for reporting alleged violations, not for obtaining general FQA information.

Comments on Laboratory Accreditations, Laboratory Accreditation Bodies, and Use of Accredited Laboratories

Comment: Three commenters (all domestic associations) noted that the proposed rule was inconsistent with the amended FQA on the issue of what entities may accredit laboratories. All three commenters noted that, while section 3(1)(B) of the amended FQA (15 U.S.C. 5402(1)(B)) allows for laboratories to be accredited by any ''laboratory accreditation body that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under section 10(d), including revisions from time to time,'' section 280.103 of the proposed rule limited laboratory accreditation bodies to ''any voluntary laboratory accreditation program that may be established by private sector person(s) or by the National Voluntary Laboratory Accreditation Program (NVLAP) for fasteners, established by the Director under Part 285 of this Title.''

Response: The Department agrees. Based on these comments, and to eliminate the discrepancy between the proposed rule and the amended FQA, the Department has revised section 280.103 of the final rule. The regulation now makes clear that both public and private sector accreditation bodies that meet the requirements of ISO/IEC Guide 58, in addition to NVLAP, may be authorized to accredit fastener laboratories.

Comment: One commenter suggested that NIST maintain a list of laboratory accreditation bodies that have self-affirmed to NIST and that NIST make the list publicly available on its website.

Response: Since NIST no longer has authority to accept and verify documentation regarding the conformance of laboratory accreditation bodies to the requirements of ISO/IEC Guide 58 or another document approved by the Director under section 10(d) of the Act, NIST cannot list laboratory accreditation bodies as meeting these requirements. However, NIST will maintain and make publicly available on its website a list of laboratory accreditation bodies that have self-declared to NIST. That website is: http://www.nist.gov/fqa/.

Comment: One commenter pointed out that ISO/IEC Guide 25 is being replaced by ISO/IEC 17025 and asked if the Department could incorporate the new international standard into the final rule.

Response: The FQA as amended references ''ISO/IEC Guide 25 . . ., including revisions from time to time.'' (15 U.S.C. 5403(3)(1)(A).) Section 280.100 of the final rule states: ''For purposes of this subpart, the term ''revisions'' includes changes made to existing ISO/IEC Guides or other documents, and redesignations of those Guides or documents.'' As a change to and the redesignation of ISO/IEC Guide 25, ISO/IEC 17025 is acceptable under the amended FQA and the final rule.

Comment: Two commenters had questions about the use of accredited laboratories for testing the chemistry of fasteners and whether ''mill test reports'' would be permitted as the record of conformance on chemistry. One of the two commenters asked: (1) Until June 2001, would the ''mill test report issued by steel melter be permitted as the record of conformance on chemistry retained by manufacturers? (2) What if the ''mill test report'' above contains the statement that the chemistry was tested and certified by its entrusted subsidiary-lab? (3) After June 2001, would the ''mill test report'' issued by steel melter be permitted as the record of conformance on chemistry, if it contains the statement that the chemistry was tested and certified by its entrusted subsidiary-lab which is accredited? The other commenter stated: ''The Department proposed the repeal of the regulations implementing the section 280.15, found at 15 CFR part 280. Therefore I understand that '(F) the chemistry and grade of material' of section 3(13) of the Fastener Quality Act Amendments of 1999 don't require the results tested by the accredited laboratory.''

Response: The answers to these questions require a legal opinion applying the statute to specific facts. The Department is not authorized to issue such opinions. Therefore, the Department suggests that these commenters seek counsel from their attorneys.

Comments on Redesignated Subpart C: Enforcement

Comment: One commenter suggested that, since (at least in his view) almost all fasteners are exempt from the law, it is useless to make it a violation of the FQA to knowingly falsify or misrepresent fasteners, or to sell fasteners without the manufacturers' insignia. Another commenter stated that the language of the proposed new section 280.201(b) and (c) exceeded the Department's authority under the FQA as it expanded the scope of the FQA.

Response: It was the Department's intent in the proposed new section 280.201(b) and (c) to follow the prohibitions established by the Congress in the FQA. In response to the comment that this regulation is ''useless,'' the Department notes that it is reciting the prohibitions from the statute in the regulations. The FQA makes it a violation to knowingly falsify or misrepresent certain fasteners, or to sell some fasteners without the manufacturers' insignia. In response to the second comment, the Department was in no way attempting to expand the authority provided to it under the FQA. In order to make clear that the Department is not seeking to expand either the scope of the FQA or the authority provided to the Department under the FQA, it has revised these two

provisions to track verbatim the language of the FQA.

Comments on Redesignated Subpart D: Recordal of Insignia

Comment: Three commenters suggested that the rules provide that private label distributors of certain fasteners be allowed to record their insignia at the USPTO on a voluntary basis, and to obtain certificates of recordal. Two of these three commenters further suggested that original equipment manufacturers likewise be allowed to record insignia at the USPTO on a voluntary basis, and one of these three commenters suggested that any party that contracts for the production of fasteners bearing its insignia be allowed to record its insignia at the USPTO on a voluntary basis.

Response: This suggestion has not been adopted. The FQA as amended does not give the USPTO the authority to issue recordals to entities that are not fastener manufacturers. Although the previous version of the FQA required that both various manufacturers and various private label distributors record their insignias, the Fastener Quality Act Amendments of 1999 explicitly limited this requirement to manufacturers: Congress specifically chose to exclude private label distributors by deleting the authority to register insignias of private label distributors. Congress left in the FQA authority to register insignias of manufacturers only, and required that covered fasteners bear the manufacturer's insignia. Hence, it would be contrary to the Congressional intent to record the insignia of any non-manufacturer.

Comment: Four commenters suggested that the wording ''unless the specifications provide otherwise'' be moved from section 280.300(a) to section 280.300.

Response: This suggestion has been adopted.

Comment: One commenter suggested that the requirement that the insignia be applied through a raised or depressed impression be retained. Three commenters suggested that this requirement be eliminated. These commenters noted that references to raised or depressed insignias had been removed from the FQA as amended, and suggested that it was therefore impermissible for the proposed rules to require that the insignia be raised or depressed. One of these three commenters further suggested that the proposed rule did not give consideration to marking or identification techniques that manufacturers might develop either through the consensus standards process or independently of this process. Another of these three commenters suggested that the requirement that the insignia be applied through a raised or depressed impression be replaced with a requirement that the insignia be applied so that it is permanent.

Response: The suggestion that the rule take account of insignia marking techniques developed through the consensus standards, and that the requirement that insignia be applied through a raised or depressed impression be eliminated has been accepted. The Department has revised Section 280.300(b) of the final rule to provide that the insignia must be applied to the fastener using the method for applying a permanent insignia that is provided for in the applicable consensus standard(s), or, if the applicable consensus standards do not specify a method for applying a permanent insignia, through any means of applying a permanent insignia.

Comment: One commenter suggested that the requirements that the insignia appear on the head of the fastener and that the insignia be readable with no greater than 10x magnification are not supported by the FQA as amended, and that these requirements should therefore be eliminated.

Response: This suggestion has been adopted. The Department agrees that it is unnecessary to specify the size and location of the insignia. However, the Department does believe that it is necessary that the insignia be readable. Accordingly, the Department has revised Section 280.300(b) of the final rule to remove the requirements that the insignia be readable with no greater that 10x magnification and that the insignia be placed on the head of the fastener, and the Department has further revised Section 280.300(b) to provide that the insignia must be readable.

Comment: One commenter suggested that Sec. 280.320(c)(6) be amended to allow private label distributors of fasteners and original equipment manufacturers of fasteners to renew their existing certificates of recordal.

Response: This suggestion has not been adopted. The FQA as amended does not give the USPTO the authority to issue recordals to entities that are not fastener manufacturers. Although the previous version of the FQA required that both various manufacturers and various private label distributors record their insignia, the amended FQA limits this requirement to manufacturers: Congress specifically chose to exclude private label distributors and others who are not manufacturers. Hence, it would be contrary to the Congressional intent to renew the insignia of any non-manufacturer.

As explained in detail above, the Department is adopting the proposed rule with certain changes suggested by commenters, revisions to several sections, and some editorial corrections and clarifications, in issuing this final rule.

Additional Information

Executive Order 12866

This rule has been determined not to be significant under section 3(f) of Executive Order 12866.

Executive Order 12612

This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities. The basis of this certification was published in the notice of proposed rulemaking. No comments were received regarding this certification. Therefore, the Department reaffirms the basis of the certification. As a result, a final regulatory flexibility analysis is not required and none has been prepared.

Paperwork Reduction Act

Notwithstanding any other provision of the law, no person is required to, nor shall any person be subject to penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

This proposed rule contains collection of information requirements subject to the Paperwork Reduction Act that have been cleared under OMB Control Nos. 0693–0015 and 0651–0028. The public reporting burden for these collections of information are estimated to average 1.5 hours per response for affirmations, 20 hours per response for petitions, and .17 hours per response for the PTO recordal, renewal forms. The estimated response time shown includes the time for reviewing instructions, gathering information, and completing and reviewing the collections of information.

National Environmental Policy Act

This rule will not significantly affect the quality of the human environment. Therefore, an environmental assessment or Environmental Impact Statement is not required to be prepared under the National Environmental Policy Act of 1969.

List of Subjects in 15 CFR Part 280

Business and industry, Fastener industry, Imports.

Dated: June 14, 2000.

Karen H. Brown,

Deputy Director, National Institute of Standards and Technology.

Dated: June 20, 2000.

William Reinsch,

Under Secretary, Bureau of Export Administration.

Dated: June 21, 2000.

Q. Todd Dickinson,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

For reasons set forth in the preamble, Title 15 of the Code of Federal Regulations is amended as follows:

PART 280—FASTENER QUALITY

1. The authority citation for Part 280 is revised to read as follows:

Authority: 15 U.S.C. 5401 *et seq.*; Pub. L. 101–592, 104 Stat. 2943, as amended by Pub. L. 104–113, 110 Stat. 775; Pub. L. 105-234, 112 Stat. 1536; and Pub. L. 106–34, 113 Stat. 118.

2. Section 280.1 is revised to read as follows:

§ 280.1 Description of rule/Delegation of authority.

(a) Description of rule. The Fastener Quality Act (the Act) (15 U.S.C. 5401 *et seq.*, as amended by Public Law 104–113, Public Law 105–234, and Public Law 106–34):

(1) Protects against the sale of mismarked, misrepresented, and counterfeit fasteners; and

(2) Eliminates unnecessary requirements.

(b) Delegations of authority. The Director, National Institute of Standards and Technology has authority to promulgate regulations in this part regarding certification and accreditation. The Secretary of Commerce has delegated concurrent authority to amend the regulations regarding enforcement of the Act, as contained in subpart C of this part, to the Under Secretary for Export Administration. The Secretary of Commerce has also delegated concurrent authority to amend the regulations regarding record of insignia, as contained in subpart D of this part, to the Under Secretary for Intellectual Property and Director of the United States Patent and Trademark Office.

§ 280.2 [Removed]

§ 280.601 [Redesignated as § 280.2]

3. Section 280.2 is removed, and § 280.601 is redesignated as § 280.2 and amended by revising the introductory text and adding the following definitions in alphabetical order to read as follows:

§ 280.2 Definitions.

In addition to the definitions provided in 15 U.S.C. 5402, the following definitions are applicable to this part:

Abandonment of the Application. The application for registration of a trademark on the Principal Register is no longer pending at the United States Patent and Trademark Office.

Act. The Fastener Quality Act (15 U.S.C. 5401 *et seq.*, as amended by Pub. L. 104–113, Pub. L. 105–234, and Public Law 106–34).

* * * * *

Director, NIST. The Director of the National Institute of Standards and Technology.

Director, USPTO. The Under Secretary for Intellectual Property and Director of the United States Patent and Trademark Office.

Fastener Insignia Register. The register of recorded fastener insignias maintained by the Director.

* * * * *

Principal Register. The register of trademarks established under 15 U.S.C. 1051.

* * * * *

Revisions includes changes made to existing ISO/IEC Guides or other documents, and redesignations of those Guides or documents.

* * * * *

4. Sections 280.3 through 280.16 and Subparts C through F (§§ 280.200 through 280.504) and I through L (§§ 280.800 through 280.1127) are removed, and Subpart B is revised to read as follows:

Subpart B—Petitions, Affirmations, and Laboratory Accreditation

Sec.
280.101 Petitions for Approval of Documents.
280.102 Affirmations.
280.103 Laboratory Accreditation.

Subpart B—Petitions, Affirmations, and Laboratory Accreditation

§ 280.101 Petitions for Approval of Documents.

(a) Certification. (1) A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director, NIST, to approve such document for use as described in section 3(7)(B)(iii)(I) of the Act (15 U.S.C. 5402(7)(B)(iii)(I)).

(2) Petitions should be submitted to: FQA Document Certification, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(3) The Director, NIST, shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 62, including revisions from time to time. A petition shall contain sufficient information to allow the Director, NIST, to make this determination.

(b) Accreditation. (1) A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in paragraph (a) of this section may petition the Director, NIST, to approve such document for use as described in section 3(7)(B)(iii)(I) of the Act (15 U.S.C. 5402(7)(B)(iii)(I)).

(2) Petitions should be submitted to: FQA Document Certifications, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(3) The Director, NIST, shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 61, including revisions from time to time. A petition shall contain sufficient information to allow the Director, NIST, to make this determination.

(c) Laboratory Accreditation. (1) A person publishing a document setting forth guidance or requirements for the accreditation of laboratories may petition the Director, NIST, to approve such document for use as described in section 3(1)(A) of the Act (15 U.S.C. 5402(1)(A)).

(2) Petitions should be submitted to: FQA Document Certifications, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(3) The Director, NIST, shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 25, including revisions from time to time. A petition shall contain sufficient information to allow the Director, NIST, to make this determination.

(d) Approval of Accreditation Bodies. (1) A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit laboratories may petition the Director, NIST, to approve such document for use as described in section 3(1)(B) of the Act (15 U.S.C. 5402(1)(B)).

(2) Petitions should be submitted to: FQA Document Certifications, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(3) The Director, NIST, shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 58, including revisions from time to time. A petition shall contain sufficient information to allow the Director, NIST, to make this determination.

(e) Electronic copies of ISO/IEC Guides may be purchased through the American National Standards Institute (ANSI), Internet: *http://www.ansi.org.* Copies of the relevant ISO/IEC Guides are available for inspection in the U.S. Department of Commerce Reading Room, 14th Street and Constitution Avenue, NW, Washington, DC 20230, Room B–399.

§ 280.102 Affirmations.

(a)(1) An accreditation body accrediting third parties who certify manufacturing systems as fastener quality assurance systems as described in section 3(7)(B)(iii)(I) of the Act (15 U.S.C. 5402(7)(B)(iii)(I)) shall affirm to the Director, NIST, that it meets the requirements of ISO/IEC Guide 61 (or another document approved by the Director, NIST, under section 10(b) of the Act (15 U.S.C. 5411a(b)) and § 280.101(a) of this part), including revisions from time to time.

(2) An accreditation body accrediting laboratories as described in section 3(1)(B) of the Act (15 U.S.C. 5402(1)(B)) shall affirm to the Director, NIST, that it meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director, NIST, under section 10(d) of the Act (15 U.S.C. 5411a(d)) and § 280.101(d) of this part), including revisions from time to time.

(b) An affirmation required under paragraph (a)(1) or (a)(2) of this section shall take the form of a self-declaration that the accreditation body meets the requirements of the applicable Guide, signed by an authorized representative of the accreditation body. No supporting documentation is required.

(c) Affirmations should be submitted to: FQA Document Certifications, NIST, 100 Bureau Drive, Gaithersburg, MD 20899.

(d) Any affirmation submitted in accordance with this section shall be considered to be a continuous affirmation that the accreditation body meets the requirements of the applicable Guide, unless and until the affirmation is withdrawn by the accreditation body.

§ 280.103 Laboratory accreditation.

A laboratory may be accredited by any laboratory accreditation program that may be established by any entity or entities, which have affirmed to the Director, NIST, under § 280.102 of this subpart, or by the National Voluntary Laboratory Accreditation Program for fasteners, established by the Director, NIST, under part 285 of this chapter.

Subpart G [Redesignated as Subpart C]

5. Subpart G (§§ 280.600, 280.602 through 280.623) is redesignated as Subpart C, consisting of §§ 280.200 through 280.222.

6. Redesignated § 280.200 is revised to read as follows:

§ 280.200 Scope.

Section 280.201 of this part specifies that failure to take any action required by or taking any action prohibited by this part constitutes a violation of this part. Section 280.202 describes the penalties that may be imposed for violations of this part. Sections 280.204 through 280.222 establish the procedures for imposing administrative penalties for violations of this part.

7. Redesignated § 280.201 is amended by revising paragraphs (b) and (c), and removing paragraphs (d) through (o) to read as follows:

§ 280.201 Violations.

* * * * *

(b) Sale of fasteners. It shall be unlawful for a manufacturer or distributor, in conjunction with the sale or offer for sale of fasteners from a single lot, to knowingly misrepresent or falsify—

(1) The record of conformance for the lot of fasteners;

(2) The identification, characteristics, properties, mechanical or performance marks, chemistry, or strength of the lot of fasteners; or

(3) The manufacturers' insignia.

(c) Manufacturers' insignia. Unless the specifications provide otherwise, fasteners that are required by the applicable consensus standard or standards to bear an insignia identifying their manufacturer shall not be offered for sale or sold in commerce unless

(1) The fasteners bear such insignia; and

(2) The manufacturer has complied with the insignia recordation requirements established under 15 U.S.C. 5407(b).

8. Redesignated § 280.203 is revised to read as follows:

§ 280.203 Administrative enforcement proceedings.

Sections 280.204 through 280.222 set forth the procedures for imposing administrative penalties for violations of the Act and this part.

9. Redesignated § 280.210 is amended by revising the last sentence of paragraph (d) to read as follows:

§ 280.210 Discovery.

* * * * *

(d) * * * In addition, enforcement by a district court of the United States may be sought under 15 U.S.C. 5408(b)(6).

§§ 280.11 and 280.218 [Amended]

10. The reference to ''§ 280.607'' is revised to read ''§ 280.206'' in the following sections:

Redesignated § 280.211(b); Redesignated § 280.218(c).

§§ 280.204 and 280.208 [Amended]

11. The reference to ''§ 280.608'' is revised to read ''§ 280.207'' in the following sections:

Redesignated § 280.204(a); redesignated § 280.208(b)(1).

§§ 280.204 and 280.218 [Amended]

12. The reference to ''§ 280.609'' is revised to read ''§ 280.208'' in the following sections:

Redesignated § 280.204(a); redesignated § 280.218(a).

§ 280.214 [Amended]

13. In redesignated § 280.214(b), the reference to ''§ 280.613'' is revised to read ''§ 280.212''.

§ 280.207 [Amended]

14. In redesignated § 280.207(c), the reference to ''§ 280.617'' is revised to read ''§ 280.216''.

15. In redesignated § 280.207(a), the reference to ''§ 280.618'' is revised to read ''§ 280.217''.

§ 280.219 [Amended]

16. In redesignated § 280.219(c), the reference to ''§ 280.619(c)'' is revised to read ''§ 280.218(c)''.

§§ 280.221 and 280.222 [Amended]

17. The reference to ''§ 280.622'' is revised to read ''§ 280.221'' in the following sections:

Redesignated § 280.221(b); redesignated § 280.222(f).

§§ 280.208, 280.218, 280.219, 280.220 and 280.221 [Amended]

18. The reference to ''§ 280.623'' is revised to read ''§ 280.222'' in the following sections:

Redesignated § 280.208(a); redesignated § 280.218(b); redesignated § 280.219(b)(2); redesignated § 280.220; redesignated § 280.221(a).

18a. Redesignated § 280.221 is amended by revising the second sentence of paragraph (b) to read as follows:

§ 280.221 Record for decision and availability of documents.

* * * * *

(b) * * * A party seeking to restrict access to any portion of the record is responsible for submitting, at the time specified in paragraph (c)(2) of this section, a version of the document proposed for public availability that reflects the requested deletion. * * *

* * * * *

Subpart H [Redesignated as Subpart D]

19. Subpart H (§§ 280.700, 280.710 through 280.713, and 280.720 through 280.726) is redesignated as Subpart D, consisting of §§ 280.300, 280.310 through 280.313, and 280.320 through 280.326.

20. Redesignated § 280.300 is revised to read as follows:

§ 280.300 Recorded insignia required prior to offer for sale.

Unless the specifications provide otherwise, if a fastener is required by the applicable consensus standard(s) to bear an insignia identifying its manufacturer, the manufacturer must:

(a) Record the insignia with the U.S. Patent and Trademark Office prior to any sale or offer for sale of the fastener; and

(b) Apply the insignia to any fastener that is sold or offered for sale. The insignia must be readable, and must be applied using the method for applying a permanent insignia that is provided for in the applicable consensus standard(s), or, if the applicable consensus standard(s) do(es) not specify a method for applying a permanent insignia, through any means of imprinting a permanent impression.

21. Redesignated § 280.310 is amended by revising the heading, paragraph (a), paragraphs (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5); redesignating existing paragraphs (b)(6) through (b)(8) as paragraphs (b)(7) through (b)(9), respectively; adding new paragraph (b)(6); revising redesignated paragraph (b)(7); and revising paragraphs (c) and (d) to read as follows:

§ 280.310 Application for insignia.

(a) Each manufacturer must submit a written application for recordal of an insignia on the Fastener Insignia Register along with the prescribed fee. The application must be in a form prescribed by the Director, USPTO.

(b) * * *

(1) The name of the manufacturer;

(2) The address of the manufacturer;

(3) The entity, domicile, and state of incorporation, if applicable, of the manufacturer;

(4) Either:

(i) A request for recordal and issuance of a unique alphanumeric designation by the Director, USPTO, or

(ii) A request for recordal of a trademark, which is the subject of either a duly filed application or a registration for fasteners in the name of the manufacturer in the U.S. Patent and Trademark Office on the Principal Register, indicating the application serial number or registration number and accompanied by a copy of the drawing that was included with the application for trademark registration, or a copy of the registration;

(5) A statement that the manufacturer will comply with the applicable provisions of the Fastener Quality Act;

(6) A statement that the applicant for recordal is a ''manufacturer'' as that term is defined in 15 U.S.C. 5402;

(7) A statement that the person signing the application on behalf of the manufacturer has personal knowledge of the facts relevant to the application and that the person possesses the authority to act on behalf of the manufacturer;

* * * * *

(c) A manufacturer may designate only one trademark for recordal on the Fastener Insignia Register in a single application. The trademark application or registration that forms the basis for the fastener recordal must be in active status, that is, a pending application or a registration which is not expired, or canceled, at the time of the application for recordal.

(d) Applications and other documents should be addressed to: Box Fastener, Director, United States Patent and Trademark Office, Washington, DC 20231.

22. Redesignated § 280.311 is revised to read as follows:

§ 280.311 Review of the application.

The Director, USPTO, will review the application for compliance with § 280.310. If the application does not contain one or more of the elements required by § 280.310, the Director, USPTO, will not issue a certificate of recordal, and will return the papers and fees. The Director, USPTO, will notify the applicant for recordal of any defect in the application. Applications for recordal of an insignia may be re-submitted to the Director, USPTO, at any time.

23. Redesignated § 280.312 is revised to read as follows:

§ 280.312 Certificate of recordal.

(a) If the application complies with the requirements of § 280.310, the Director, USPTO, shall accept the application and issue a certificate of recordal. Such certificate shall be issued in the name of the United States of America, under the seal of the United States Patent and Trademark Office, and a record shall be kept in the United States Patent and Trademark Office. The certificate of recordal shall display the recorded insignia of the manufacturer, and state the name, address, legal entity and domicile of the manufacturer, as well as the date of issuance of such certificate.

(b) Certificates that were issued prior to June 8, 1999, shall remain in active status and may be maintained in accordance with the provisions of § 280.320 of this subpart, but only if:

(1) The certificate is held by a manufacturer, and

(2) The fasteners associated with the certificate are fasteners that must bear an insignia pursuant to 15 U.S.C. 5407.

24. Redesignated § 280.313 is amended by revising paragraph (a) and the first sentence of paragraph (b) to read as follows:

§ 280.313 Recordal of additional insignia.

(a) A manufacturer to whom the Director, USPTO, has issued an alphanumeric designation may apply for recordal of its trademark for fasteners if the trademark is the subject of a duly filed application or is registered in the United States Patent and Trademark Office on the Principal Register. Upon recordal, either the alphanumeric designation or the trademark, or both, may be used as recorded insignias.

(b) A manufacturer for whom the Director, USPTO, has recorded a trademark as its fastener insignia may apply for issuance and recordal of an alphanumeric designation as a fastener insignia. * * *

25. Redesignated § 280.320 is amended by revising paragraphs (a) and (b) and paragraphs (c)(1) through (c)(5); redesignating existing paragraphs (c)(6) through (c)(8) as paragraphs (c)(7) through (c)(9), respectively; adding a new paragraph (c)(6); and revising redesignated paragraph (c)(7) to read as follows:

§ 280.320 Maintenance of the certificate of recordal.

(a) Certificates of recordal remain in an active status for five years and may be maintained in an active status for subsequent five-year periods running consecutively from the date of issuance of the certificate of recordal upon compliance with the requirements of paragraph (c) of this section.

(b) Maintenance applications shall be required only if the holder of the certificate of recordal is a manufacturer at the time the maintenance application is required.

(c) * * *

(1) The name of the manufacturer;

(2) The address of the manufacturer;

(3) the entity, domicile, and state of incorporation, if applicable, of the manufacturer;

(4) a copy of manufacturer's certificate of recordal;

(5) a statement that the manufacturer will comply with the applicable provisions of the Fastener Quality Act;

(6) a statement that the applicant for recordal is a ''manufacturer'' as that term is defined in 15 U.S.C. 5402;

(7) a statement that the person signing the application on behalf of the manufacturer has knowledge of the facts relevant to the application and that the person possesses the authority to act on behalf of the manufacturer;

* * * * *

26. Redesignated § 280.321 is amended by revising the first sentence to read as follows:

§ 280.321 Notification of changes of address.

The applicant for recordal or the holder of a certificate of recordal shall notify the Director, USPTO, of any change of address or change of name no later than six months after the change. * * *

27. Redesignated § 280.323 is amended by revising the second and third sentences of paragraph (a), revising the first sentence of paragraph (b), revising paragraph (d), revising the first sentence of paragraph (e), and adding new paragraph (f) to read as follows:

§ 280.323 Transfer or assignment of the trademark registration or recorded insignia.

(a) * * * Any transfer or assignment of such an application or registration must be recorded in the United States Patent and Trademark Office within three months of the transfer or assignment. A copy of such transfer or assignment must also be sent to: Box Fastener, Director, United States Patent and Trademark Office, Washington, DC 20231.

(b) Upon transfer or assignment of a trademark application or registration which forms the basis of a certificate of recordal, the Director, USPTO, shall designate the certificate of recordal as inactive. * * *

* * * * *

(d) A fastener insignia consisting of an alphanumeric designation issued by the Director, USPTO, can be transferred or assigned.

(e) Upon transfer or assignment of an alphanumeric designation, the Director, USPTO, shall designate such alphanumeric designation as inactive. * * *

(f) An alphanumeric designation that is reactivated after it has been transferred or assigned shall remain in active status until the expiration of the five year period that began upon the issuance of the alphanumeric designation to its original owner.

28. Redesignated § 280.324 is amended by revising the introductory sentence of paragraph (a), revising paragraphs (a)(1) through (a)(3); redesignating existing paragraph (b) as paragraph (a)(4); revising the first two sentences of redesignated paragraph (a)(4); redesignating paragraph (c) as paragraph (b); and revising redesignated paragraph (b) to read as follows:

§ 280.324 Change in status of trademark registration or amendment of the trademark.

(a) The Director, USPTO, shall designate the certificate of recordal as inactive, upon:

(1) issuance of a final decision on appeal which refuses registration of the application which formed the basis for the certificate of recordal;

(2) abandonment of the application which formed the basis for the certificate of recordal;

(3) cancellation or expiration of the trademark registration which formed the basis of the certificate of recordal; or

(4) an amendment of the mark in a trademark application or registration that forms the basis for a certificate of recordal. The certificate of recordal shall become inactive as of the date the amendment is filed. * * *

(b) Certificates of recordal designated inactive due to cancellation, expiration, or amendment of the trademark registration, or abandonment or amendment of the trademark application, cannot be reactivated.

29. Redesignated § 280.325 is revised to read as follows:

§ 280.325 Cumulative listing of recordal information.

The Director, USPTO, shall maintain a record of the names, current addresses, and legal entities of all recorded manufacturers and their recorded insignia.

30. Redesignated § 280.326 is amended by revising the heading and the second sentence to read as follows:

§ 280.326 Records and files of the United States Patent and Trademark Office

* * * Copies of any such records may be obtained upon request and payment of the fee set by the Director, USPTO.

§§ 280.311, 280.312 and 280.323 [Amended]

31. The reference to ''§ 280.710'' is revised to read ''§ 280.310'' in the following sections:

Redesignated § 280.311; redesignated § 280.312; redesignated § 280.323(e).

[FR Doc. 00–16212 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Prime Enrollment

AGENCY: Office of the Secretary, DOD.

ACTION: Interim final rule.

SUMMARY: This interim final rule provides for automatic enrollment of certain family members of E–4 and below in TRICARE Prime. When affected family members reside in a catchment area of a military medical treatment facility offering TRICARE Prime, the family members will be automatically enrolled in TRICARE Prime and will choose or be assigned a Primary Care Manager located in the military medical treatment facility. Such automatic enrollment may be terminated at any time.

DATES: This rule is effective July 28, 2000. Public comments must be received by August 28, 2000.

ADDRESSES: TRICARE Management Activity (TMA), Program Development Branch, Aurora, CO 80045–6900.

FOR FURTHER INFORMATION CONTACT: Lt Col Kathleen Larkin, Office of the Assistant Secretary of Defense (Health Affairs)/TRICARE Management Activity, telephone (703) 681–3628.

Questions regarding payment of specific claims under the CHAMPUS allowable charge method should be addressed to the appropriate TRICARE/CHAMPUS contractor.

SUPPLEMENTARY INFORMATION:

I. Overview of the Rule

This interim final rule implements section 712 of the National Defense Authorization Act for Fiscal Year 1999 which modified chapter 55 of title 10, United States Code by adding a new section 1079a which provides for automatic TRICARE Prime enrollment for active duty families of E–4 and below in certain circumstances. Owing to the small number of family members of E–4 and below who are not already enrolled in TRICARE Prime, and the restrictive nature of TRICARE Prime enrollment, military medical treatment facility commanders will identify those individuals residing in their catchment area who should be automatically enrolled but are not. At that time, the family members will be informed of their enrollment and be given the opportunity to select or be assigned a primary care manager, or to disenroll from TRICARE Prime. The choice of whether to remain enrolled in TRICARE Prime, or to decline enrollment to participate in TRICARE Extra or Standard remains completely voluntary.

II. Rulemaking Procedures

Executive Order 12866 requires certain regulatory assessments for any significant regulatory action, defined as one which would result in an annual effect on the economy of $100 million or more, or have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This is not a significant regulatory action under the provisions of Executive Order 12866, and it would not have a significant impact on a substantial number of small entities.

The interim final rule will not impose additional information collection requirements on the public under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 55).

This rule is being issued as an interim final rule, with comment period, as an exception to our standard practice of soliciting public comments prior to issuance. The Assistant Secretary of Defense (Health Affairs) has determined that following the standard practice in this case would be impracticable, unnecessary, and contrary to the public interest. This determination is based on several factors. First, this change directly implements a statutory amendment enacted by Congress expressly for this purpose. Second, for the most part this rule simply implements the unambiguous Congressional policy of automatically enrolling family members of active duty members of E–4 and below who reside in areas where TRICARE Prime is offered through a military medical treatment facility. Third, TRICARE Prime is a major ''quality of life'' program of the Department of Defense. Its success is of great importance to maintaining adequate retention rates of military personnel and, thus, the conduct of the military affairs function of the United States. Public comments are invited. All comments will be carefully considered. A discussion of the major issues received by public comments will be included with the issuance of the permanent final rule, anticipated approximately 60 days after the end of the comment period.

List of Subjects in 32 CFR Part 199

Administrative practice and procedure, Claims, Health care, Health insurance, Individuals with disabilities, Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for Part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. chapter 55.

2. Section 199.17 is amended as follows:

a. Revising paragraph (a)(6)(ii)(A),

b. Adding a new paragraph (b)(3),

c. Revising paragraphs (c)(2)(i) and (n)(1), and

d. Adding a new paragraph (o)(7).

The revisions and additions read as follows:

§ 199.17 TRICARE Program.

(a) * * *

(6) * * *

(ii) * * *

(A) Beneficiaries may enroll, or be enrolled, in the ''TRICARE Prime Plan,'' which features use of military treatment facilities and substantially reduced out-of-pocket costs for CHAMPUS care. Beneficiaries generally agree to use military treatment facilities and designated civilian provider networks, in accordance with enrollment provisions.

* * * * *

(b) * * *

(3) *Automatic enrollment of certain dependents.* Under 10 U.S.C. 1079a, in the case of dependents of active duty members in the grade of E–1 to E–4, such dependents who reside in catchment areas of military hospitals shall be automatically enrolled in TRICARE Prime consistent with procedures established under paragraph (o)(7) of this section. Voluntary choice shall be preserved by the right of such dependents to disenroll at any time.

* * * * *

(c) * * *

(2) * * *

(i) In the case of dependents of active duty members in the grade of E–1 to E–4, such dependents who reside in catchment areas of military hospitals will be automatically enrolled in TRICARE Prime consistent with procedures established under paragraph (o)(7) of this section. Other dependents of active duty members are eligible to enroll in Prime. After all active duty members, and those dependents automatically enrolled, all other dependents of active duty members will have second priority for enrollment .

* * * * *

(n) * * *

(1) *Primary care manager.* All active duty members and Prime enrollees will be assigned or allowed to select a primary care manager pursuant to a system established by the MTF Commander or other authorized official. Active duty members and dependents of E–4 and below who are automatically enrolled in TRICARE Prime shall choose or be assigned a primary care manager who is part of the MTF. The primary care manager may be an individual physician, a group practice, a clinic, a treatment site, or other designation. For those who are not automatically enrolled in Prime, the primary care manager may be part of the MTF or the Prime civilian network. The enrollee will be given the opportunity to register a preference for primary care manager from a list of choices provided by the MTF commander. Preference requests will be honored subject to availability, under the MTF beneficiary category priority system and other operational requirements established by the commander or other authorized person).

* * * * *

(o) * * *

(6) *Special procedures for certain dependents of active duty members in pay grades E–1 to E–4.* As an exception to other procedures in paragraph (o) of this section, dependents of active duty members in pay grades E–1 to E–4, if such dependents reside in a catchment area of a military hospital, are automatically enrolled in TRICARE Prime. The applicable military hospital shall provide written notice of the automatic enrollment to the member

and the affected dependents. The effective date of such automatic enrollment shall be the date of the written notice, unless an earlier effective date is requested by the member or affected dependents, so long as the affected dependents were as of the effective date dependents of an active duty member in pay grades E–1 to E–4 and residents in a catchment area of a military hospital. Dependents who are automatically enrolled under this paragraph may disenroll at any time. Such disenrollment shall remain in effect until such dependents take specific action to reenroll which such dependents may do at any time.

* * * * *

Dated: June 22, 2000.

L. M. Bynum,

Alternate Federal Register Notice Liaison Officer, Department of Defense.

[FR Doc. 00–16263 Filed 6–27–00; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Defense Commissary Agency

32 CFR Part 327

Defense Commissary Agency Privacy Act Program

AGENCY: Defense Commissary Agency, DoD.

ACTION: Final rule.

SUMMARY: This rule establishes the Defense Commissary Agency Privacy Act Program. This rule establishes policies and procedures for implementing the DeCA Privacy Program, and delegates authorities and assigns responsibilities for the administration of the DeCA Privacy Program

EFFECTIVE DATE: June 9, 2000.

FOR FURTHER INFORMATION CONTACT: Ms. Carole Marsh at (804) 734–8841.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

It has been determined that this Privacy Act rule for the Department of Defense does not constitute ''significant regulatory action''. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, under fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act

It has been determined that this Privacy Act rule for the Department of Defense imposed no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

List of Subjects in 32 CFR Part 327

Privacy.

Accordingly, Title 32 of the CFR is amended in Chapter I, subchapter O, by adding part 327 to read as follows:

PART 327—DEFENSE COMMISSARY AGENCY PRIVACY ACT PROGRAM

Sec.

327.1 Purpose.
327.2 Applicability.
327.3 Responsibilities.
327.4 Definitions.
327.5 Systems of records.
327.6 Collecting personal information.
327.7. Access by individuals.
327.8 Disclosure of personal information to other agencies and third parties.
Appendix A to part 327—Sample DeCA response letter.
Appendix B to part 327—Internal Management Control Review Checklist.
Appendix C to part 327—DeCA Blanket Routine Uses.

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 522a).

§ 327.1 Purpose.

This part implements the basic policies and procedures for the implementation of the Privacy Act of 1974, as amended (5 U.S.C. 552a); OMB Circular A–130; [1] and 32 CFR part 310; and to promote uniformity in the DeCA Privacy Act Program.

§ 327.2 Applicability.

This part applies to Headquarters, Field Operating Activities (FOA), Regions, Zones, Central Distribution Centers (CDC), Commissaries of DeCA, and contractors during the performance of a contract with DeCA. All personnel are expected to comply with the procedures established herein.

§ 327.3 Responsibilities.

(a) *The Director, DeCA.* (1) Supervises the execution of the Privacy Act and this part within the DeCA, and serves as the DeCA Privacy Act Appeal Authority.

(2) Appoints:

(i) The Executive Director for Support as the DeCA Initial Denial Authority for the DeCA Privacy Act Program.

(ii) The Records Manager, Office of Safety, Security, and Administration as the DeCA Privacy Act Officer.

(b) *The Privacy Act Officer, DeCA.* (1) Establishes and manages the PA program for DeCA.

(2) Provides guidance, assistance and training.

(3) Controls and monitors all requests received and prepares documentation to the office of primary responsibility (OPR) for response.

(4) Prepares response to requester based on information provided by the OPR.

(5) Signs all response requests for releasable information to the requester after coordination through the General Counsel. Ensures that all denied requests for information are released by the DeCA Initial Denial Authority.

(6) Publishes instructions to contractors that:

(i) Provide DeCA Privacy program guidance to their personnel who solicit, award, or administer government contracts;

(ii) Inform prospective contractors of their responsibilities regarding the DeCA Privacy Program; and

(iii) Establish an internal system of contractor performance review to ensure compliance with DeCA's Privacy program.

(iv) Prepare and submit System Notices to the Defense Privacy Office for publication in the **Federal Register.**

(7) Maintain Privacy Case files and records of disclosure accounting.

(8) Submit the DeCa Annual Privacy Act Report (RCS: DD–DA&M(A)1379) to the Defense Privacy Office.

(c) *DeCA Directorates/Staff Offices.* (1) Provide response and the information requested to the PA Officer for release to the individual.

(2) In the event the information is to be denied release, the requested information and rationale for denial will be forwarded to the PA Officer for denial determination.

(d) *Regions.* Regional Directors will appoint a Regional PA Coordinator who will maintain suspense control of PA actions, prepare documentation to the

[1] Copies may be obtained: http://www.whitehouse.gov/OMB/circulars.

OPR for response, forward the information to the DeCA PA Officer for release determination, and notify the requester that the response will be received from the DeCA PA Officer using the format in Appendix A to this part.

(e) *DeCA Field Operating Activities (FOAs).* (1) Upon receipt of a PA request that has not been received from the DeCA PA Officer, notify the DeCA PA Officer within 2 days.

(2) Collect all information available and forward to the DeCA PA Officer. If the requested information is not available, provide the DeCA PA Officer the rationale to respond to the requester.

(f) *Central Distribution Centers (CDCs) and Commissaries.* (1) Upon receipt of a PA request, not received from the Region Coordinator, notify the Region Coordinator within 2 days.

(2) Collect all information available and forward it to the Region Coordinator for submission to DeCA PA Officer. If requested information is not available, provide the Region Coordinator the rationale so they can prepare a response to the DeCA PA Officer. If the information is available but determined to be exempt, provide the Region Coordinator with the requested information and specific reasons why the request should be denied. The Region Coordinator will formalize a reply to the DeCA PA Officer, forwarding requested information and reasons for denial. The DeCA PA Officer will prepare the response to the requester with coordination by the General Counsel and signature by the IDA.

§ 327.4 Definitions.

Access. The review of a record of a copy of a record or parts thereof in a system of records by any individual.

Agency. For the purposes of disclosing records subject to the Privacy Act among DoD Components, the Department of Defense is considered a single agency. For all other purposes to include applications for access and amendment, denial of access or amendment, appeals from denials, and record keeping as regards release to non-DoD agencies; each DoD Component is considered an agency within the meaning of the Privacy Act.

Computer room. Any combination of electronic hardware and software integrated in a variety of forms (firmware, programmable software, hard wiring, or similar equipment) that permits the processing of textual data. The equipment contains device to receive information and other processors with various capabilities to manipulate the information, store and provide input.

Confidential source. A person or organization who has furnished information to the federal government under an express promise that the person's or the organization's identity will be held in confidence or under an implied promise of such confidentiality if this implied promise was made before September 27, 1975.

Disclosure. The transfer of any personal information from a system of records by any means of communication (such as oral, written, electronic, mechanical, or actual review) to any person, private entity, or government agency, other than the subject of the record, the subject's designated agent or the subject's legal guardian.

Federal Register system. Established by Congress to inform the public of interim, proposed, and final regulations or rulemaking documents having substantial impact on the public. In this case, DeCA directives have the same meaning as regulations or rulemaking documents. The secondary role of the Federal Register system is to publish notice documents of public interest.

Individual. A living person who is a citizen of the United States or an alien lawfully admitted for permanent residence. The parent of a minor or the legal guardian of any individual also may act on behalf of an individual. Corporations, partnerships, sole proprietorships, professional groups, businesses, whether incorporated or unincorporated, and other commercial entities are not ''individuals.''

Individual access. Access to information pertaining to the individual by the individual or his or her designated agent or legal guardian.

Law enforcement activity. Any activity engaged in the enforcement of criminal laws, including efforts to prevent, control, or reduce crime or to apprehend criminals, and the activities of prosecutors, courts, correctional, probation, pardon, or parole authorities.

Maintain. Includes maintain, collect, use or disseminate.

Official use. Within the context of this part, this term is used when officials and employees of a DoD Component have a demonstrated need for the use of any record or the information contained therein in the performance of their official duties, subject to DoD 5200.1–R,[2] ''DoD Information Security Program Regulation.''

Personal information. Information about an individual that identifies, relates or is unique to, or describes him or her; *e.g.,* a social security number, age, military rank, civilian grade, marital status, race, salary, home/office phone numbers, etc.

Privacy Act. The Privacy Act of 1974, as amended, (5 U.S.C. 552a).

Privacy Act request. A request from an individual for notification as to the existence of, access to, or amendment of records pertaining to that individual. These records must be maintained in a system of records.

Member of the public. Any individual or party acting in a private capacity to include federal employees or military personnel.

Record. Any item, collection, or grouping of information, whatever the storage media (*e.g.,* paper, electronic, etc.), about an individual that is maintained by a DoD Component, including but not limited to, his or her education, financial transactions, medical history, criminal or employment history and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

Risk assessment. An analysis considering information sensitivity, vulnerabilities, and the cost to a computer facility or word processing activity in safeguarding personal information processed or stored in the facility or activity.

Routine use. The disclosure of a record outside the Department of Defense for a use that is compatible with the purpose for which the information was collected and maintained by the Department of Defense. The routine use must be included in the published system notice for the system of records involved.

Statistical record. A record maintained only for statistical research or reporting purposes and not used in whole or in part in making determinations about specific individuals.

System manager. The DoD Component official who is responsible for the operation and management of a system of records.

System of records. A group of records under the control of a DoD Component from which personal information is retrieved by the individual's name or by some identifying number, symbol, or other identifying particular assigned to an individual.

Word processing system. A combination of equipment employing automated technology, systematic procedures, and trained personnel for the primary purpose of manipulating human thoughts and verbal or written or

[2] Copies may be obtained: http//www.whs.osd.mil/corres.htm.

graphic presentations intended to communicate verbally or visually with another individual.

Word processing equipment. Any combination of electronic hardware and computer software integrated in a variety of forms (firmware, programmable software, hard wiring, or similar equipment) that permits the processing of textual data. Generally, the equipment contains a device to recieve information, a computer-like processor with various capabilities to manipulate the information, a storage medium, and an output device.

§ 327.5 Systems of records.

(a) *System of records.* To be subject to the provisions of this part, a ''system of records'' must:

(1) Consist of ''records'' that are retrieved by the name of an individual or some other personal identifier, and

(2) Be under the control of DeCA.

(b) *Retrieval practices.* Records in a group of records that may be retrieved by a name or personal identifier are not covered by this part even if the records contain personal data and are under the control of DeCA. The records MUST BE, in fact, retrieved by name or other personal identifier to become a system of records for DeCA.

(c) *Relevance and necessity.* Only those records that contain personal information which is relevant and necessary to accomplish a purpose required by Federal statute or an Executive Order will be maintained by DeCA.

(d) *Authority to establish systems of records.* Director, DeCA has the authority to establish systems of records; however, each time a system of records is established, the Executive Order or Federal statute that authorizes maintaining the personal information must be identified.

(1) DeCA will not maintain any records describing how an individual exercises his or her rights guaranteed by the First Amendment of the U.S. Constitution.

(2) These rights include, but are not limited to, freedom of religion, freedom of political beliefs, freedom of speech, freedom of the press, the right to assemble, and the right to petition.

(e) *System manager's evaluation.* Systems managers, along with the DeCA Privacy Officer, shall evaluate the information to be included in each new system before establishing the system and evaluate periodically the information contained in each existing system of records for relevancy and necessity. Such a review will also occur when a system notice amendment or alteration is prepared. Consider the following:

(1) The relationship of each item of information retained and collected to the purpose for which the system is maintained.

(2) The specific impact on the purpose or mission of not collecting each category of information contained in the system.

(3) The possibility of meeting the informational requirements through use of information not individually identifiable or through other techniques, such as sampling.

(4) The length of time each item of personal information must be retained.

(5) The cost of maintaining the information.

(6) The necessity and relevancy of the information to the purpose for which it was collected.

(f) *Discontinued information requirements.* (1) When notification is received to stop collecting any category or item of personal information, the DeCA PA Officer will issue instructions to stop immediately and also excise this information from existing records, when feasible, and amend existing notice.

(2) Disposition of these records will be provided by the DeCA PA Officer in accordance with the DeCA Filing System.[3]

(g) *Government contractors.* (1) When DeCA contracts for the operation or maintenance of a system of records or a portion of a system of records by a contractor, the record system or the portion affected are considered to be maintained by DeCA and are subject to this part. DeCA is responsible for applying the requirements of this part to the contractor. The contractor and its employees are to be considered employees of DeCA for the purposes of the approved provisions of the Privacy Act during the performance of the contract. Consistent with the Defense Acquisition Regulation, contracts requiring the maintenance of a system of records or the portion of a system of records shall identify specifically the record system and the work to be performed and shall include in the solicitation and resulting contract such terms as are prescribed in the Defense Acquisition Regulation (DAR).[4]

(2) If the contractor must use or have access to individually identifiable information subject to this part to perform any part of a contract, and the information would have been collected and maintained by DeCA but for the award of the contract, these contractor activities are subject to this part.

(3) The restrictions in paragraphs (g)(1) and (g)(2) of this section do not apply to records:

(i) Established and maintained to assist in making internal contractor management decisions such as those maintained for use in managing the contract.

(ii) Those maintained as internal contractor employee records even when used in conjunction with providing goods and services to DeCA.

(4) Disclosure of records to contractors. Disclosure of personal records to a contractor for the use in the performance of any DeCA contract is considered a disclosure within the Department of Defense (DoD). The contractor is considered the agent of DeCA and is to be maintaining and receiving the records for DeCA.

(h) *Safeguarding personal information.* DeCA personnel will protect records in every system of records for confidentiality against alteration, unauthorized disclosure, embarrassment, or unfairness to any individual about when information is kept.

(1) Supervisor/Manager paper records maintained by DeCA personnel will be treated as 'For Official Use Only' (FOUO) documents and secured in locked file cabinets, desks or bookcases during non-duty hours. During normal working hours, these records will be out-of-sight if the working area is accessible to non-government personnel.

(2) Personnel records maintained by DeCA computer room or stand alone systems, will be safeguarded at all times. Printed computer reports containing personal data must carry the markings FOUO. Other media storing personal data such as tapes, reels, disk packs, etc., must be marked with labels which bear FOUO and properly safeguarded.

(3) Adherence to paragraphs (h)(1) and (h)(2) of this section, fulfills the requirements of 32 CFR part 285.

(i) *Records disposal.* (1) DeCA records containing personal data will be shredded or torn to render the record unrecognizable or beyond reconstruction.

(2) The transfer of large quantities of DeCA records containing personal data to disposal activities is not considered a release of personal information under this part. The volume of such transfers makes it difficult or impossible to identify easily specific individual records. Care must be exercised to ensure that the bulk is maintained so as to prevent specific records from

[3] Copies may be obtained: Defense Commissary Agency, ATTN: FOIA/Privacy Officer, 1300 E. Avenue, Fort Lee, VA 23801–1800.

[4] See footnote 3 to § 327.5.

becoming readily identifiable. If the bulk is amintained, no special procedures are required. if the bulk cannot be maintained, dispose of the records by shredding or tearing to render the record unrecognizable or beyond reconstruction.

§ 327.6 Collecting personal information

(a) *Collect directly from the individual.* To the greatest extent practicable, collect personal information directly from the individual to whom it pertains if the information may be used in making any determination about the rights, privileges, or benefits of the individual under any Federal program.

(b) *Collecting personal information from third parties.* It may not be practical to collect personal information directly from an individual in all cases. Some examples of this are:

(1) Verification of information through third party sources for security or employment suitability determinations;

(2) Seeking third party opinions such as supervisory comments as to job knowledge, duty performance, or other opinion-type evaluations;

(3) When obtaining the needed information directly from the individual is exceptionally difficult or may result in unreasonable costs; or

(4) Contacting a third party at the request of the individual to furnish certain information such as exact periods of employment, termination dates, copies of records, or similar information.

(c) *Collecting social security numbers (SSNs).* (1) It is unlawful for DeCA to deny an individual any right, benefit, or privilege provided by law because an individual refuses to provide his or her SSN. Executive Order 9397 authorizes solicitation and use of SSNs as numerical identifiers for individuals in most Federal record systems, however, it does not provide mandatory authority for soliciting.

(2) When an individual is requested to provide their SSN, they must be told:

(i) the uses that will be made of the SSN;

(ii) The statute, regulation or rule authorizing the solicitation of the SSN; and

(iii) Whether providingthe SSN is voluntary or mandatory.

(3) Once the SSN has been furnished for the purpose of establishing a record, the notification in paragraph (c)(2) of this section is not required if the individual is only requested to furnish or verify the SSNs for identification purposes in connection with the normal use of his or her records.

(d) *Privacy act statements.* When a DeCA individual is requested to furnish personal information about himself or herself for inclusion in a system of records, a Privacy Act Statement is required regardless of the medium used to collect the information, *e.g.* forms, personal interviews, telephonic interviews. The statement allows the individual to make a decision whether to provide the information requested. The statement will be concise, curent, and easily understood and must state whether providing the information is voluntary or mandatory. if furnishing the data is mandatory, a Federal statute, Executive Order, regulation or other lawful order must be cited. If the personal information solicited is not to be incorporated into a DeCA system of records, a PA statement is not required. This information obtained without the PA statement will not be incorporated into any DeCA systems of records.

(1) *The DeCA Privacy Act Statement will include:*

(i) The specific Federal statute or Executive Order that authorized collection of the requested information;

(ii) The principal purpose or purposes for which the information is to be used;

(iii) The routine uses that will be made of the information;

(iv) Whether providing the information is voluntary or mandatory; and

(v) The effects on the individual if he or she chooses not to provide the requested information.

(2) *Forms.* When DeCA uses forms to collect personal information, placement of the Privacy Act advisory statement should be in the following order of preference:

(i) Below the title of the form and positioned so the individual will be advised of the requested information,

(ii) Within the body of the form with a notation of its location below the title of the form,

(iii) On the reverse of the form with a notation of its location below the title of the form,

(iv) Attached to the form as a tear-off sheet, or

(v) Issued as a separate supplement to the form.

(3) *Forms issued by non-DoD Activities.* Ensure that the statement prepared by the originating agency on their forms is adequate for the purpose for which DeCA will use the form. If the statement is inadequate, DeCA will prepare a new statement before using the form. Forms issued by other agencies not subject to the Privacy Act but its use requires DeCA to collect personal data, a Privacy Act Statement will be added.

§ 327.7 Access by individuals

(a) *Individual access to personal information.* Release of personal information to individuals whose records are maintained in a systems of records under this part is not considered public release of information. DeCA will release to the individuals all of the personal information, except to the extent the information is contained in an exempt system of records.

(1) *Requests for access.* (i) Individuals in DeCA Headquarters and FOAs will address requests for access to their personal information to the DeCA Privacy Act Officers. Individuals in Regions, CDCs, and commissaries, will address requests to their respective Region Privacy Act Coordinator. The individual is not required to explain or justify why access is being sought.

(ii) If an individual wishes to be accompanied by a third party when seeking access to his or her records or to have the records released directly to the third party, a signed access authorization granting the third party access is required.

(iii) A DeCA individual will not be denied access to his or her records because he or she refuses to provide his or her SSN unless the SSN is the only way retrieval can be made.

(2) *Granting access.* (i) If the record is not part of an exempt system, DeCA personnel will be granted access to the original record or an exact copy of the original record without any changes or deletions. Medical records will be disclosed to the individual to whom they pertain unless an individual fails to comply with the established requirements. This includes refusing to name a physician to receive medical records when required, refusing to pay fees, or when a judgment is made that access to such records may have an adverse effect on the mental or physical health of the individual. Where an adverse effect may result, a release will be made in consultation with a physician.

(ii) DeCA personnel may be denied access to information compiled in reasonable anticipation of a civil action or proceeding. The term ''civil proceeding'' is intended to include quasi-judicial and pretrial judicial proceedings. Information prepared in conjunction with the quasi-judicial, pretrial and trial proceedings to include those prepared by DeCA legal and non-legal officials of the possible consequences of a given course of action are protected from access.

(iii) Requests by DeCA personnel for access to investigatory records pertaining to themselves, compiled for law enforcement purposes, are

processed under this part and that of 32 CFR part 310. Those requests by DeCA personnel for investigatory records pertaining to themselves that are in records systems exempt from access provisions shall be processed under this part or 32 CFR part 285, depending upon which provides the greatest degree of access.

(3) *Non agency records.* (i) Uncirculated personal notes and records that are not given or circulated to any person or organization (example, personal telephone list) that are kept or discarded at the author's discretion and over which DeCA exercises no direct control, are not considered DeCA records. However, if personnel are officially directed or encouraged, either in writing or orally, to maintain such records, they may become ''agency records'' and may be subject to this part.

(ii) Personal uncirculate handwritten notes of team leaders, office supervisors, or military supervisory personnel concerning subordinates are not a system of records within the meaning of this part. Such notes are an extension of the individual's memory. These notes, however, must be maintained and discarded at the discretion of the individual supervisor and not circulated to others. Any established requirement to maintain such notes (written or oral directives, regulation or command policy) make these notes ''AGENCY RECORDS.'' If the notes are circulated, they must be made a part of the system of records. Any action that gives personal notes the appearance of official agency records is prohibited unless they have been incorporated into a DeCA system of records.

(b) *Relationship between the Privacy Act and the Freedom of Information Act (FOIA).* (1) Requests from DeCA individuals for access to a record pertaining to themselves made under the FOIA are processed under the provisions of this part, 32 CFR part 310 and DeCA Directive 30–12, Freedom of Information Act (FOIA) Program.[5]

(2) Request from DeCA individuals or access to a record pertaining to themselves are processed under this part and 32 CFR part 310.

(3) Requests from DeCA individuals for access to records about themselves that cite both Acts or the DeCA implementing directives for both Acts are processed under this part except:

(i) When the access provisions of the FOIA provide a greater degree of access process under the FOIA, or

(ii) When access to the information sought is controlled by another Federal statute process access procedures under the controlling statute.

(4) Requests from DeCA individuals for access to information about themselves in a system of records that do not cite either Act or DeCA implementing directive are processed under the procedures established by this part.

(5) DeCA requesters will not be denied access to personal information concerning themselves that would be releasable to them under either Act because they fail to cite either Act or the wrong Act. The Act or procedures used in granting or denying access will be explained to requesters.,

(6) DeCA requesters should receive access to their records within 30 days.

(7) Records in all DeCA systems maintained in accordance with the Government-wide systems notices are in temporary custody of DeCA, and all requests or amend these records will be processed in accordance with this part.

(c) *Denial of individual access.* (1) A DeCA individual may be denied formal access to a record pertaining to him/her only if the record:

(i) Was compiled in reasonable anticipation of civil action.

(ii) Is in a system of records that has been exempt from access provisions of this part.

(iii) All systems of records maintained by the Defense Commissary Agency shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and which is required by the Executive Order to be withheld in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain items of information that have been properly classified.

(iv) Is contained in a system of records for which access may be denied under some other Federal statute.

(v) All systems of records maintained by the DeCA shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 12958 and which is required by the Executive Order to be withheld in the interest of national defense of foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not otherwise specifically designated for exemptions herein may contain items of information that have been properly classified.

(2) DeCA individuals will only be denied access to those portions of the records from which the denial of access serves some legitimate governmental purpose.

(3) Other reasons to refuse DeCA individuals are:

(i) The request is not described well enough to locate it within a reasonable amount of effort by the PA Officer or PA Coordinator; or

(ii) An individual fails to comply with the established requirements including refusing to name a physician to receive medical records when required or to pay fees.

(4) Only the DeCA IDA can deny access. This denial must be in writing and contain:

(i) The date of the denial, name, title of position, and signature of the DeCA Initial Denial Authority.

(ii) The specific reasons for the denial, including specific reference to the appropriate sections of the PA, other statutes, this part or the Code of Federal Regulations (CFR);

(iii) Information providing the right to appeal the denial through the DeCa appeal procedure within 60 days, and the title, position and address of the DeCA PA Appellate Authority.

(5) *DeCA Appeal Procedures.* The Director of DeCA, or the designee, will review any appeal by an individual from a denial of access to DeCA records. Formal written notification will be provided to the individual explaining whether the denial is sustained totally or in part. The DeCA PA Officer will:

(i) Assign a control number and process the appeal to the Director, DeCA or the designee appointed by the Director.

(ii) Provide formal written notification to the individual by the appeal authority explaining whether the denial is sustained totally or in part and the exact reasons for the denial to include provisions of the Act, other statute, this part or the CFR whichever the determination is based, or

(iii) Provide the individual access to the material if the appeal is granted.

(iv) Process all appeals within 30 days of receipt unless the appeal authority determines the review cannot be made within that period and provide notification to the individual the reasons for the delay and when an answer may be expected.

(d) *Amendment of records.* (1) DeCA employees are encouraged to review the personal information being maintained abut them periodically. An individual may request amendment of any record contained in a system of records unless

[5] See footnote 3 to § 327.5.

the system of records has been exempt specifically from the amendment procedures by the Director, DeCa. A request for amendment must include:

(i) A description of the item or items to be amended.

(ii) The specific reason for the amendment.

(iii) The type of amendment action such as deletion, correction or addition.

(iv) Copies of evidence supporting the request.

(v) DeCA employees may be required to provide identification to make sure that they are indeed seeking to amend a record pertaining to themselves.

(2) The amendment process is not intended to permit the alteration of evidence presented in the course of judicial or quasi-judicial proceedings. Amendments to these records are made through specific procedures established for the amendment of these records.

(i) Written notification will be provided to the requester within 10 working days of its receipt by the DeCA PA Officer. No notification will be provided to the requester if the action completed within the 10 days. Only under exceptional circumstances will more than 30 days be required to reach the decision to amend a request. If the decision is to grant all or in part of the request for amendment, the record will be amended and the requester informed and all other offices/personnel known to be keeping the information.

(ii) If the request for amendment is denied in whole or in part, The PA Officer will notify the individual in writing and provide the specific reasons and the procedures for appealing the decision.

(iii) All appeals are to be processed within 30 days. If additional time is required, the requester will be informed and provided when a final decision may be expected.

(e) *Fee assessments.* (1) DeCA personnel will only be charged the direct cost of copying and reproduction, computed using the appropriate portions of the fee schedule in DeCA Directive 30–12.[6] Normally, fees are waived automatically if the direct costs of a given request are less than $30. This fee waiver provision does not apply when a waiver has been granted to the individual before, and later requests appear to be an extension or duplication of that original request. Decisions to waive or reduce fees that exceed the automatic waiver threshold will be made on a case-by-case basis. Fees may not be charged when:

(i) Copying is performed for the convenience of the Government or is the only means to make the record available for the individual.

(ii) No reading room is available for the individual to review the record or a copy is made to keep the original in DeCA files.

(iii) The information may be obtained without charge under any other regulation, directive, or statute.

(2) No fees will be collected for search, retrieval, and review of records to determine releasability, copying of records when the individual has not requested a copy, transportation of records and personnel, or normal postage.

§ 327.8 Disclosure of personal information to other agencies and third parties

(a) *Disclosures and nonconsensual disclosures.* (1) All requests made by DeCA individuals for personal information about other individuals (third parties) will be processed under DeCA Directive 30–12[7] except when the third party personal information is contained in the Privacy record of the individual making the request.

(2) For the purposes of disclosure and disclosure accounting, the Department of Defense is considered a single agency.

(3) Personal information from DeCA systems of records will not be disclosed outside the DoD unless:

(i) The record has been requested by the individual to whom it pertains,

(ii) Written consent has been given by the individual to whom the record pertains for release to the requesting agency, activity, or individual, or

(iii) The release is pursuant to one of the specific nonconsensual purposes set forth in the Act.

(4) Records may be disclosed without the consent of a DeCA individual to any DoD official who has need for the record in the performance of their assigned duties. Rank, position, or title alone does not authorize this access. An official need for this information must exist.

(5) DeCA records must be disclosed if their release is required by 32 CFR part 285, which is implemented by DeCA Directive 30–12.[8] 32 CFR part 285 requires that records be made available to the public unless exempt from disclosure under the FOIA.

(b) *Normally releasable information.* Personal information that is normally releasable without the consent of a DeCA individual that does not imply a clearly unwarranted invasion of personal privacy:

(1) Civilian employees:

(i) Name,

(ii) Present and past position titles,

(iii) Present and past grades,

(iv) Present and past salaries,

(v) Present and past duty stations,

(vi) Office or duty telephone numbers,

(2) Military members:

(i) Full name,

(ii) Rank,

(iii) Date of rank,

(iv) Gross salary,

(v) Past duty assignments,

(vi) Present duty assignments,

(vii) Future assignments that are officially established,

(viii) Office or duty telephone numbers,

(ix) Source of commission,

(x) Promotion sequence number,

(xi) Awards and decorations,

(xii) Attendance at professional military schools,

(xiii) Duty status at any given time.

(3) All disclosures of personal information on civilian employees shall be made in accordance with the Office of Personnel Management (OPM) and all disclosures of personal information on military members shall be made in accordance with the standards established by 32 CFR part 285.

(4) The release of DeCA employees' home addresses and home telephone numbers is considered a clearly unwarranted invasion of personal privacy and is prohibited; however, these may be released without prior consent of the employee if:

(i) The employee has indicated previously that he or she consents to their release,

(ii) The releasing official was requested to release the information under the provisions of 32 CFR part 285.

(5) Before listing home addresses and home telephone numbers in any DeCA telephone directory, give the individuals the opportunity to refuse such a listing.

(c) *Disclosures for established routine uses.* (1) Records may be disclosed outside of DeCA without consent of the individual to whom they pertain for an established routine use.

(2) A routine use shall:

(i) Be compatible with the purpose for which the record was collected;

(ii) Indicate to whom the record may be released;

(iii) Indicate the uses to which the information may be put by the receiving agency; and

(iv) Have been published previously in the **Federal Register**.

(3) A routine use will be established for each user of the information outside DeCA who need official access to the records. This use may be discontinued or amended without the consent of the individual/s involved. Any routine use

[6] See footnote 3 to § 327.5.

[7] See footnote 3 to § 327.5.

[8] See footnote 3 to § 327.5.

that is new or changed is published in the **Federal Register** 30 days before actually disclosing the record. In addition to routine uses established by DeCA individual system notices, blanket routine uses have been established. See Appendix C to this part.

(d) *Disclosure without consent.* DeCA records may be disclosed without the consent of the individual to whom they pertain to another agency within or under the control of the U.S. for a civil or criminal law enforcement activity if:

(1) The civil or criminal law enforcement activity is authorized by law (Federal, State, or local); and

(2) The head of the agency or instrumentality (or designee) has made a written request to the Component specifying the particular record or portion desired and the law enforcement activity for which it is sought.

(3) Blanket requests for any and all records pertaining to an individual shall not be honored. The requesting agency or instrumentality must specify each record or portion desired and how each relates to the authorized law enforcement activity.

(4) This disclosure provision applies when the law enforcement agency or instrumentality request the record, If the DoD Component discloses a record outside the DoD for law enforcement purposes without the individual's consent and without an adequate written request, the disclosure must be pursuant to an established routine use, such as the blanket routine use for law enforcement.

(e) *Disclosures to the public from health care records.* (1) The following general information may be released to the news media or public concerning a DeCA employee treated or hospitalized in DoD medical facilities and non-Federal facilities for whom the cost of the care is paid by DoD:

(i) Personal information concerning the patient that is provided in § 327.8 and under provisions of 32 CFR part 285.

(ii) The medical condition such as the date of admission or disposition and the present medical assessment of the individual's condition in the following terms if the medical doctor has volunteered the information:

(A) The individual's condition is presently (stable) (good) (fair) (serious) or (critical), and

(B) Whether the patient is conscious, semi-conscious or unconscious.

(2) Detailed medical and other personal information may be released on a DeCA employee only if the employee has given consent to the release. If the employee is not conscious or competent, no personal information, except that required by 32 CFR part 285, will be released until there has been enough improvement in the patient's condition for them to give informed consent.

(3) Any item of personal information may be released on a DeCA patient if the patient has given consent to its release.

(4) This part does not limit the disclosure of personal medical information for other government agencies' use in determining eligibility for special assistance or other benefits provided disclosure in pursuant to a routine use.

Appendix A to Part 327—Sample DeCA Response Letter

Mrs. Floria Employee
551 Florida Avenue
Oakland, CA 94618

Dear Mrs. Employee: This responds to your Privacy Act request dated (enter date of request), in which you requested (describe requested records).

Your request has been referred to our headquarters for further processing. They will respond directly to you. Any questions concerning your request may be made telephonically (enter Privacy Officer's telephone number) or in writing to the following address:

Defense Commissary Agency, Safety, Security, and Administration, Attention: FOIA/PA Officer, Fort Lee, VA 23801–1800.

I trust this information is responsive to your needs.

(Signature block)

Appendix B to Part 327—Internal Management Control Review Checklist

(a) *Task:* Personnel and/or Organization Management.

(b) *Subtask:* Privacy Act (PA) Program.

(c) *Organization:*

(d) *Action officer:*

(e) *Reviewer:*

(f) *Date completed:*

(g) *Assessable unit:* The assessable units are HQ, DeCA, Regions, Central Distribution Centers, Field Operating Activities, and commissaries. Each test question is annotated to indicate which organization(s) is (are) responsible for responding to the question(s). Assessable unit managers responsible for completing this checklist are shown in the DeCA, MCP, DeCA Directive 70–2.[1]

(h) *Event cycle 1:* Establish and implement a Privacy Act Program.

(1) Risk: If prescribed policies, procedures and responsibilities of the Privacy Act Program are not adhered to, sensitive private information on individuals can be given out to individuals.

(2) Control Objectives: The prescribed policies, procedures and responsibilities contained in 5 U.S.C. 552a are followed to protect individual privacy and information release.

(3) Control Techniques: 32 CFR part 310 and DeCA Directive 30–13,[2] Privacy Act Program.

(i) Ensure that a PA program is established and implemented.

(ii) Appoint an individual with PA responsibilities and ensure the designation of appropriate staff to assist.

(4) Test Questions: Explain rationale for YES responses or provide cross-references where rationale can be found. For NO responses, cross-reference to where corrective action plans can be found. If response is NA, explain rationale.

(i) Is a PA program established and implemented in DeCA to encompass procedures for subordinate activities? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(ii) Is an individual appointed PA responsibilities? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(iii) Are the current names and office telephone numbers furnished OSD, Private Act Office of the PA Officer and the IDA? (DeCA HQ/SA). Response: Yes / No / NA. Remarks:

(iv) Is the annual PA report prepared and forwarded to OSD, Defense Privacy Office? (DeCA HQ/SA). Response: Yes / No / NA. Remarks:

(v) Is PA awareness training/orientation provided? Is in-depth training provided for personnel involved in the establishment, development, custody, maintenance and use of a system of records? (DeCA HQ/SA, Region). Response: Yes / No / NA. Remarks:

(vi) Is the PA Officer consulted by information systems developers for privacy requirements which need to be included as part of the life cycle management of information consideration in information systems design? (DeCA HQ/SA, Region). Response: Yes / No / NA. Remarks:

(vii) Is each system of records maintained by DeCA supported by a Privacy Act System Notice and has the systems notice been published in the **Federal Register**? (DeCA HQ/SA). Response: Yes / No / NA. Remarks:

(i) *Event cycle 2:* Processing PA Requests.

(1) Risk: Failure to process PA requests correctly could result in privacy information being released which subjects the Department of Defense, DeCA or individuals to criminal penalties.

(2) Control Objective: PA requests are processed correctly.

(3) Control Technique:

(i) Ensure PA requests are logged into a formal control system.

(ii) Ensure PA requests are answered promptly and correctly.

(iii) Ensure DeCA records are only withheld when they fall under the general and specific exemptions of 5 U.S.C. 552a and one or more of the nine exemptions under DeCA Directive 30–12,[3] Freedom of Information Act (FOIA) Program.

(iv) Ensure all requests are coordinated through the General Counsel.

(v) Ensure all requests are denied by the DeCA IDA.

[1] Copies may be obtained: Defense Commissary Agency, ATTN: FOIA/Privacy Officer, 1300 E. Avenue, Fort Lee, VA 23801–1800.

[2] See footnote 1 to this Appendix B.

[3] See footnote 1 to this Appendix B.

(vi) Ensure all appeals are forwarded to the Director DeCA or his designee.

(4) Test Questions:

(i) Are PA requests logged into a formal control system? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(ii) Are individual requests for access acknowledged within 10 working days after receipt? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(iii) when more than 10 working days are required to respond to a PA request, is the requester informed, explaining the circumstances for the delay and provided an approximate date for completion? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(iv) Are DeCA records withheld only when they fall under one or more of the general or specific exemptions of the PA or one or more of the nine exemptions of the FOIA? (DeCA HQ/SA, Region IM). Response: Yes / No / NA. Remarks:

(v) Do denial letters contain the name and title or position of the official who made the determination, cite the exemption(s) on which the denial is based and advise the PA requester of their right to appeal the denial to the Director DeCA or designee? (DeCA HQ/SA). Response: Yes / No / NA. Remarks:

(vi) Are PA requests denied only by the HQ DeCA IDA? (All). Response: Yes / No / NA. Remarks:

(vii) Is coordination met with the General Counsel prior to forwarding a PA request to the IDA? (DeCA HQ/SA). Response: Yes / No / NA. Remarks:

(j) *Event cycle 3:* Requesting PA Information.

(1) Risk: Obtaining personal information resulting in a violation of the PA.

(2) Control Objective: Establish a system before data collection and storage to ensure no violation of the privacy of individuals.

(3) Control Technique: Ensure Privacy Act Statement to obtain personal information is furnished to individuals before data collection.

(4) Test Questions:

(i) Are all forms used to collect information about individuals which will be part of a system of records staffed with the PA Officer for correctness of the Privacy Act Statement? (DeCA HQ/SA, Region). Response: Yes / No / NA. Remarks:

(ii) Are Privacy Statements prepared and issued for all forms, formats and questionnaires that are subject to the PA, coordinated with the DeCA forms manager? (DeCA HQ/SA, Region). Response: Yes / No / NA. Remarks:

(iii) Do Privacy Act Statements furnished to individuals provide the following:

(A) The authority for the request.

(B) The principal purpose for which the information will be used.

(C) Any routine uses.

(D) The consequences of failing to provide the requested information. Yes / No / NA. Remarks:

(k) *Event cycle 4:* Records Maintenance.

(1) Risk: Unprotected records allowing individuals without a need to know access to privacy information.

(2) Control Objective: PA records are properly maintained throughout their life cycle.

(3) Control Technique: Ensure the prescribed policies and procedures are followed during the life cycle of information.

(4) Test Questions:

(i) Are file cabinets/containers that house PA records locked at all times to prevent unauthorized access? (All). Response: Yes / No / NA. Remarks:

(ii) Are personnel with job requirement (need to know) only allowed access to PA information? (All). Response: Yes / No / NA. Remarks:

(iii) Are privacy act records treated as unclassified records and designated 'For Official Use Only'? (All). Response: Yes / No / NA. Remarks:

(iv) Are computer printouts that contain privacy act information as well as disks, tapes and other media marked 'For Official Use Only'? (All). Response: Yes / No / NA. Remarks:

(v) Is a Systems Manager appointed for each automated/manual PA systems of records? (DeCA HQ/SA, Region). Response: Yes / No / NA. Remarks:

(vi) Are PA records maintained and disposed of in accordance with DeCA Directive 30–2,[4] The Defense Commissary Agency Filing System? (All). Response: Yes / No / NA. Remarks:

(1) I attest that the above listed internal controls provide reasonable assurance that DeCA resources are adequately safeguarded. I am satisfied that if the above controls are fully operational, the internal controls for this sub-task throughout DeCA are adequate.

Safety, Security and Administration.

FUNCTIONAL PROPONENT.

I have reviewed this sub-task within my organization and have supplemented the prescribed internal control review checklist when warranted by unique environmental circumstances. The controls prescribed in this checklist, as amended, are in place and operational for my organization (except for the weaknesses described in the attached plan, which includes schedules for correcting the weaknesses).

ASSESSABLE UNIT MANAGER (Signature).

Appendix C to Part 327–DeCA Blanket Routine Uses

(a) *Routine Use—Law Enforcement.* If a system of records maintained by a DoD Component, to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, the agency concerned, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

(b) *Routine Use—Disclosure when Requesting Information.* A record from a system of records maintained by a Component may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(c) *Routine Use—Disclosure of Requested Information.* A record from a system of records maintained by a Component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) *Routine Use—Congressional Inquiries.* Disclosure from a system of records maintained by a Component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(e) *Routine Use—Private Relief Legislation.* Relevant information contained in all systems of records of the Department of Defense published on or before August 22, 1975, will be disclosed to the OMB in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

(f) *Routine Use—Disclosures Required by International Agreements.* A record from a system of records maintained by a Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

(g) *Routine Use—Disclosure to State and Local Taxing Authorities.* Any information normally contained in Internal Revenue Service (IRS) Form W–2 which is maintained in a record from a system of records maintained by a Component may be disclosed to State and local taxing authorities with which the Secretary of the Treasury has entered into agreements under 5 U.S.C., 5516, 5517, and 5520 and only to those State and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin No. 76–07.

(h) *Routine Use—Disclosure to the Office of Personnel Management.* A record from a system of records subject to the Privacy Act and maintained by a Component may be disclosed to the Office of Personnel Management (OPM) concerning information on pay and leave, benefits, retirement deduction, and any other information necessary for the OPM to carry out its legally authorized government-wide personnel management functions and studies.

[4] See footnote 2 to this Appendix B.

(i) *Routine Use—Disclosure to the Department of Justice for Litigation.* A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

(j) *Routine Use—Disclosure to Military Banking Facilities Overseas.* Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

(k) *Routine Use—Disclosure of Information to the General Services Administration (GSA).* A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(l) *Routine Use—Disclosure of Information to the National Archives and Records Administration (NARA).* A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(m) *Routine Use—Disclosure to the Merit Systems Protection Board.* A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

(n) *Routine Use—Counterintelligence Purpose.* A record from a system of records maintained by this component may be disclosed as a routine use outside the DoD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

Dated: June 22, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–16262 Filed 6–27–00; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 694

Gaining Early Awareness and Readiness for Undergraduate Programs

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations; interpretation.

SUMMARY: The Secretary interprets and clarifies sections of the Department of Education's final regulations governing the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program that were published in the **Federal Register** on April 27, 2000 (65 FR 24756). The Secretary takes this action in response to questions that have arisen about scholarships for GEAR UP students.

DATES: This interpretation is effective June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Rafael Ramirez, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW, Room 6252, Washington, DC 20006. Telephone: (202) 502–7676. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed.

SUPPLEMENTARY INFORMATION: In the GEAR UP regulations, in § 694.10, we require State and partnership grantees to monitor the treatment of GEAR UP scholarships in relation to other aid GEAR UP students may receive. Some colleges and universities have raised questions about the applicability of the regulations to them.

The GEAR UP regulations govern the use of GEAR UP funds by GEAR UP grantees. Accordingly, the GEAR UP regulations do not apply to institutions that are not GEAR UP grantees or do not enroll any GEAR UP students. Moreover, under the regulations, no institution is required to enroll a GEAR UP student, and if it does so, that institution may decline to order the student's aid in the manner required by the regulations. In the latter case, however, it would be the grantee's responsibility to inform the GEAR UP student that he or she could not receive the GEAR UP scholarship to attend that institution. In this case, the student would be free to attend that college without the GEAR UP scholarship or another college that orders the aid in a manner consistent with the regulations with the GEAR UP scholarship.

Waiver of Public Comment

In accordance with the Administrative Procedure Act, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. However, since this document only clarifies and interprets an existing regulation, additional public comment on this document is not required under 5 U.S.C. 553(b)(A).

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(Catalog of Federal Domestic Assistance Number: 84.334 Gaining Early Awareness and Readiness for Undergraduate Program)

Dated: June 21, 2000.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–16124 Filed 6–27–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AD68

Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority; Correcting Amendment

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Correcting amendment.

SUMMARY: This correction amends the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on January 8, 1999, (64 FR 1276) redefining the area subject to the subsistence priority for rural residents of Alaska under Title VIII of the Alaska National Interest Lands Conservation Act of 1980. The January 8, 1999, final rule also established regulations for seasons, harvest limits, methods, and means relating to the taking of fish and shellfish for subsistence uses during the 2000 regulatory year.

DATES: The correcting amendment to § __.26 is effective June 28, 2000 through February 28, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786–3888. for questions specific to National Forest System Lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA–Forest Service, Alaska Region, telephone (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, as revised January 8, 1999, (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture, the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participated in the development of regulations for Subparts A, B, and C, and the annual Subpart D regulations.

Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Proposed Subpart D regulations for the 2000 seasons and bag limits, and methods and means were published on December 17, 1998, in the **Federal Register** (62 FR 66216). A comment period providing for public review of the proposed rule was advertised by mail, radio, and newspaper. Following that comment period the Proposed Rule was modified to respond to comments and to make it coincide with State regulations wherever possible. Also, we removed regulations that were unnecessary because there were no areas of Federal jurisdiction present. The final regulations, published on January 8, 1999, (64 FR 1276) reflect the joint efforts of the Federal agencies to simplify, clarify, and remove any extraneous provisions.

This correcting amendment is necessary because, in the effort to remove unnecessary provisions, one regulation protecting fish populations in the Cook Inlet Fishery Management Area was inadvertently and incorrectly omitted.

Subpart D

Both State subsistence regulations, as well as previous Federal subsistence regulations and the Proposed Rule, contained a prohibition on the use of gillnets in freshwater in the Cook Inlet Fishery Management Area. This prohibition, in place in Federal regulations since 1990, was necessary to protect freshwater species susceptible to serious overharvest with the use of gillnets. Without such a prohibition, populations of rainbow trout, steelhead, or other freshwater species could quickly be decimated in certain areas.

Reexamination of the comments that were received on the Proposed Rule and the preliminary drafts of the Final Rule revealed no specific intent to remvoe this gillnet prohibition. In our efforts to remove unnecessary regulations, we inadvertently removed the regulation prohibiting the use of gillnets in fresh water. This correcting amendment would reinsert that gillnet prohibition into 50 CFR 100.26(i)(10) and 36 CFR 242.26(i)(10).

The Board finds that additional public notice and comment requirements under the Administration Procedures Act (APA) for this correcting amendment are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate conservation measures could seriously affect the continued viability of fish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive additional public notice and comment procedures prior to publication of this rule. The Board finds good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal

Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, decided to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

This amendment does not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

Other Requirements

This rule was not subject to OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a signfiicant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The Departments determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

The rulemaking will impose no signficant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, we estimate that 2 million pounds of meat are harvested by the local subsistence users annually and, if given a dollar value of $3.00 per pound, would equate to $6 million Statewide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.,* that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that this amendment meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. title VIII of ANILCA precludes the State from exercising management authority over wildlife resources on Federal lands.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

Drafting Information: William Knauer drafted this amendment under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Curt Wilson, Alaska State Office, Bureau of Land Management; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; Sandy Rabinowitch Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service, provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Federal Subsistence Board amends Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART____ SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. Section ____.26 is amended by adding paragraph (i) (10) (v) to read as follows:

§ ____.26 Subsistence taking of fish.

* * * * *

(i) * * *

(10) * * *

(v) You may not use gillnets in freshwater.

* * * * *

Dated: June 19, 2000.

Kenneth E. Thompson,

Acting Regional Forester, USDA—Forest Service.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 00–16037 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–11–M; 4310–55–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

RIN 3095–AA81

Agency Records Centers

AGENCY: National Archives and Records Administration (NARA).

ACTION: Summary of comments received on final rule.

SUMMARY: This document describes the comments that the National Archives and Records Administration (NARA) received in response to the invitation for public comment on three sections of our final rule on agency records center storage standards, published December 2, 1999. We are publishing this document to inform the public of the comments and our disposition of the comments.

DATES: The final rule was effective January 3, 2000, except §§ 1228.234, 1228.236, and 1228.238 which were effective March 2, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at (301) 713–7360, ext. 226.

SUPPLEMENTARY INFORMATION: NARA published its final rule, Agency Records Centers, on December 2, 1999 (64 FR 67634). In that final rule, we delayed the effective date of three new provisions concerning exceptions and waivers to the facility standards to allow a 60-day public comment period. These three new provisions are intended to make it easier for facilities to gain certification. We received timely comments from two offices in the Veterans Administration, an individual, Iron Mountain, United Mine Workers of America (UMWA), Contract Services Association of America (CSA), and PRISM International (PRISM). We also considered late comments from the Deputy Under Secretary of Defense for Acquisition Reform (DoD) and the Coalition for Government Procurement (Coalition).

One of the agencies stated that they had no comment and the individual commented that the reasoning behind the waiver is understandable. A discussion of the other major comments follows, organized by subject. Most of these comments reiterated comments raised earlier in the rulemaking and addressed in the final rule.

Timing of Approvals of Waivers

The UMWA endorsed the three sections with one recommended modification to § 1228.238(c). That provision applies to waiver of roof requirements for underground storage facilities. It states that NARA will normally grant the waiver and notify the requesting agency within 10 work days if the agency has not also requested a waiver of a different requirement under § 1228.236. If the agency has another waiver request pending for the same facility, NARA will respond to all of the waiver requests at the same time and within the longest time limits.

UMWA argued that approval of one waiver for a facility should not be delayed because another waiver is received unless the initial waiver would be impacted by the new filing for a waiver. While a waiver of roof requirements can be considered independently from waivers addressed by § 1228.236, a facility that requires a waiver of another NARA requirement cannot be approved to store Federal records until the requested waiver of the other provision(s) is approved. We would prefer to make one notification when all waivers are approved and we expect that agencies will submit all waiver requests for a facility at one time.

Limit the Scope of the Regulation to Permanent/Archival Records

Iron Mountain, PRISM, CSA, and the Coalition recommended revising § 1228.222(a) to limit the entire regulation to permanent archival Federal records. We rejected this proposal because (1) recommendations to change other sections of the regulation were outside the scope of the request for comment on § 1228.234, 1228.236, and 1228.238, and (2) NARA had previously addressed comments on our position that all Federal records, not just permanent records, require a minimum level of protection (see 64 FR 67634). We also note that permanent archival records are those records that have been transferred to NARA's legal custody, not records still in the creating agency's custody. The regulation covers permanent and temporary records that are in the creating agency's custody.

As we stated in the preamble to the proposed rule (64 FR 23504), in our initial regulatory flexibility analysis (64 FR 50028), and again in the final rule, Federal records provide essential documentation of the Federal Government's policies and transactions and protect rights of individuals. The Government has an obligation to protect and preserve these records for their entire retention period, even if that retention period is only a few years, as is the case with IRS income tax returns or invoice payments. NARA believes that records storage facilities should be structurally sound, protect against unauthorized access, and protect against fire and water damage to the records, whether the records are temporary or permanent. Only in the area of environmental conditions is the length of time the records are retained a significant consideration in setting standards.

NARA's Facility Standards are Inconsistent With Commercial Standards and Best Practices

Iron Mountain, CSA, the Coalition, and DoD expressed concern that we did not ''baseline'' the standards against current commercial best practices and standards. These comments argued that adherence to local building codes and selected National Fire Protection Association (NFPA) standards provide sufficient protection for records in commercial records centers. We did not accept these comments, which also had been made in response to the proposed rule and initial regulatory flexibility analysis. In the preamble to the December 2, 1999, final rule, we discussed at some length why we did not share their views (see 64 FR 67635 and 67639–67640). In brief, the local fire-safety components of building codes are designed to protect the life and safety of occupants, mitigate against the spread of a fire to adjacent structures, and to protect fire fighters, not to limit the loss of valuable contents. The NFPA standards cited by the industry comments pertain to the protection of facilities storing bulk quantities of blank or waste paper, not records. NARA's standards supplement the building codes to provide a safety level for the items stored.

The commercial records storage industry does not currently have any widely accepted or ANSI-approved standards. Unfortunately, they do have a record of disastrous fires, each with

significant quantities of records destroyed. A fire in a commercial records storage facility in Chicago on October 29, 1996, resulted in the loss of over 220,000 boxes of records. The wet pipe sprinkler system was reported to be ordinary hazard, group II, with no sprinklers under the catwalks in 28 foot-high shelving. Preliminary estimates placed the loss at 50 million dollars or more. More than a million boxes of documents were destroyed in three March 1997 fires at a nationwide records storage company's two facilities in an industrial park in South Brunswick, New Jersey. And a May 6, 1997, fire near Scranton, PA destroyed another commercial center that stored 450,000 cubic feet of paper and microfilm records. In comparison, the two recent fires at NARA's Washington National Records Center in Suitland, MD, demonstrated that NARA's fire protection and suppression system does provide the level of fire safety required by the NARA standard in Subpart K. The first fire resulted in loss of 50 or fewer cubic feet of records from fire. The loss from the second fire was limited to no more than 10 cubic feet of records.

NARA fire safety requirements are based on extensive live fire testing conducted by nationally recognized independent laboratories. These tests demonstrate conclusively that the NARA standards are effective and practical. NARA has authorized the unlimited publication of the test reports. To our knowledge, no other U. S. provider of records storage services has conducted any such independent tests; at least no reports have been published. The NARA standards also reflect the National Fire Protection Association's advisory *Guide for Fire Protection for Archives and Records Centers (NFPA/ANSI 232A–1995)*, the most widely accepted documentation of commercial best practices. (The National Fire Protection Association has recently voted to change the advisory guide to a mandatory standard.)

The related Iron Mountain comment that NARA had conducted a fire test subsequent to the final rule that used the widely accepted industry fire suppression standards was misinformed. NARA's successful fire test of 28-foot high storage, conducted by the independent Southwest Research Institute, did not use the widely accepted industry practice of ceiling-only sprinklers. Instead, NARA used sprinklers at three levels: under the first catwalk at approximately 16 feet; under the second catwalk at approximately 24 feet, and at the ceiling. The test fire was controlled by the under-catwalk sprinklers and the ceiling sprinklers never activated.

NARA Regulation is Inconsistent With Acquisition Reform Inititatives

DoD, CSA, and the Coalition also commented that the final rule is inconsistent with the Government's acquisition reform efforts to eliminate government unique standards, such as military specifications in favor of commercial standards and best practices. We do not view the records center regulation as contravening or impeding the Government's acquisition reform initiative. As discussed in the previous sections of this **SUPPLEMENTARY INFORMATION**, there is no clear ANSI-approved industry fire-safety standard for records centers that could be used in place of the NARA standard. It is important to realize that with regard to fire safety and security issues, the new regulation was written as a performance standard, rather than a prescriptive standard, and replaced Government-specific (MIL–SPEC and FED–STD) references with ANSI-approved references. We also took extensive steps to assure full industry review and comment, as noted in the **SUPPLEMENTARY INFORMATION** section of the December 2, 1999, final rule.

Other Comments

Several of the commenters either enclosed copies of comments that had been submitted in response to the proposed rule, or repeated their earlier comments. These comments generally concerned issues of cost and competition, and were addressed in the December 2, 1999, final rule. The DoD comment indicated a concern that NARA was both the arbiter of the standards and a competitor in the marketplace. While we appreciate the concern, NARA has taken action to assure that the two functions remain separate.

Conclusion

After carefully reviewing the comments received in response to the invitation for public comment on §§ 1228.234, 1228.236, and 1228.238, we determined that these three provisions do not require further amendment to carry out their intended purpose: to allow Federal agencies and the commercial records storage industry more flexibility in meeting the NARA requirements.

Dated: June 23, 2000.

John W. Carlin,

Archivist of the United States.

[FR Doc. 00–16308 Filed 6–27–00; 8:45 am]

BILLING CODE 7515–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 201 and 202

[Docket No. RM 2000–5]

Copyright Rules and Regulations: Copyright, Registration of Claims to Copyright

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; technical amendments.

SUMMARY: The Copyright Office has reviewed its regulations and found non-substantive errors in its general copyright provisions and its rules governing registration of claims to copyright. This document contains technical amendments to correct these errors.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington DC 20024. Telephone: (202) 707–8380. Fax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: The Copyright Office recently conducted an extensive review of Parts 201 and 202 of its regulations. This document is published to update and correct minor errors in the text to these parts as published in the Code of Federal Regulations.

List of Subjects

37 CFR Part 201

Copyright.

37 CFR Part 202

Claims, Copyright.

Final Rule

For the reasons set forth in the preamble, 37 CFR Chapter II is amended by making the following corrections and amendments:

PART 201—GENERAL PROVISIONS

1. The authority citation for Part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 201.1 [Amended]

2. In § 201.1, paragraph (a) remove the ''.'' (period) after ''SE''.

3. In § 201.1, paragraphs (c) and (d) are revised to read as follows:

§ 201.1 Communications with the Copyright Office.

* * * * *

(c) *Copies of records or deposits.* Requests for copies of records or deposits should be addressed to the Library of Congress, Copyright Office, Certifications and Documents Section, LM–402, 101 Independence Avenue, SE, Washington, DC 20559–6000.

(d) *Search of records.* Requests for searches of registrations and recordations in the completed catalogs, indexes, and other records of the Copyright Office should be addressed to the Library of Congress, Copyright Office, Reference and Bibliography Section, LM–450, 101 Independence Avenue, SE, Washington, DC 20559–6000.

§ 201.3 [Amended]

4. In § 201.3(d)(11)(v), remove the ''.'' (period) after the '':'' (colon).

5. In the heading to the table in § 201.3(e), remove ''division'' and add ''Division'' in its place.

§ 201.4 [Amended]

6. In § 201.4(a)(1)(iv), revise ''17 U.S.C'' to read ''17 U.S.C.''.

7. In § 201.4(c)(2)(ii), add ''title'' after ''recordable under this''.

8. In § 201.4(a)(1), (2) and (3)(i), remove ''Title'' and add ''title'' in its place.

9. In § 201.4, paragraph (d) is revised to read as follows:

§ 201.4 Recordation of transfers and certain other documents.

* * * * *

(d) *Fees.* The fees for recordation of a document are prescribed in § 201.3(c).

* * * * *

§ 201.5 [Amended]

10.–11. In § 201.5(c)(1)(viii)(C), add a ''.'' (comma) after ''other copyright claimant.''

12. In § 201.5(c)(2), remove ''.'' (period) after ''SE''.

§ 201.7 [Amended]

13. In § 201.7(c)(4)(iii), remove the excess space after ''(iii)''.

14. In § 201.7(c)(4)(ix), add a ''.'' (comma) after ''January 1, 1978''.

15. In § 201.7(d), add a ''.'' (comma) after ''information or deposit copy''.

§ 201.25 [Amended]

16. In § 201.25(d), remove ''statement'' after ''Visual Arts Registry'' and add ''Statement'' in its place.

17. In § 201.25(f), add the heading *''Effect of recordation.''*

§ 201.26 [Amended]

18. In § 201.26(g)(3), add ''–4260'' after ''20540''.

§ 201.35 [Amended]

19. In § 201.35(f), remove the period ''.'' after ''SE''.

§ 201.36 [Amended]

20. In § 201.36(c), last sentence, (f) and (g) introductory text, remove ''use'' after ''Reports of'' and add ''Use'' in its place.

§ 201.37 [Amended]

21. In the heading to § 201.37(b), add an ''s'' to the word ''Definition''.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

22. The authority citation for Part 202 continues to read as follows:

Authority: 17 U.S.C. 408, 702.

§ 202.3 [Amended]

23. In § 202.3(b)(3)(i)(A), remove ''A'' and add ''a'' after ''published works:''.

§ 202.17 [Amended]

24. In § 202.17(g)(2)(i), remove ''duty'' and add ''duly'' in its place.

§ 202.23 [Amended]

25. In § 202.23(d), add ''or'' after ''deposit made on''; add a ''.'' (comma) after ''1978''.

Dated: June 20, 2000.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 00–16240 Filed 6–27–00; 8:45 am]

BILLING CODE 1410–30–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 203, 204, 251, 252, 256, 257, 259, 260

[Docket No. 2000–5A]

Freedom of Information Act, Privacy Act, and Copyright Arbitration Royalty Panel: Policies and Procedures

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule; technical amendments.

SUMMARY: The Copyright Office is making non-substantive housekeeping amendments to its regulations to update them and to correct minor errors.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, Copyright Office GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202)707–8380. Telefax: (202)707–8366.

SUPPLEMENTARY INFORMATION: The Copyright Office periodically reviews its regulations as published in the Code of Federal Regulations (CFR) to correct minor and typographical errors in the published text. The Office has identified such errors in the currently published rules and makes corrections now. In addition, some corrections, such as the time allotted an agency to respond to a request under the Privacy Act, and the time in which an appeal must receive response, are changes made to conform the Office's regulations to the Privacy Act of 1974, which is part of the Administrative Procedure Act, 5 U.S.C. 552(a).

The following sections are amended to correct these errors: Secs. 203.3(a), 203.3(b)(2), 203.3(g), 203.4(c), 203.4(d), 203.4(f), 203.4(g), 204.4(a), 204.4(c), 204.5(a), 204.4(c), 204.7(a), 204.7(b), 204.8(a), and 204.8(b).

List of Subjects

37 CFR Part 203

Freedom of information.

37 CFR Part 204

Privacy.

Final Rule

Accordingly, 37 CFR chapter II is amended by making the following corrections and amendments.

PART 203—FREEDOM OF INFORMATION ACT: POLICIES AND PROCEDURES

1. The authority citation for part 203 continues to read as follows:

Authority: 17 U.S.C. 702; 5 U.S.C. 552, as amended.

§ 203.3 [Amended]

2. Section 203.3(a) is amended by removing ''and'' after ''legal'' and adding a ''.'' (comma) in its place.

3. Section 203.3(b)(2) is amended by removing ''whether the materials'' and adding in its place ''whether the material'', and by removing ''constitute'' and adding ''constitutes'' in its place.

4. Section 203.3(g) is amended by removing ''SE.'' and adding in its place ''SE''.

§ 203.4 [Amended]

5. Section 203.4(c) is amended by removing ''SE.'' and adding in its place ''SE''; and by adding a comma after ''Friday''.

6. Section 203.4(d) is amended by adding ''–6000'' after ''20559''; and by removing ''SE.'' and adding in its place ''SE''.

7. Section 203.4(f) introductory text is amended by removing ''S.E.'' and adding in its place ''SE''; and by adding a ''.'' (period) after ''DC'' and before ''Office hours are''.

8. Section 203.4(f)(2) is amended by removing the ''.'' (period) after ''General Counsel of the United States Copyright Office'' and by adding in its place ''''at: Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. The appeal should be clearly labeled 'Freedom of Information Act Appeal'.''

9. Section 203.4(g) is amended by removing ''In the event a request is denied and that denial is appealed, the Supervisory Copyright Information Specialist will refer the appeal to the General Counsel. Appeals shall be set forth in writing and addressed to the Supervisory Copyright Information Specialist at the address listed in paragraph (d) of this section.''

PART 204—PRIVACY ACT: POLICIES AND PROCEDURES

10. The authority citation for part 204 is revised to read as follows:

Authority: 17 U.S.C. 702; 5 U.S.C. 552(a).

§ 204.4 [Amended]

11. Section 204.4(a) is amended by removing ''Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559,'' and by adding in its place ''Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024,''; and by removing ''9 a.m. and 4 p.m.'' and adding ''8:30 a.m. and 5 p.m.'' in its place; and by removing ''SE.'' and adding in its place ''SE''.

12. Section 204.4(c) is amended by removing ''within ten working days of receipt and will notify the requester within 30 working days of receipt of the existence or non-existence of records pertaining to the requester.'' and by adding in its place ''made by individuals wishing to gain access to view or copy their records or any information pertaining to the individual, within a reasonable time. The Office will acknowledge in writing an individual's request to amend a record pertaining to him or her within ten business days.''

§ 204.5 [Amended]

13. Section 204.5(a) is amended by removing ''Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559,'' and adding in its place ''Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024,''; and by removing ''SE.'' and adding in its place ''SE''.

14. Section 204.5(c) is amended by removing the word ''ten'' and adding in its place ''20''.

§ 204.7 [Amended]

15. Section 204.7(a) is amended by removing ''Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559,'' and adding in its place ''Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024,''; and by removing ''SE.'' and adding in its place ''SE''.

16. Section 204.7(b) is amended by removing ''10'' and adding ''ten'' in its place.

17. Section 204.8(a) is amended by removing ''has 90 calendar days from receipt of the Copyright Office's response to'' and adding in its place ''who disagrees with a refusal of the Copyright Office to amend his or her record may request a review of the denial. The decision will be made within 30 business days, unless the Office can demonstrate good cause for extending the 30 day period. If the requestor is dissatisfied with the agency's final determination, the individual may bring a civil action against the Office in the appropriate United States district court.''; and by removing ''Register of Copyright, Copyright Office, Library of Congress, Washington, DC 20559 for the final administrative determination'' and adding in its place, ''General Counsel, Copyright Office, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024,''; and by removing ''Register's'' and adding in its place ''Copyright Office General Counsel's''.

18. Section 204.8(b) is amended by removing ''Register'' each place it appears and adding ''General Counsel'' in its place; and by removing ''Register's'' and adding in its place ''General Counsel's''.

PART 251—COPYRIGHT ARBITRATION ROYALTY PANEL RULES OF PROCEDURE

19. The authority citation for part 251 continues to read as follows:

Authority: 17 U.S.C. 801–803.

§ 251.44 [Amended]

20. Section 251.44(f) is amended by adding the heading ''Service.'' after the paragraph designation (f).

§ 251.64 [Amended]

21. Section 251.64 is amended by adding ''Such notice shall, to the extent feasible, describe the nature, general structure, and schedule of the proceeding.'' at the end of the paragraph.

PART 252—FILING OF CLAIMS TO CABLE ROYALTY FEES

22. The authority citation for part 252 continues to read as follows:

Authority: 17 U.S.C. 111(d)(4), 801, 803.

§ 252.4 [Amended]

23. Section 252.4(a)(1) is amended by removing the ''.'' (period) after ''SE''.

PART 256—ADJUSTMENT OF ROYALTY FEE FOR CABLE COMPULSORY LICENSE

24. The authority citation for part 256 continues to read as follows:

Authority: 17 U.S.C. 702, 802.

§ 256.2 [Amended]

25. Section 256.2(b)(2) is amended by removing ''actual'' and adding ''actual'' in its place.

PART 257—FILING OF CLAIMS TO SATELLITE CARRIER ROYALTY FEES

26. The authority citation for part 257 continues to read as follows:

Authority: 17 U.S.C. 119(b)(4).

§ 257.4 [Amended]

27. Section 257.4(a)(1) is amended by removing the ''.'' (period) after ''SE''.

PART 259—FILING OF CLAIMS TO DIGITAL AUDIO RECORDING DEVICES AND MEDIA ROYALTY PAYMENTS

28. The authority citation for part 259 continues to read as follows:

Authority: 17 U.S.C. 1007(a)(1).

§ 259.5 [Amended]

29. Section 259.5(a)(1) is amended by removing the ''.'' (period) after ''SE''.

PART 260—USE OF SOUND RECORDINGS IN A DIGITAL PERFORMANCE

30. The authority citation for part 260 continues to read as follows:

Authority: 17 U.S.C. 114, 801(b)(1).

§ 260.2 [Amended]

31. Section 260.2(c)(1)(v) is amended by removing ''merchandise or anything or service of value is received by licensee'' and adding in its place ''merchandise, service, or anything of value is received by Licensee'' in its place.

Dated: June 22, 2000.

Marilyn J. Kretsinger

Assistant General Counsel.

[FR Doc. 00–16241 Filed 6–27–00; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA200020; FRL–6720–4]

Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Georgia that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Ariel Rios Building, Washington, D.C., and the Regional Office.

EFFECTIVE DATE: This action is effective June 28, 2000.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, Ariel Rios Building (Mail Code 6102), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Scott M. Martin at the above Region 4 address or at (404) 562–9031.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997, (62 FR 27968) EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. The description of the revised SIP document, IBR procedures and ''Identification of plan'' format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On May 21, 1999, EPA published a document in the **Federal Register** (64 FR 27699) beginning the new IBR procedure for Georgia. In this document EPA is doing the first update to the material being IBRed.

In this document EPA is updating the SIP compilation that is incorporated by reference. EPA took notice and public comment on this rulemaking in May 1999. No comments were received and the rule became effective May 21, 1999.

EPA has determined that today's rule falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' Public comment is ''unnecessary'' and ''contrary to the public interest'' since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

I. Administrative Requirements

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

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

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

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Mississippi SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 19, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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

PART 52—[AMENDED]

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

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

Subpart L—Georgia

2. Section 52.570 paragraph (b) is revised to read as follows:

§ 52.570 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraph (c) of this section with an EPA approval date prior to July 1, 2000, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The approval date for paragraph (d) remains December 1, 1998. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 2000, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 2000.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC. 20460.

* * * * *

[FR Doc. 00–16176 Filed 6–27–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

RIN 1090–AA67

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Interior.

ACTION: Correcting amendment.

SUMMARY: This document corrects the final rule published June 16, 2000 which adopted as final an interim rule published December 27, 1999. The rule related to encouraging the use of seat belts in response to Executive Order 13043.

DATES: Effective on July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Debra E. Sonderman, (Director, Office of Acquisition and Property Management), (202) 208–6431.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published on June 16, 2000 (65 FR 37702), the rule indicated that the interim rule amending 43 CFR part 12 that was published at 64 FR 72287 on December 27, 1999, was adopted as final without change. Because a change was in fact made to 43 CFR 12.2(e)(3), we are publishing this document to reflect that change.

List of Subjects in 43 CFR Part 12

Administrative practice and procedure, Contract programs, Cooperative agreements, Grant programs, Grants administration, Reporting and recordkeeping requirements.

Dated: June 20, 2000.

Lisa Guide,

Deputy Assistant Secretary for Policy and International Affairs.

Part 12 of title 43 of the Code of Federal Regulations is amended as follows:

PART 12—ADMINISTRATIVE AND AUDIT REQUIREMENTS AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

1. The authority for part 12 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 6101 note, 7501; 41 U.S.C. 252a, 701 *et seq;* Pub. L. 104–256, 110 Stat. 1396; sec. 501, Pub. L. 105–62, 111 Stat. 1338; sec. 503, Pub. L. 105–62, 111 Stat. 1339; sec. 303, Pub. L. 105–83, 111 Stat. 1589; sec. 307, Pub. L. 105–83, 111 Stat. 1590; E.O. 12549, 3 CFR, 1986 Comp., p. 189; E.O. 12674, 3 CFR, 1989 Comp., p. 215; E.O. 12689, 3 CFR, 1989 Comp., p. 235; E.O. 12731, 3 CFR, 1990 Comp., p. 306; E.O. 13043, 62 FR 19217; 3 CFR 1997 Comp., p. 195; OMB Circular A–102; OMB Circular A–110; and OMB Circular A–133.

Subpart A—Administrative and Audit Requirements and Cost Principles for Assistance Programs

2. Section 12.2 is corrected by revising the section heading and paragraph (e) to read as follows:

§ 12.2 What policies are financial assistance awards and subawards in the form of grants and cooperative agreements subject to?

* * * * *

(e) (1) What does Executive Order 13043, ''Increasing Seat Belt Use in the United States,'' dated April 16, 1997, do?

(i) If you are a Federal grantee, you are encouraged to—

(A) Adopt and enforce on-the-job seat belt use policies and programs for your employees when operating company-owned, rented, or personally owned vehicles.

(B) Conduct education, awareness, and other appropriate programs for your employees about the importance of wearing seat belts and the consequences of not wearing them.

(ii) [Reserved]

(2) When does the policy apply?

(i) If a grant/cooperative agreement is being awarded by the bureau/office of the Department—The policy applies.

(ii) If the recipient awards a grant or cooperative agreement to a subrecipient—The policy applies.

(3) What terms and conditions will be incorporated into the grant/cooperative agreement or sub-award, if use of a specific provision is desired and general

applicability to 43 CFR Part 12 is not used instead?

(i) The following provision will be incorporated into the grant/cooperative agreement or sub-award:

The Seat Belt Provision

Recipients of grants/cooperative agreements and/or sub-awards are encouraged to adopt and enforce on-the-job seat belt use policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. These measures include, but are not limited to, conducting education, awareness, and other appropriate programs for their employees about the importance of wearing seat belts and the consequences of not wearing them.

[End of Provision]

(ii) [Reserved]

[FR Doc. 00–16175 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–RF–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000119014–0137–02; I.D. 061900G]

Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine

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

ACTION: Commercial quota harvest.

SUMMARY: NMFS announces that the summer flounder commercial quota available to the State of Maine has been harvested. Vessels issued a commercial Federal fisheries permit for the summer flounder fishery may not land summer flounder in Maine for the remainder of calendar year 2000, unless additional quota becomes available through a transfer. Regulations governing the summer flounder fishery require publication of this notification to advise the State of Maine that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing summer flounder in Maine.

DATES: Effective 0001 hours, June 28, 2000, through December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, 978–281–9273.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The initial total commercial quota for summer flounder for the 2000 calendar year was set equal to 11,109,214 lb (5,039,555 kg)(65 FR 33486, May 24, 2000). The percent allocated to vessels landing summer flounder in Maine is 0.04756 percent, or 5,284 lb (2,397 kg). This allocation was adjusted due to an overage in 1999, as provided in § 648.100(e)(4), for a final allocation of 3,956 lb (1,794 kg).

Section 648.101(b) requires the Regional Administrator, Northeast Region, NMFS (Regional Administrator), to monitor state commercial quotas and to determine when a state's commercial quota is harvested. The Regional Administrator is further required to publish a notification in the **Federal Register** advising a state that, effective upon a specific date, its commercial quota has been harvested and notifying Federal vessel and dealer permit holders that no commercial quota is available for landing summer flounder in that state. The Regional Administrator has determined, based upon dealer reports and other available information, that the State of Maine has attained its quota for 2000.

The regulations at § 648.4(b) provide that Federal permit holders agree, as a condition of the permit, not to land summer flounder in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for that state has been harvested and that no commercial quota is available. Therefore, effective 0001 hours, June 28, 2000, further landings of summer flounder in Maine by vessels holding commercial Federal fisheries permits are prohibited for the remainder of the 2000 calendar year, unless additional quota becomes available through a transfer and is announced in the **Federal Register**. Effective 0001 hours, June 28, 2000, federally permitted dealers are also advised that they may not purchase summer flounder from federally permitted vessels that land in Maine for the remainder of the calendar year, or until additional quota becomes available through a transfer.

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: June 22, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–16349 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 125
Wednesday, June 28, 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

Agricultural Marketing Service

7 CFR Part 52

[Doc. No. FV–00–326]

RIN 0581–AB85

Processed Fruits and Vegetables

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the regulations governing inspection and certification for processed fruits, vegetables, and processed products made from them by increasing by approximately three to nine percent fees charged for the inspection services. These revisions are necessary in order to recover, as nearly as practicable, the costs of performing inspection services under the Agricultural Marketing Act of 1946. The fees charged to persons required to have inspections on imported commodities in accordance with the Agricultural Marketing Act of 1937 would also be affected.

DATES: Comments must be submitted on or before August 28, 2000.

ADDRESSES: Interested persons are invited to submit comments on the internet or written comments concerning this proposal. Comments must be sent in duplicate to the Office of the Branch Chief, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 0709 South Building, Washington, DC 20090–6456. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours and on the internet at http://www.ams.usda.gov/fv/ppbdocketlist.htm.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Rodeheaver at the above address, call (202) 720–4693, or e-mail James.Rodeheaver@usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. Also, pursuant to the requirements of the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

AMS regularly reviews its user fee financed programs to determine if the fees are adequate. The Processed Products Branch (PPB) of the Fruit and Vegetable Programs, AMS, has and will continue to seek out cost savings opportunities and implement appropriate changes to reduce its costs. Such actions can provide alternatives to fee increases. The fee schedule was last revised on October 4, 1998 (63 FR 50745). However, even with such efforts, the existing fee schedule will not generate sufficient revenues to cover lot, and year round and less than year round inspection program costs and sustain an adequate reserve balance. PPB programs for lot, year round, and less than year round will have obligations in FY 2000 of approximately $12.9 million, necessitating a reserve of $4.3 million. The current reserve is $2.6 million. Current revenue projections for FY 2000 without a fee increase are $12.0 million as program costs increase to approximately $13.1 million in FY 2001. These cost increases will result primarily from increases in salaries and benefits. Accounting for a significant portion of the total operating budget, salaries rose from 3.54 to 4.02 percent, effective January 1999, increasing the cost of operating these programs by $295,000. A 4.8 percent pay increase effective January 1, 2000, increased program costs another $385,000. The revenue projections, that include proposed fees, are $12.3 million for FY 2000 and $13.5 million for FY 2001. The proposed fee increase of approximately 3 to 9 percent, should result in an estimated $0.3 million during FY 2000 and an additional approximately $1.0 million in FY 2001 and should enable PPB to cover its costs and re-establish adequate program reserves.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. This action would increase user fee revenue generated under the lot inspection program, and the year round and less than year round inspection programs by approximately $1,020,000 annually. This action is authorized under the AMA of 1946 (see 7 U.S.C. 1622(h)) which provides that the Secretary of Agriculture assess and collect ''such fees as will be reasonable and as nearly as may be to cover the costs of services rendered * * *''.

There are more than 1,250 users of PPB's lot, and less than year round and year round inspection services (including applicants who must meet import requirements [1], inspections which amount to under 2 percent of all lot inspections performed). A small portion of these users are small entities under the criteria established by the Small Business Administration (13 CFR 121.201). There will be no additional reporting, recordkeeping, or other compliance requirements imposed upon small entities as a result of this proposed rule.

PPB has not identified any other federal rules which may duplicate, overlap or conflict with this proposed rule.

Inspection services covered by this proposed rule are voluntary, except when required for certain imported commodities under 7 CFR parts 944 and 999. The total fees charged to users of these services vary with usage. The impact on all businesses, including small entities, is very similar. Further, even though fees will be increased, the amount of the increase is small (three to nine percent), and should not

[1] Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–604), requires that whenever the Secretary of Agriculture issues grade, size, quality or maturity regulations under domestic marketing orders for certain commodities, the same or comparable regulations on imports of those commodities must be issued. Import regulations apply only during those periods when domestic marketing order regulations are in effect.

Currently, there are 4 processed commodities subject to 8e import regulations: canned ripe olives, dates, prunes, and processed raisins. A current listing of the regulated commodities can be found under 7 CFR parts 944 and 999.

significantly affect these entities. Finally, except for those applicants who are required to obtain inspections in connection with certain imports these businesses are under no obligation to use these inspection services.

Executive Order 12988

The rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have a retroactive effect and will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Proposed Action

The AMA authorizes official inspection, grading and certification for processed fruits, vegetables, and processed products made from them. The AMA provides that the Secretary collect reasonable fees from the users of the services to cover, as nearly as practicable, the costs of the services rendered. This proposed rule will amend the schedule for fees for inspection services rendered to the processed fruit and vegetable industry to reflect the costs necessary to operate the program.

AMS regularly reviews its user fee programs to determine if the fees are adequate. While PPB continues to pursue opportunities to reduce its costs, the existing fee schedule will not generate sufficient revenues to cover lot, and less than year round and year round inspection program costs while maintaining an adequate reserve balance.

PPB programs for lot, year round, and less than year round will have obligations in FY 2000 of approximately $12.9 million, necessitating a reserve of $4.3 million. The current reserve is $2.6 million. Current revenue projections for FY 2000 without a fee increase are $12.0 million as program costs increase to approximately $13.1 million in FY 2001. These cost increases will result primarily from increases in salaries and benefits. Accounting for a significant portion of the total operating budget, salaries rose from 3.54 to 4.02 percent, effective January 1999, increasing the cost of operating these programs by $295,000. A 4.8 percent pay increase effective January 1, 2000, increased program costs another $385,000. The revenue projections, that include proposed fees, are $12.3 million for FY 2000 and $13.5 million for FY 2001. The proposed fee increase of approximately 3 to 9 percent, should result in an estimated $0.3 million during FY 2000 and an additional approximately $1.0 million in FY 2001 and should enable PPB to cover its costs and re-establish adequate program reserves.

AMS proposes to increase the fees relating to lot inspection service and the fees for less than year round and year round inspection services. For inspection services charged under § 52.42, overtime and holiday work would continue to be charged as provided in that section. For inspection services charged on a contract basis under § 52.51 overtime work would also continue to be charged as provided in that section. The following fee schedule compares current fees and charges with proposed fees and charges for processed fruit and vegetable inspection as found in 7 CFR 52.42–52.51. Unless otherwise provided for by regulation or written agreement between the applicant and the Administrator, the charges in the schedule of fees as found in § 52.42 are:

Current	*Proposed*
$43.00/hr.	$47.00/hr.

Charges for travel and other expenses as found in § 52.50 are:

Current	*Proposed*
$43.00/hr.	$47.00/hr.

Charges for year-round in-plant inspection services on a contract basis as found in § 52.51 (c) are:

(1) For inspector assigned on a year-round basis:

Current	*Proposed*
$35.00/hr.	$36.00/hr.

(2) For inspector assigned on less than a year-round basis: Each inspector:

Current	*Proposed*
$45.00/hr.	$48.00/hr.

Charges for less than year-round in-plant inspection services (four or more consecutive 40 hour weeks) on a contract basis as found in § 52.51 (d) are:

(1) Each inspector:

Current	*Proposed*
$45.00/hr.	$48.00/hr.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and record keeping requirements, Vegetables.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 52 be amended as follows:

PART 52—[AMENDED]

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

Authority: 7 U.S.C. 1621–1627.

§ 52.42 [Amended]

2. In § 52.42, the figure ''$43.00'' is revised to read ''$47.00''.

§ 52.50 [Amended]

3. In § 52.50, the figure ''$43.00'' is revised to read ''$47.00''.

§ 52.51 [Amended]

4. In § 52.51, paragraph (c)(1), the figure ''$35.00'' is revised to read ''$36.00'', in paragraph (c)(2), the figure ''$45.00'' is revised to read ''$48.00'', and in paragraph (d)(1), the figure ''$45.00'' is revised to read ''$48.00''.

Dated: June 22, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–16373 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–379–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes. This proposal would require revising the Airplane Flight Manual to include new flight operational procedures for the fuel system; repetitive inspections of the trim transfer fuel line in the vicinity of the aft pressure bulkhead located between frame (FR) 77 and FR86 to detect any discrepancy; and corrective actions, if necessary. This proposal also would require modification of the air release valve in the fuel trim tank transfer system, which would constitute terminating action for the requirements of this AD. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. This action is necessary to prevent damage to

the fuel trim transfer system, which could cause rupture of the trim transfer fuel line due to pressure build-up, and result in fuel leakage from that fuel line. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 28, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–379–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 99–NM–379–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–379–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–379–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Geenerale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 and A340 series airplanes. Reports of findings indicate damaged fuel pipe shrouds on the trim transfer fuel line, in the vicinity of the aft pressure bulkhead located between frame (FR) 77 and FR86. Another report indicated that the fuel pipe also was damaged and that fuel leaked into the area behind the bulk cargo compartment. Such damage is considered to be caused by excessive build-up of pressure in the trim transfer fuel line. The DGAC advises that installation of two additional pressure relief valves on the fuel line in the trim tank will prevent damage to the trim transfer fuel system. Such damage, if not corrected, could cause rupture of the trim transfer fuel line due to pressure build-up, and result in fuel leaking from that line into the area behind the bulk cargo compartment.

Explanation of Relevant Service Information

Airbus has issued the following service bulletins:

- A330–28–3060, Revision 02, including Appendix 01 (for Airbus Model A330 series airplanes); and A340–28–4077, Revision 02, including Appendix 01 (for Airbus Model A340 series airplanes); both dated May 27, 1999. These service bulletins describe procedures for repetitive detailed visual inspections of the trim transfer fuel line in the vicinity of the aft pressure bulkhead located between FR77 and FR86 to detect any discrepancy; and corrective actions, if necessary. Discrepancies include deformation, dents, kinks, and broken rivets of the fuel pipe and the pipe clamp, support bracket, and shroud. Corrective actions include the replacement of discrepant components such as the fuel pipe, pipe clamps, pipe support brackets, and pipe shrouds of the trim transfer fuel line; and temporary deactivation of the trim fuel pipe isolation valve and auxiliary power unit (APU) isolation valve.
- A330–28–3063 (for Airbus Model A330 series airplanes), and A340–28–4079 (for Airbus Model A340 series airplanes); both dated October 6, 1999. These service bulletins describe procedures for modifying the air release valve (ARV) in the trim transfer system. Such modification includes cleaning and lubricating certain components, installing an adapter, and installing two additional pressure relief valves on a spacer/adapter located between the air release elbow and the ARV.

Airbus also has issued the following Temporary Revisions (TR) to the Normal Procedures Section of the FAA-approved Airbus A330 and A340 Airplane Flight Manuals (AFM), which include new flight operational procedures for the fuel system:

- TR 4.03.00/09, TR 4.03.00/10, and TR 4.03.00/12 (for Model A330 series airplanes), all dated July 23, 1999.
- TR 4.03.00/20 (for Model A340 series airplanes), dated July 23, 1999.

Accomplishment of the actions specified in the service bulletins and TR's is intended to adequately address the identified unsafe condition. The DGAC classified Airbus Service Bulletin A330–28–3060 and A340–28–4077 as mandatory and issued the following French airworthiness directives in order to assure the continued airworthiness of these airplanes in France.

- 1999–046–091(B), Revision 4, dated December 15, 1999 (for Model A330 series airplanes).
- 1999–045–111(B), Revision 4, dated December 15, 1999 (for Model A340 series airplanes.

FAA's Conclusions

These airplane models are manufactured in France and are type

certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below.

Difference Between Proposed Rule and Relevant Service Information

Airbus Service Bulletin A330–28–3060, Revision 02, and A340–28–4077, Revision 02, both dated May 27, 1999, specify certain actions following deactivation of the trim fuel pipe isolation valve and the APU isolation valve. Those actions include replacing the fuel pipe and pipe shroud and reactivating the trim fuel pipe isolation valve and the APU isolation valve ''at the next convenient opportunity.''

The FAA does not agree with allowing the trim fuel pipe isolation valve to be deactivated with no definitive time specified for replacement and reactivation. Instead, this AD would allow deactivation of the valve for a limited period of time (10 days) in accordance with the FAA-approved Master Minimum Equipment List, after which time the replacement and reactivation is required prior to further flight.

Differences Between Proposed Rule and the French Airworthiness Directives

The proposed AD would differ from the parallel French airworthiness directives in that it would mandate the accomplishment of the terminating action for the repetitive inspections and AFM revisions. The French airworthiness directives provide for the terminating action as optional.

Mandating the terminating action is based on the FAA's determination that long-term continued operational safety will be better assured by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed modification requirement is consistent with these conditions.

Cost Impact

The FAA estimates that 3 Airbus Model A330 series airplanes of U.S. Registry would be affected by this proposed AD.

It would require approximately 1 work hour to accomplish the revision to the AFM, at an average labor rate of $60 per work hour. Based on this figure, the cost impact of the AFM revision proposed by this AD action would be $180, or $60 per airplane.

It would require approximately 2 work hours to accomplish each inspection, at an average labor rate of $60 per work hour. Based on this figure, the cost impact of each inspection proposed by this AD action would be $360, or $120 per airplane.

It would require approximately 3 work hours to accomplish the installation of the additional pressure relief valves in the fuel trim tank, at an average labor rate of $60 per work hour. Based on this figure, the cost impact of the installation proposed by this AD action would be $540, or $180 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99–NM–379–AD.

Applicability: Model A330 and A340 series airplanes, certificated in any category, except those airplanes on which Airbus Modification 47293 has been installed in production, or on which the modification has been accomplished in accordance with Airbus Service Bulletin A330–28–3063 or A340–28–4079, both dated October 6, 1999, as applicable.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 damage to the trim transfer fuel system, which could cause rupture of the trim transfer fuel line due to pressure build-up, and result in fuel leakage from that line; accomplish the following:

Airplane Flight Manual Revision

(a) Within 10 days after the effective date of this AD, revise the Limitations and Normal Procedures section of the FAA-approved Airplane Flight Manual (AFM) to include the

information specified in Airbus Temporary Revision (TR) 4.03.00/09, TR 4.03.00/10, and TR 4.03.00/12 (for Model A330 series airplanes); or TR 4.03.00/20 (for Model A340 series airplanes); all dated July 23, 1999; as applicable.

Note 2: The AFM revision required by paragraph (a) of this AD may be accomplished by inserting a copy of the applicable TR into the applicable section of the AFM. When the temporary revisions required by paragraph (a) of this AD have been incorporated into the general revisions of the AFM, the general revisions may be inserted into the AFM, provided that the information contained in the general revisions is identical to that specified in the temporary revisions.

Inspections

(b) Within 1,000 flight hours after the effective date of this AD, perform a detailed visual inspection of the trim transfer fuel line in the vicinity of the aft pressure bulkhead located between frame (FR) 77 and FR86 to detect any discrepancy (including deformation, dents, kinks, and broken rivets of the fuel pipe and pipe clamp, support bracket, and shroud) in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–28–3060, Revision 02 (for Model A330 series airplanes), or A340–28–4077, Revision 02 (for Model A340 series airplanes), both dated May 27, 1999, as applicable. Repeat the inspection thereafter at intervals not to exceed 1,000 flight hours until the modification required by paragraph (c) of this AD has been accomplished.

Note 3: Inspections accomplished prior to the effective date of this AD in accordance with Operator Information Telex/Flight Operations Telex (OIT/FOT) 999.0142/98, dated December 23, 1998, are considered acceptable for compliance with the INITIAL detailed visual inspection required by paragraph (b) of this AD.

Corrective Actions

(1) If any discrepancy is detected during any inspection required by paragraph (b) of this AD, prior to further flight, accomplish applicable corrective actions [including replacement of any damaged components and deactivation of the trim fuel pipe isolation valve and auxiliary power unit (APU) isolation valve] in accordance with the Accomplishment Instructions and Figure 2 of the applicable service bulletin.

Replacement of Pipe Shroud and Pipe

(2) If the isolation valves of the trim fuel pipe and APU are deactivated in accordance with the FAA-approved Master Minimum Equipment List during accomplishment of the corrective actions required by paragraph (b)(1) of this AD: Within 10 days after deactivation, replace the pipe shroud and pipe, as applicable, and reactivate the valves, in accordance with the applicable service bulletin.

Terminating Action

(c) Within 18 months after the effective date of this AD, modify the air release valve (ARV) in the trim tank system (including cleaning and lubricating certain components, installing two additional pressure relief valves, and installing the adapter and ARV) in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–28–3063 or A340–28–4079, both dated October 6, 1999, as applicable. Accomplishment of such modification constitutes terminating action for the AFM revisions and the repetitive inspections required by this AD.

Alternative Methods of Compliance

(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, International Branch, ANM–116, 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, International Branch, ANM–116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(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 airplane to a location where the requirements of this AD can be accomplished.

Note 5: The subject of this AD is addressed in French airworthiness directives 1999–046–091(B), Revision 4 (for Model A330 series airplanes), and 1999–045–111(B), Revision 4 (for Model A340 series airplanes), both dated December 15, 1999.

Issued in Renton, Washington, on June 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16360 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–326–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–400 series airplanes. This proposal would require repetitive inspections to detect fatigue cracking of the longeron splice fittings at stringer 11 on the left and right sides at body station 2598, and various follow-on actions. This action is necessary to detect and correct fatigue cracking of the longeron splice fittings and subsequent damage to adjacent structure. Such damage could result in the inability of the structure to carry horizontal stabilizer flight loads, and consequent reduced controllability of the horizontal stabilizer. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by August 14, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–326–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 99–NM–326–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–326–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–326–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that fatigue cracking was detected on the longeron splice fittings at stringer 11 on certain Boeing Model 747–100, –200, –300, 747SR and 747SP series airplanes. On three airplanes with flight cycles ranging from 16,867 to 27,146, and with flight hours ranging from 30,198 to 62,783, the splice fitting cracks that were detected measured up to 1.5 inches long. The longeron splice fittings on Model 747–400 series airplanes affected by this proposal are identical to those on which the fatigue cracking was detected. Such fatigue cracking, and subsequent damage to adjacent structure, could result in the inability of the structure to carry horizontal stabilizer flight loads, and consequent reduced controllability of the horizontal stabilizer.

Related Rulemaking

This proposed AD is related to AD 2000–10–23, amendment 39–11748 (65 FR 34061, June 30, 2000), which is applicable to certain Boeing Model 747–100, –200, –300, 747SR, and 747SP series airplanes. That AD requires repetitive inspections to detect cracking of the longeron splice fittings at stringer 11, on the left and right sides at body station 2598, and replacement of any cracked fitting with a new fitting. This NPRM proposes similar actions for Boeing Model 747–400 series airplanes.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998, which describes procedures for repetitive detailed visual inspections to detect cracking of the longeron splice fittings at stringer 11, on the left and right sides at body station 2598. If no cracking is detected, follow-on actions include rework of the fittings or replacement of the fittings with new fittings, and repetitive inspections to detect cracking. If any cracking is detected, the corrective action is to be accomplished prior to further flight. The corrective action includes replacement of all four longeron splice fittings on the affected side, and repetitive detailed visual inspections to detect cracking. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and Alert Service Bulletin

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repair or replacement conditions, this AD requires the repair or replacement of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Operators also should note that the alert service bulletin specifies that the corrective actions required by this proposed AD may be accomplished in accordance with ''an operator's equivalent procedure.'' However, this proposed AD requires that an ''operator's equivalent procedure'' may be used only in accordance with the procedures specified in the operator's maintenance manual.

This proposed AD would mandate rework or replacement of all four longeron splice fittings on the applicable side of the airplane if any of the four fittings on that side are reworked or replaced. The alert service bulletin provides for that action as recommended.

Cost Impact

There are approximately 490 airplanes of the affected design in the worldwide fleet. The FAA estimates that 59 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours (1 hour per each side) per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $7,080, or $120 per airplane, per inspection cycle.

It would take approximately 12 work hours (6 hours per each side) per airplane to accomplish the proposed rework or replacement, at an average labor rate of $60 per work hour. Required parts would cost between $731 and $7,906 per airplane. Based on these figures, the cost impact of the proposed rework or replacement on U.S. operators is estimated to be between $1,451 and $8,626 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 99–NM–326–AD.

Applicability: Model 747–400 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the longeron splice fittings and subsequent damage to adjacent structure, which could result in the inability of the structure to carry horizontal stabilizer flight loads, and consequent reduced controllability of the horizontal stabilizer; accomplish the following:

Initial Detailed Visual Inspection

(a) Perform a detailed visual inspection to detect cracking of the longeron fittings at stringer 11, on the left and right sides at body station 2598, at the later of the times specified in paragraphs (a)(1) and (a)(2) of this AD, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998.

(1) Inspect prior to the accumulation of 17,000 total flight cycles or 63,000 total flight hours, whichever occurs first.

(2) Inspect within 24 months after the effective date of this AD.

Note 2: Where there are differences between the AD and the alert service bulletin, the AD prevails.

Note 3: For the purposes of this AD, a detailed visual 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.''

Rework/Replacement/Repetitive Inspections

(b) If no cracking is detected during the inspection required by paragraph (a) of this AD, accomplish the requirements of either paragraph (b)(1), (b)(2), or (b)(3) of this AD.

(1) Prior to further flight, rework all four longeron splice fittings on the left and right sides at body station 2598, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998. Repeat the inspection required by paragraph (a) of this AD one time at the later of the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD, and thereafter at intervals not to exceed 3,000 flight cycles or 18,000 flight hours, whichever occurs first.

(i) For airplanes on which the rework is accomplished prior to the accumulation of 7,000 total flight cycles and prior to the accumulation of 25,000 total flight hours: Inspect within 20,000 flight cycles or 72,000 flight hours after rework, whichever occurs first.

(ii) For airplanes on which the rework is accomplished at or after the accumulation of 7,000 total flight cycles, or 25,000 total flight hours: Inspect within 10,000 flight cycles or 36,000 flight hours after rework, whichever occurs first.

(2) Prior to further flight, replace all four longeron splice fittings on the left and right sides at body station 2598 with new fittings, in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998. Repeat the inspection required by paragraph (a) of this AD one time within 20,000 flight cycles or 72,000 flight hours after the replacement, whichever occurs first; and thereafter at intervals not to exceed 3,000 flight cycles or 18,000 flight hours, whichever occurs first.

(3) Repeat the inspection required by paragraph (a) of this AD at intervals not to exceed 3,000 flight cycles or 18,000 flight hours, whichever occurs first.

Corrective Action/Repetitive Inspections

(c) If any cracking is detected during any inspection required by paragraph (a) or (b)(3) of this AD, prior to further flight: Replace all four longeron splice fittings on the affected side in accordance with Part 2 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2419, dated December 17, 1998. Repeat the inspection required by paragraph (a) of this AD one time within 20,000 flight cycles or 72,000 flight hours after the replacement, whichever occurs first; and thereafter at intervals not to exceed 3,000 flight cycles or 18,000 flight hours, whichever occurs first.

(d) If any cracking is detected during any inspection required by paragraph (b)(1), (b)(2), or (c) of this AD, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Note 4: There is no terminating action currently available for the inspections required by this AD.

Alternative Methods of Compliance

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

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permit

(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 airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16358 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–355–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAe 146 and certain Model Avro 146–RJ series airplanes. This proposal would require inspections and torque checks of the stringer crown fittings and bolts at Ribs 0 and 2 of the wings for discrepancies, corrective action, if necessary; and eventual modification of the stringer crown fittings, which would terminate the inspections and checks. This action is necessary to prevent increased loads on the upper wing skin due to looseness of the stringer fittings and bolts at Ribs 0 and 2 of the wings, which could result in reduced structural integrity of the wings. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by July 28, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–355–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via the Internet must contain ''Docket No. 99–NM–355–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–355–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–355–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on all British Aerospace Model BAe 146 and certain Model Avro 146–RJ series airplanes. The CAA advises that, during in-service maintenance inspections inside the upper part of the center and outer wing fuel tanks at Ribs 0 and 2, loose Jo-bolts and movement at the stringer crown fittings have been found. Movement in this area will cause increased loads on the upper wing skin. This condition, if not corrected, could result in reduced structural integrity of the wings.

Explanation of Relevant Service Information

British Aerospace has issued Service Bulletin SB.57–56, dated September 2, 1999, which describes procedures for repetitive detailed visual inspections of the stringers and torque checks of the Jo-bolts at Ribs 0 and 2 of the wings for discrepancies. The discrepancies include loose Jo-bolts, loose stringer crown fittings, fretting of fittings and stringers, and cracking or other damage of attachments to the upper skin and joint plates. The service bulletin also describes procedures for modification of all stringer crown fittings at Ribs 0 and 2 of the wings, which would eliminate the need for the repetitive inspections. The modification includes detailed visual and eddy current inspections for discrepancies (*i.e.*, fretting, cracking, corrosion) of the stringers, fittings, and upper wing skin; repairs, if necessary; and installation of oversize interference fit radial-lock fasteners per Repair Instruction (R.I.L. HC571H9033).

Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 004–09–99 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

These airplane models are manufactured in the United Kingdom and are 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, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed Rule and the Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by either the FAA or the CAA (or its delegated agent). In light of the type of repair that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that, for this proposed AD, a repair approved by either the FAA or the CAA would be acceptable for compliance with this proposed AD.

Cost Impact

The FAA estimates that 20 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 8 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $9,600, or $480 per airplane, per inspection cycle.

It would take approximately 450 work hours per airplane (including access and close) to accomplish the proposed modification, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $540,000, or $27,000 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Regional Aircraft (Formerly British Aerospace Regional Aircraft Limited, Avro International Aerospace Division; British Aerospace, PLC; British Aerospace Commercial Aircraft Limited): Docket 99–NM–355–AD.

Applicability: All Model BAe 146 series airplanes; and Model Avro 146–RJ series airplanes, as listed in British Aerospace Service Bulletin SB.57–56, dated September 2, 1999; certificated in any category; except those on which British Aerospace Modification HCM01307A or HCM01307B [Reference Repair Instruction (R.I.L. HC571H9033)] has been accomplished.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent increased loads on the upper wing skin due to looseness of the stringer fittings and bolts at Ribs 0 and 2 of the wings, which could result in reduced structural integrity of the wings, accomplish the following:

Inspections and Modification

(a) Prior to the accumulation of 14,000 total flight cycles, or within 4,000 flight cycles after the effective date of this AD, whichever occurs later: Perform a detailed visual inspection of the stringers and a torque check of the Jo-bolts at Ribs 0 and 2 of the wings for discrepancies (including loose Jo-bolts and stringer crown fittings, fretting of fittings and stringers, and cracking or damage of attachments); in accordance with British Aerospace Service Bulletin SB.57–56, dated September 2, 1999.

(1) If no discrepancy is found, or, if 1, 2, or 3 loose Jo-bolts are found per rib side and no loose crown (dagger) fittings are found (Category 1 or 2, as specified in Table 2 of paragraph D. ''Compliance'' of the service bulletin), accomplish the actions required in paragraphs (a)(1)(i) and (a)(1)(ii) of this AD.

(i) Repeat the inspection thereafter at the applicable times specified in Table 2, until accomplishment of the actions required by paragraph (a)(1)(ii).

(ii) Prior to accumulation of 40,000 total flight cycles, or within 4,000 flight cycles after the effective date of this AD, whichever occurs later: Modify all stringer crown fittings at Ribs 0 and 2 of the wings (including inspections, repairs, and installation of oversize interference fit fasteners per R.I.L. HC571H9033) in accordance with the service bulletin, except as required by paragraph (b) of this AD. This modification terminates the requirements of this AD.

(2) If any other discrepancy is found, as specified in Table 2 (Categories 3 through 6): At the applicable times specified in Table 2, repeat the inspection thereafter, and modify all crown fittings at Ribs 0 and 2 of the wings (including inspections, repairs, and installation of oversize interference fit fasteners per R.I.L. HC571H9033); in accordance with the service bulletin, except as required by paragraph (b) of this AD. This

modification terminates the requirements of this AD.

Note 2: For the purposes of this AD, a detailed visual 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.''

Approved Repairs

(b) Where British Aerospace Service Bulletin SB.57–56, dated September 2, 1999, specifies to contact the manufacturer for a repair, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the Civil Aviation Authority of the United Kingdom (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM–116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) 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 airplane to a location where the requirements of this AD can be accomplished.

Note 4: The subject of this AD is addressed in British airworthiness directive 004–09–99.

Issued in Renton, Washington, on June 22, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16359 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AAL–03]

Proposed Modification and Revocation of Federal Airways; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke one jet route (J–155), and to modify two jet routes (J–115 and J–125), two Very High Frequency Omnidirectional Range (VOR) Federal airways (V–447 and V–436), and one colored Federal airway (A–15) in Alaska. The FAA is proposing this action to remove all airways and routes off the Chandalar Lake Nondirectional Radio Beacon (NDB), AK, in preparation for the NDB's eventual decommissioning from the National Airspace System (NAS).

DATES: Comments must be received on or before August 14, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 00–AAL–03, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AAL–03.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the Superintendent of Document's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to revoke one jet route (J–155), and to modify two jet routes (J–115 and J–125), two VOR Federal airways (V–447 and V–436), and one colored Federal airway (A–15) in

Alaska. The FAA is proposing this action to remove all airways and routes off the Chandalar Lake NDB, AK, in preparation for the NDB's eventual decommissioning from the National Airspace System.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Jet routes, amber Federal airways, and Alaskan VOR Federal airways are published in paragraph 2004, paragraph 6009(c), and paragraph 6010(b), respectively, of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The jet routes, amber Federal airway, and Alaskan VOR Federal airways listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–115 [Revised]

From Shemya, AK, NDB, via Mt. Moffett, AK, NDB; Dutch Harbor, AK, NDB; Cold Bay, AK; King Salmon, AK; INT King Salmon 053° and Kenai, AK, 239° radials; Kenai; Anchorage, AK; Fairbanks, AK; to Put River, AK, NDB.

* * * * *

J–125 [Revised]

From Kodiak, AK, via Anchorage, AK; INT Anchorage 347° and Talkeetna, AK, 196° radials; Talkeetna; Nenana, AK; to Put River, AK, NDB.

* * * * *

J–155 [Revoked]

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Paragraph 6009(c)—Amber Federal Airways

* * * * *

Amber-15 [Revised]

From Ethelda, BC, Canada, NDB via Nichols, AK, NDB; Sumner Strait, AK, NDB; Coghlan Island, AK, NDB; Haines, AK, NDB; Burwash, YT, Canada, NDB; Beaver Creak, YT, Canada, NDB; Nabesna, AK, NDB; to Delta Junction, AK, NDB. From Chena, AK, NDB; to Put River, AK, NDB. The airspace within Canada is excluded.

* * * * *

Paragraph 6010(b)—Alaskan VOR Federal Airways

* * * * *

V–436 [Revised]

From Anchorage, AK, via INT Anchorage 347° and Talkeetna, AK, 196° radials; Talkeetna; Nenana, AK; to Put River, AK, NDB.

* * * * *

V–447 [Revised]

From Fairbanks, AK, to Put River, AK, NDB.

* * * * *

Issued in Washington, DC, on June 19, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–16330 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-AAL–02]

Proposed Establishment of VOR Federal Airway; AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish a Very High Frequency Omnidirectional Range (VOR) Federal airway (V–457) in Alaska. The FAA is proposing to establish this Federal airway for the following reasons: the conversion of this uncharted nonregulatory route to a VOR Federal airway would add to the instrument flight rules (IFR) airway and route infrastructure in Alaska; pilots would be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; this amendment would establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and the addition of this route would improve the management of air traffic operations and thereby enhance safety.

DATES: Comments must be received on or before August 14, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, AAL–500, Docket No. 00–AAL–02, Federal Aviation Administration, 222 West 7th Avenue, #14, Anchorage, AK 99533.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address

listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–AAL–02.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703–321–3339) or the Federal Register's electronic bulletin board service (telephone: 202–512–1661).

Internet users may reach the FAA's web page at http://www.faa.gov or the Superintendent of Document's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 (part 71) to establish a VOR Federal airway (V–457) in Alaska. Presently, there is an uncharted nonregulatory route that uses the same routings as this proposed airway. The current route is used daily by air carrier and general aviation aircraft. The FAA is proposing to establish this Federal airway for the following reasons: (1) the conversion of this uncharted nonregulatory route to a VOR Federal airway would add to the IFR airway and route infrastructure in Alaska; (2) pilots would be provided with minimum en route altitudes and minimum obstruction clearance altitudes information; (3) this amendment would establish controlled airspace, thus eliminating some of the commercial IFR operations in uncontrolled airspace; and (4) the addition of this route would improve the management of air traffic operations and thereby enhance safety.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Alaskan VOR Federal airways are published in paragraph 6010(b) of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Alaskan VOR Federal airway listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p.389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9G, Airspace Designations and Reporting Points, dated September 1, 1999, and effective September 16, 1999, is amended as follows:

Paragraph 6010(b)—Alaskan VOR Federal Airways

* * * * *

V–457 [New]

From Iliamna, AK, NDB; to Kenai, AK.

* * * * *

Issued in Washington, DC, on June 19, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–16329 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 52

RIN 2900–AJ74

Per Diem for Adult Day Health Care of Veterans in State Homes

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to establish regulations setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The intended effect of the proposed regulations is to ensure that veterans receive high quality care in State homes.

DATES: Comments must be received by VA on or before August 28, 2000.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to ''*OGCRegulations@mail.va.gov*''. Comments should indicate that they are submitted in response to ''RIN 2900–AJ74'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: L. Nan Stout, Chief, State Home Per Diem Program (114), Veterans Health Administration, 202–273–8538.

SUPPLEMENTARY INFORMATION: This document proposes to establish a new part 52 setting forth a mechanism for paying per diem to State homes providing adult day health care to eligible veterans. The adult day health

care program has the following basic purposes: (a) to enable functionally impaired veterans to reside in supportive home environments; (b) to facilitate expeditious medical center discharge and to reduce risk of readmission or institutional placement, through improved provision and coordination of health care services and education of patients and caregivers about service options and their appropriate use; (c) to maximize veterans' physical and psychosocial functional level; (d) to improve the quality of life for the participants by providing a rehabilitation program in the community among their peers; and (e) to provide support and respite for the family and other caregivers to enable them to maintain veterans in the community.

Under the proposal, VA would pay per diem to a State for providing adult day health care to eligible veterans in a facility if the Under Secretary for Health recognizes the facility as a State home based on a current VA certification that the facility meets the standards set forth in proposed subpart D.

The standards in proposed subpart D are patterned after the standards of the U.S. Department of Veterans Affairs Adult Day Health Care Program and the National Council on the Aging, National Adult Day Services Association. The standards are intended to set forth minimum requirements necessary to ensure that VA pays per diem for eligible veterans only if the State homes provide high quality care.

The proposed regulations include application and inspection provisions that are designed to ensure that per diem is paid only to facilities that have been inspected and found to meet the proposed standards. Also, in order to ensure continued compliance with the standards, the proposed regulations include an ongoing review and certification program. Further, the proposed regulations contain provisions for withdrawing recognition and stopping payment of per diem if a facility fails to meet the proposed standards.

The proposed rule sets forth the statutory list of veterans for whom per diem may be paid. The per diem amount would be the amount authorized under 38 U.S.C. 1741 and Congressionally approved in the yearly budget. For fiscal year 2000 the amount is $30.25.

The proposed rule imposes requirements concerning accreditation and training by certain national entities (see definition of ''Physician Assistant'' at proposed § 52.2, qualifications of a social worker at proposed § 52.100(g), qualifications of a dietitian at proposed § 52.140(a)(2), and requirements for program assistants at proposed § 52.210(j)). VA will consider changing the requirements to allow accreditation or training by other national entities when warranted.

The proposed rule includes provisions regarding medical errors (see proposed § 52.120(a), (k), and (l)). This is consistent with the President's initiative on medical errors announced on December 7, 1999, and the recommendation of the Quality Interagency Coordination Task Force.

The proposed rule would incorporate by reference the 1997 edition of the National Fire Protection Association Life Safety Code entitled ''NFPA 101, Life Safety Code.'' The regulations are designed to ensure that State homes meet the fire and safety provisions of the Life Safety Code.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. All of the entities that would be subject to this proposed rule are State government entities under the control of State governments. Of the 95 State homes, all are operated by State governments except for 17 that are operated by entities under contract with State governments. These contractors are not small entities. Therefore, pursuant to 5 U.S.C. 605(b), this proposed rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), proposed collections of information are set forth in the provisions of §§ 52.20, 52.30, 52.40, 52.70, 52.71, 52.80, 52.90, 52.100, 52.110, 52.120, 52.130, 52.150, 52.160, 52.180, 52.190 and 52.210 of this proposed rule. Many of these collections of information require the submission to VA of information on forms published at 38 CFR Part 58.

The information collections in this document concern various activities related to the operation of a State home providing adult day health care to eligible veterans. As required under section 3507(d) of the Act, VA has submitted a copy of this proposed rulemaking action to the Office of Management and Budget (OMB) for its review of the collections of information.

The forms in 38 CFR Part 58, which are republished at the end of this proposed rule, are intended to be used for a number of VA programs. Collections of information using these forms already have been approved by OMB for the regulations in 38 CFR Part 51 captioned ''Per Diem for Nursing Home Care of Veterans in State Homes'' under OMB approval number 2900–0160. This proposed rule also would require collections of information using these same forms. Accordingly, we are requesting that OMB approve the collections of information in this proposed rule as an amendment of the collections of information already approved under OMB control number 2900–0160.

OMB assigns control numbers to collections of information it approves. VA 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.

Comments on the collection of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AJ74.''

Title: Aid to States for Care of Veterans in State Homes—Adult Day Health Care Per Diem.

Summary of collection of information: VA is proposing to establish the mechanism for paying per diem to State homes providing adult day health care to eligible veterans. VA proposes to require the State homes to supply various kinds of information regarding their adult day health care programs to ensure that high quality care is furnished to veterans who are participants in such programs. The information includes an application for recognition based on certification; appeal information; application and justification for payment; records and reports which program management must maintain regarding activities of participants; to include information relating to whether the program meets standards concerning participants' rights and responsibilities prior to enrollment, during enrollment, and upon discharge; the records and reports which program management and health care professionals must maintain regarding participants and employees; various types of documentation pertaining to the management of the facility; food menu planning;

pharmaceutical records; and life safety documentation.

Description of need for information and proposed use of information: The collections of information contained in the proposed rule appear to be necessary to ensure that VA per diem payments are limited to facilities providing high quality care. Without access to such information VA would not be able to determine whether high quality care is being provided.

Collections of Information Including Collections of Information Using Forms at 38 CFR Part 51 Already Aapproved Under OMB Control Number 2900–0160

Description of likely respondents: State home officials who receive per diem for nursing home care for veterans.

Estimated number of respondents: 13,136.

Estimated frequency of responses: 52,872.

Estimated average burden per collection: 14 minutes.

Estimated total annual reporting and record keeping burden: 12,467 hours.

Additional Collections of Information Under This Proposed Rule, Including Collections of Information Using Forms Published at 38 CFR Part 58

Description of likely respondents: State home officials who receive per diem for adult day health care for veterans.

Estimated number of respondents: 2,200.

Estimated frequency of responses: 7,568.

Estimated average burden per collection: 13 minutes.

Estimated total annual reporting and record keeping burden: 2,733. hours.

The Department considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections 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.

OMB is required to make a decision concerning the proposed collection of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed regulation.

List of Subjects in 38 CFR Part 52

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Government programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing home care, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Editorial Note: This document was received at the Office of the Federal Register on June 16, 2000.

Approved: October 29, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reason set forth in the preamble, 38 CFR Chapter I is proposed to be amended by adding a new part 52 to read as follows.

PART 52—PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES

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Authority: 38 U.S.C. 101, 501, 1741–1743, unless otherwise noted.

Subpart A—General

§ 52.1 Purpose.

This part sets forth the mechanism for paying per diem to State homes providing adult day health care to eligible veterans and includes quality assurance requirements that are intended to ensure that veterans receive high quality care in State homes.

§ 52.2 Definitions.

For purposes of this part—

Activities of daily living (ADLs) means the functions or tasks for self-care usually performed in the normal course of a day, i.e., mobility, bathing, dressing, grooming, toileting, transferring, and eating.

Clinical nurse specialist means a licensed professional nurse with a master's degree in nursing and a major in a clinical nursing specialty from an academic program accredited by the National League for Nursing and at least 2 years of successful clinical practice in the specialized area of nursing practice following this academic preparation.

Facility means a building or any part of a building for which a State has submitted an application for recognition as a State home for the provision of adult day health care or a building or any part of a building which VA has recognized as a State home for the provision of adult day health care.

Instrumental activities of daily living (IADLs) means functions or tasks of independent living, i.e., shopping, housework, meal preparation and cleanup, laundry, taking medication, money management, transportation, correspondence, and telephoning.

Nurse practitioner means a licensed professional nurse who is currently licensed to practice in the State; who meets the State's requirements governing the qualifications of nurse practitioners; and who is currently certified as an adult, family, or

gerontological nurse practitioner by the American Nurses Association.

Physician means a doctor of medicine or osteopathy legally authorized to practice medicine or surgery in the State.

Physician assistant means a person who meets the applicable State requirements for physician assistant, is currently certified by the National Commission on Certification of Physician Assistants (NCCPA) as a physician assistant, and has an individualized written scope of practice that determines the authorization to write medical orders, prescribe medications and other clinical tasks under appropriate physician supervision which is approved by the primary care physician.

Primary physician or *primary care physician* means a designated generalist physician responsible for providing, directing and coordinating health care that is indicated for the residents.

State means each of the several States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

State home means a home approved by VA which a State established primarily for veterans disabled by age, disease, or otherwise, who by reason of such disability are incapable of earning a living. A State home may provide domiciliary care, nursing home care, adult day health care, and hospital care. Hospital care may be provided only when the State home also provides domiciliary and/or nursing home care.

VA means the U.S. Department of Veterans Affairs.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

Subpart B—Obtaining Per Diem for Adult Day Health Care in State Homes

§ 52.10 Per diem based on recognition and certification.

VA will pay per diem to a State for providing adult day health care to eligible veterans in a facility if the Under Secretary for Health recognizes the facility as a State home based on a current certification that the facility and program management meet the standards of subpart D of this part. Also, after recognition has been granted, VA will continue to pay per diem to a State for providing adult day health care to eligible veterans in such a facility for a temporary period based on a certification that the facility and program management provisionally meet the standards of subpart D of this part.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.20 Application for recognition based on certification.

To apply for recognition and certification of a State home for adult day health care, a State must:

(a) Send a request for recognition and certification to the Under Secretary for Health (10), VA Headquarters, 810 Vermont Avenue, NW, Washington, DC 20420. The request must be in the form of a letter and must be signed by the State official authorized to establish the State home;

(b) Allow VA to survey the facility as set forth in § 52.30(c); and

(c) Upon request from the director of the VA medical center of jurisdiction, submit to the director all documentation required under subpart D of this part.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.30 Recognition and certification.

(a)(1) The Under Secretary for Health will make the determination regarding recognition and the initial determination regarding certification, after receipt of a tentative determination from the director of the VA medical center of jurisdiction regarding whether the facility and program management meet or do not meet the standards of subpart D of this part. The Under Secretary for Health will notify the official in charge of the program, the State official authorized to oversee operations of the State home, the VA Network Director (10N 1–22), Chief Network Officer (10N), and the Chief Consultant, Geriatrics and Extended Care Strategic Healthcare Group (114) of the action taken.

(2) For each facility recognized as a State home, the director of the VA medical center of jurisdiction will certify annually whether the facility and program management meet, provisionally meet, or do not meet the standards of subpart D of this part (this certification should be made every 12 months during the recognition anniversary month or during a month agreed upon by the VA medical center director and officials of the State home facility). A provisional certification will be issued by the director only upon a determination that the facility or program management does not meet one or more of the standards in subpart D of this part, that the deficiencies do not jeopardize the health or safety of the residents, and that the program management and the director have agreed to a plan of correction to remedy the deficiencies in a specified amount of time (not more time than the VA medical center of jurisdiction director determines is reasonable for correcting the specific deficiencies). The director of the VA medical center of jurisdiction will notify the official in charge of the program, the State official authorized to oversee the operations of the State home, the VA Network Director (10N 1–22), Chief Network Officer (10N) and the Chief Consultant, Geriatrics and Extended Care Strategic Healthcare Group (114) of the certification, provisional certification, or noncertification.

(b) Once a program has achieved recognition, the recognition will remain in effect unless the State requests that the recognition be withdrawn or the Under Secretary for Health makes a final decision that the facility or program management does not meet the standards of subpart D of this part. Recognition of a program will apply only to the facility as it exists at the time of recognition; any annex, branch, enlargement, expansion, or relocation must be separately recognized.

(c) Both during the application process for recognition and after the Under Secretary for Health has recognized a facility, VA may survey the facility as necessary to determine if the facility and program management comply with the provisions of this part. Generally, VA will provide advance notice to the State before a survey occurs; however, surveys may be conducted without notice. A survey, as necessary, will cover all parts of the facility, and include a review and audit of all records of the program that have a bearing on compliance with any of the requirements of this part (including any reports from State or local entities). For purposes of a survey, at the request of the director of the VA medical center of jurisdiction, the State home adult day care health program management must submit to the director a completed VA Form 10–3567, Staffing Profile, set forth at 38 CFR 58.10. The director of the VA medical center of jurisdiction will designate the VA officials to survey the facility. These officials may include physicians; nurses; pharmacists; dietitians; rehabilitation therapists; social workers; representatives from health administration, engineering, environmental management systems, and fiscal officers.

(d) If the director of the VA medical center of jurisdiction determines that the State home facility or program management does not meet the standards of this part, the director will notify the State home program manager in writing of the standards not met. The director will send a copy of this notice to the State official authorized to oversee operations of the facility, the VA Network Director (10N 1–22), the Chief Network Officer (10N), and the Chief Consultant, Geriatrics and

Extended Care Strategic Healthcare Group (114). The letter will include the reasons for the decision and indicate that the State has the right to appeal the decision.

(e) The State must submit an appeal to the Under Secretary for Health in writing, within 30 days of receipt of the notice of failure to meet the standards. In its appeal, the State must explain why the determination is inaccurate or incomplete and provide any new and relevant information not previously considered. Any appeal that does not identify a reason for disagreement will be returned to the sender without further consideration.

(f) After reviewing the matter, including any relevant supporting documentation, the Under Secretary for Health will issue a written determination that affirms or reverses the previous determination. If the Under Secretary for Health decides that the State home facility or program management does not meet the standards of subpart D of this part, the Under Secretary for Health will withdraw recognition and stop paying per diem for care provided on and after the date of the decision. The decision of the Under Secretary for Health will constitute a final VA decision. The Under Secretary for Health will send a copy of this decision to the State home facility and to the State official authorized to oversee the operations of the State home.

(g) In the event that a VA survey team or other VA medical center staff identifies any condition at the State home facility that poses an immediate threat to public or patient safety or other information indicating the existence of such a threat, the director of the VA medical center of jurisdiction will immediately report this to the VA Network Director (10N 1–22), Chief Network Officer (10N), Chief Consultant, Geriatrics and Extended Care Strategic Healthcare Group (114) and State official authorized to oversee operations of the State home.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

Subpart C—Per Diem Payments

§ 52.40 Monthly payment.

(a)(1) During fiscal year 2000, VA will pay monthly one-half of the total cost of each eligible veteran's adult day health care for each day the veteran is in a facility recognized as a State home for adult day health care, not to exceed $30.25 per diem.

(2) Per diem will be paid only for a day that the veteran is under the care of the facility at least six hours.

(3) As a condition for receiving payment of per diem under this part, the State must submit a completed VA form 10–5588, State Home Report and Statement of Federal Aid Claimed. This form is set forth in full at 38 CFR 58.11.

(4) Initial payments will not be made until the Under Secretary for Health recognizes the State home. However, payments will be made retroactively for care that was provided on and after the date of the completion of the VA survey of the facility that provided the basis for determining that the facility met the standards of this part.

(5) As a condition for receiving payment of per diem under this part, the State must submit to the VA medical center of jurisdiction for each veteran the following completed VA forms: 10–10EZ, Application for Medical Benefits, and 10–10SH, State Home Program Application for Care—Medical Certification, at the time of enrollment and with any request for a change in the level of care (nursing home, domiciliary or hospital care). These forms are set forth in full at 38 CFR 58.12 and 58.13, respectively. If the program is eligible to receive per diem payments for adult day health care for a veteran, VA will pay per diem under this part from the date of receipt of the completed forms required by this paragraph (a)(5), except that VA will pay per diem from the day on which the veteran was enrolled in the program if VA receives the completed forms within 10 days after enrollment.

(b) For determining ''the one-half of the total cost'' under paragraph (a)(1) of this section, total per diem costs for an eligible veteran's adult day health care consist of those direct and indirect costs attributable to adult day health care at the facility divided by the total number of participants enrolled in the adult day health care program. Relevant cost principles are set forth in the Office of Management and Budget (OMB) Circular number A–87, dated May 4, 1995, ''Cost Principles for State, Local, and Indian Tribal Governments'' (OMB Circulars are available at the addresses in 5 CFR 1310.3).

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.50 Eligible veterans.

A veteran is an eligible veteran under this part if VA determines that the veteran needs adult day health care and the veteran is within one of the following categories:

(a) Veterans with service-connected disabilities;

(b) Veterans who are former prisoners of war;

(c) Veterans who were discharged or released from active military service for a disability incurred or aggravated in the line of duty;

(d) Veterans who receive disability compensation under 38 U.S.C. 1151;

(e) Veterans whose entitlement to disability compensation is suspended because of the receipt of retired pay;

(f) Veterans whose entitlement to disability compensation is suspended pursuant to 38 U.S.C. 1151, but only to the extent that such veterans' continuing eligibility for adult day health care is provided for in the judgment or settlement described in 38 U.S.C. 1151;

(g) Veterans who VA determines are unable to defray the expenses of necessary care as specified under 38 U.S.C. 1722(a);

(h) Veterans of the Mexican border period or of World War I;

(i) Veterans solely seeking care for a disorder associated with exposure to a toxic substance or radiation or for a disorder associated with service in the Southwest Asia theater of operations during the Persian Gulf War, as provided in 38 U.S.C. 1710(e);

(j) Veterans who agree to pay to the United States the applicable co-payment determined under 38 U.S.C. 1710(f) and 1710(g), if they seek VA (U.S. Department of Veterans Affairs) hospital, nursing home, or outpatient care.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

Subpart D—Standards

§ 52.60 Standards applicable for payment of per diem.

The provisions of this subpart are the standards that a State home and program management must meet for the State to receive per diem for adult day health care provided at that home.

§ 52.61 General requirements for adult day health care program.

Adult day health care must be a therapeutically oriented outpatient day program, which provides health maintenance and rehabilitative services to participants. The program must provide individualized care delivered by an interdisciplinary health care team and support staff, with an emphasis on helping participants and their caregivers to develop the knowledge and skills necessary to manage care requirements in the home. Adult day health care is principally targeted for complex medical and/or functional needs of geriatric patients.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.70 Participant rights.

The participant has a right to a dignified existence, self-determination,

and communication with and access to persons and services inside and outside the facility. The program management must protect and promote the rights of each participant, including each of the following rights:

(a) *Exercise of rights.* (1) The participant has the right to exercise his or her rights as a participant of the program and as a citizen or resident of the United States.

(2) The participant has the right to be free of interference, coercion, discrimination, and reprisal from the program management in exercising his or her rights.

(3) The participant has the right to freedom from chemical or physical restraint.

(4) In the case of a participant determined incompetent under the laws of a State by a court of jurisdiction, the rights of the participant are exercised by the person appointed under State law to act on the participant's behalf.

(b) *Notice of rights and services.* (1) The program management must inform the participant both orally and in writing in a language that the participant understands of his or her rights and all rules and regulations governing participant conduct and responsibilities during enrollment in the program. Such notification must be made prior to or upon enrollment and periodically during the participant's enrollment.

(2) Participants or their legal representatives have the right—

(i) Upon an oral or written request, to access all records pertaining to them including current participant records within 24 hours (excluding weekends and holidays); and

(ii) After receipt of their records for review, to purchase, at a cost not to exceed the community standard, photocopies of the records or any portions of them upon request and with 2 working days advance notice to the facility management.

(3) Participants have the right to be fully informed in language that they can understand of their total health status.

(4) Participants have the right to refuse treatment, to refuse to participate in patient activities, to refuse to participate in experimental research, and to formulate an advance directive as specified in paragraph (a)(7) of this section.

(5) The program management must inform each participant before, or at the time of enrollment, and periodically during the participant's stay, of services available in the facility and of charges for those services to be billed to the participant.

(6) The program management must furnish a written description of legal rights which includes a statement that the participant may file a complaint with the State (agency) concerning participant abuse and neglect.

(7) The program management must have written policies and procedures regarding advance directives (e.g., living wills). These requirements include provisions to inform and provide written information to all participants concerning the right to accept or refuse medical or surgical treatment and, at the individual's option, formulate an advance directive. This includes a written description of the facility's policies to implement advance directives and applicable State law.

(8) Notification of changes. (i) Program management must immediately inform the participant; consult with the primary physician; and notify the participant's legal representative or an interested family member when there is—

(A) An accident involving the participant which results in injury and has the potential for requiring physician intervention;

(B) A significant change in the participant's physical, mental, or psychosocial status (*e.g.*, a deterioration in health, mental, or psychosocial status in either life-threatening conditions or clinical complications);

(C) A need to alter treatment significantly (i.e., a need to discontinue an existing form of treatment due to adverse consequences, or to commence a new form of treatment); or

(D) A decision to transfer or discharge the participant from the program.

(ii) The program management must also promptly notify the participant and the participant's legal representative or interested family member when there is a change in resident rights under Federal or State law or regulations as specified in paragraph (b)(1) of this section.

(iii) The program management must record and periodically update the address and phone number of the participant's legal representative or interested family member and the primary physician.

(c) *Free choice.* (1) The participant has the right to—

(i) Be fully informed in advance about care and treatment and of any changes in that care or treatment that may affect the participant's well-being; and

(ii) Unless determined incompetent or otherwise determined to be incapacitated under the laws of the State, participate in planning care and treatment or changes in care and treatment.

(2) If the participant is determined incompetent or otherwise determined to be incapacitated under the laws of the State, the participant's legal representative or interested family member(s) has the right to participant in planning care and treatment or changes in care and treatment.

(d) *Privacy and confidentiality.* Participants have the right to privacy and confidentiality of their personal and clinical records.

(1) Participants have a right to privacy in their medical treatment, and personal care.

(2) Except as provided in paragraph (d)(3) of this section, participants may approve or refuse the release of personal and clinical records to any individual outside the facility.

(3) The participant's right to refuse release of personal and clinical records does not apply when—

(i) The participant is transferred to another health care institution; or

(ii) The release is required by law.

(e) *Grievances.* A participant has the right to—

(1) Voice grievances without discrimination or reprisal. Participants may voice grievances with respect to treatment received and not received; and

(2) Prompt efforts by facility management to resolve grievances the participant may have, including those with respect to the behavior of other participants.

(f) *Examination of survey results.* A participant has the right to—

(1) Examine the results of the most recent VA survey with respect to the program. The program management must make the results available for examination in a place readily accessible to participants, and must post a notice of their availability; and

(2) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

(g) *Work.* The participant has the right to—

(1) Refuse to perform services for the facility;

(2) Perform services for the facility, if he or she chooses, when—

(i) The facility has documented the need or desire for work therapy in the plan of care;

(ii) The plan specifies the nature of the services performed and whether the services are voluntary or paid;

(iii) Compensation for (work therapy) paid services is at or above prevailing rates; and

(iv) The participant agrees to the work therapy arrangement described in the plan of care.

(h) *Access and visitation rights.* (1) The program management must provide immediate access to any participant by the following:

(i) Any representative of the Under Secretary for Health;

(ii) Any representative of the State;

(iii) The State long term care ombudsman;

(iv) Immediate family or other relatives of the participant subject to the participant's right to deny or withdraw consent at any time; and

(v) Others who are visiting subject to reasonable restrictions and the participant's right to deny or withdraw consent at any time.

(2) The program management must provide reasonable access to any participant by any entity or individual that provides health, social, legal, or other services to the participant, subject to the participant's right to deny or withdraw consent at any time.

(3) The program management must allow representatives of the State Ombudsman Program to examine a participant's clinical records with the permission of the participant or the participant's legal representative, subject to State law.

(i) *Telephone.* The participant has the right to reasonable access to use a telephone where calls can be made without being overheard.

(j) *Personal property.* The participant has the right to have at least one change of personal clothing.

(k) *Self-administration of drugs.* An individual participant may self-administer drugs if the interdisciplinary team has determined that this practice is safe for the individual and is a part of the care plan.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.71 Participant and family caregivers responsibilities.

The program management has a written statement of participant and family caregiver responsibilities that are posted in the facility and provided to the participant and caregiver at the time of the intake screening. The statement of responsibilities must include the following:

(a) Treat personnel with respect and courtesy;

(b) Communicate with staff to develop a relationship of trust;

(c) Make appropriate choices and seek appropriate care;

(d) Ask questions and confirm understanding of instructions;

(e) Share opinions, concerns, and complaints with the program director;

(f) Communicate any changes in the participant's condition;

(g) Communicate to the program director about medications and remedies used by the participant;

(h) Let the program director know if the participant decides not to follow any instructions or treatment; and

(i) Communicate with the adult day health care staff if the participant is unable to attend the adult day health care program.

52.80 Enrollment, transfer and discharge rights.

Participants in the adult day health care program must meet the provisions of this part that apply to participants and—

(1) Must meet at least two of the following indicators:

(i) Dependence in 2 or more activities of daily living (ADLs).

(ii) Dependence in 3 or more instrumental activities of daily living (IADLs).

(iii) Advanced age, i.e., 75 years old or over.

(iv) High use of medical services defined as 3 or more hospitalizations in past year; utilization of outpatient clinics; or Emergency Evaluation Units, 12 or more times in past year.

(v) Diagnosis of clinical depression.

(vi) Recent discharge from nursing home or hospital.

(vii) Significant cognitive impairment, particularly when characterized by multiple behavior problems;

(2) Must have a supportive living arrangement sufficient to meet their health care needs when not participating in the adult day health care program; and

(3) Must be able to benefit from the adult day health care program.

(b) *Transfer and discharge.* (1) *Definition. Transfer and discharge* includes movement of a participant to a program outside of the adult day health care program whether or not that program or facility is in the same physical plant.

(2) *Transfer and discharge requirements.* All participants' preparedness for discharge from adult day health care must be a part of a comprehensive care plan. The possible reasons for discharge must be discussed with the participant and family members at the time of intake screening. Program management must permit each participant to remain in the program, and not transfer or discharge the participant from the program unless—

(i) The transfer or discharge is necessary for the participant's welfare and the participant's needs cannot be met in the adult day health care setting;

(ii) The transfer or discharge is appropriate because the participant's health has improved sufficiently so the participant no longer needs the services provided in the adult day health care setting;

(iii) The safety of individuals in the program is endangered;

(iv) The health of individuals in the program would otherwise be endangered;

(v) The participant has failed, after reasonable and appropriate notice, to pay for participation in the adult day health care program; or

(vi) The adult day health care program ceases to operate.

(3) *Documentation.* When the facility transfers or discharges a participant under any of the circumstances specified in paragraphs (b)(2)(i) through (vi) of this section, the primary physician must document the reason for such action in the participant's clinical record.

(4) *Notice before transfer.* Before a facility transfers or discharges a participant, the program management must—

(i) Notify the participant and a family member or legal representative of the participant of the transfer or discharge and the reasons for the move in writing and in a language and manner they can understand;

(ii) Record the reasons in the participant's clinical record; and

(iii) Include in the notice the items described in paragraph (a)(6) of this section.

(5) *Timing of the notice.* (i) The notice of transfer or discharge required under paragraph (b)(4) of this section must be made by program management at least 30 days before the participant is transferred or discharged, except when specified in paragraph (b)(5)(ii) of this section.

(ii) Notice may be made as soon as practicable before transfer or discharge when—

(A) The safety of individuals in the program would be endangered;

(B) The health of individuals in the program would be otherwise endangered;

(C) The participant's health improves sufficiently so the participant no longer needs the services provided by the adult day health care program;

(D) The resident's needs cannot be met in the adult day health care program.

(6) *Contents of the notice.* The written notice specified in paragraph (b)(4) of this section must include the following:

(i) The reason for transfer or discharge;

(ii) The effective date of transfer or discharge;

(iii) The location to which the participant is transferred or discharged, if any;

(iv) A statement that the participant has the right to appeal the action to the State official responsible for the oversight of State Veterans Home programs; and

(v) The name, address and telephone number of the State long-term care ombudsman.

(7) *Orientation for transfer or discharge.* The program management must provide sufficient preparation and orientation to participants to ensure safe and orderly transfer or discharge from the program.

(c) *Equal access to quality care.* The program management must establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services for all individuals regardless of source of payment.

(d) *Enrollment policy.* The program management must not require a third party guarantee of payment to the program as a condition of enrollment or expedited enrollment, or continued enrollment in the program. However, program management may require a participant or an individual who has legal access to a participant's income or resources to pay for program care from the participant's income or resources, when available.

(e) *Hours of operation.* Each adult day health care program must provide at least 8 hours of operation five days a week. The hours of operation must be flexible and responsive to caregiver needs.

(f) *Caregiver support.* The adult day health care program must develop a Caregiver Program which offers mutual support, information and education.

(Authority: U.S.C. 101, 501, 1741–1743)

§ 52.90 Participant behavior and program practices.

(a) *Restraints.* (1) The participant has a right to be free from any chemical or physical restraints imposed for purposes of discipline or convenience. When a restraint is applied or used, the purpose of the restraint is reviewed and is justified as a therapeutic intervention and documented in the participant's clinical record.

(i) Chemical restraint is the inappropriate use of a sedating psychotropic drug to manage or control behavior.

(ii) Physical restraint is any method of physically restricting a person's freedom of movement, physical activity or normal access to his or her body.

(2) The program management uses a system to achieve a restraint-free environment.

(3) The program management collects data about the use of restraints.

(4) When alternatives to the use of restraint are ineffective, restraint is safely and appropriately used.

(b) *Abuse.* (1) The participant has the right to be free from mental, physical, sexual, and verbal abuse or neglect, corporal punishment, and involuntary seclusion.

(i) Mental abuse includes humiliation, harassment, and threats of punishment or deprivation.

(ii) Physical abuse includes hitting, slapping, pinching, kicking or controlling behavior through corporal punishment.

(iii) Sexual abuse includes sexual harassment, sexual coercion, and sexual assault.

(iv) Neglect is any impaired quality of life for an individual because of the absence of minimal services or resources to meet basic needs. Neglect may include withholding or inadequately providing food and hydration, clothing, medical care, and good hygiene. It also includes placing the individual in unsafe or unsupervised conditions.

(v) Involuntary seclusion is a participant's separation from other participants against his or her will or the will of his or her legal representative.

(c) *Staff treatment of participants.* The program management must develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of participants and misappropriation of participant property.

(1) The program management must—

(i) Not employ individuals who—

(A) Have been found guilty of abusing, neglecting, or mistreating individuals by a court of law; or

(B) Have had a finding entered into an applicable State registry or with the applicable licensing authority concerning abuse, neglect, mistreatment of individuals or misappropriation of their property; and

(ii) Report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a program assistant or other program staff to the State oversight agency director and licensing authorities.

(2) The program management must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source, and misappropriation of participant property are reported immediately to the State oversight agency director and to other officials in accordance with State law through established procedures.

(3) The program management must have evidence that all alleged violations are thoroughly investigated, and must prevent potential abuse while the investigation is in progress.

(4) The results of all investigations must be reported to the State oversight agency director or the designated representative and to other officials in accordance with State law within 5 working days of the incident, and appropriate corrective action must be taken if the alleged violation is verified.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.100 Quality of life.

Program management must provide an environment and provide or coordinate care that supports the quality of life of each participant by maximizing the individual's potential strengths and skills.

(a) *Dignity.* The program management must promote care for participants in a manner and in an environment that maintains or enhances each participant's dignity and respect in full recognition of his or her individuality.

(b) *Self-determination and participation.* The participant has the right to—

(1) Choose activities, schedules, and health care consistent with his or her interests, assessments, and plans of care;

(2) Interact with members of the community both inside and outside the program; and

(3) Make choices about aspects of his or her life in the program that are significant to the participant.

(c) *Participant and family concerns.* The program management must document any concerns submitted to the management of the program by participants or family members.

(1) A participant's family has the right to meet with families of other participants in the program.

(2) Staff or visitors may attend participant or family meetings at the group's invitation.

(3) The program management must respond to written requests that result from group meetings.

(4) The program management must listen to the views of any participant or family group and act upon the concerns of participants and families regarding policy and operational decisions affecting participant care in the program.

(d) *Participation in other activities.* A participant has the right to participate in social, religious, and community activities that do not interfere with the rights of other participants in the program.

(e) *Therapeutic Participant Activities.* (1) The program management must

provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental, and psychosocial well being of each participant.

(2) The activities program must be directed by a qualified professional who is a qualified therapeutic recreation specialist or an activities professional who—

(i) Is licensed or registered, if applicable, by the State in which practicing; and

(ii) Is certified as a therapeutic recreation specialist or as an activities professional by a recognized accrediting body.

(3) A critical role of the adult day health care program is to build relationships and create a culture that supports, involves, and validates the participant. Therapeutic activity refers to that supportive culture and is a significant aspect of the individualized plan of care. A participant's activity includes everything the individual experiences during the day, not just arranged events. As part of effective therapeutic activity the adult day health care program must:

(i) Provide direction and support for participants, including breaking down activities into small, discrete steps or behaviors, if needed by a participant;

(ii) Have alternative programming available for any participant unable or unwilling to take part in group activity;

(iii) Design activities that promote personal growth and enhance the self-image and/or improve or maintain the functioning level of participants to the extent possible;

(iv) Provide opportunities for a variety of involvement (social, intellectual, cultural, economic, emotional, physical, and spiritual) at different levels, including community activities and events;

(v) Emphasize participants' strengths and abilities rather than impairments and contribute to participant feelings of competence and accomplishment; and

(vi) Provide opportunities to voluntarily perform services for community groups and organizations.

(f) *Social services.* (1) The facility management must provide medically-related social services to participants and their families.

(2) An adult day health care program must employ or contract for a qualified social worker to provide social services.

(3) Qualifications of social worker. A qualified social worker is an individual with—

(i) A bachelor's degree in social work from a school accredited by the Council of Social Work Education (Note: A master's degree social worker with experience in long-term care is preferred);

(ii) A social work license from the State in which the State home is located, if license is offered by the State; and

(iii) A minimum of one year of supervised social work experience in a health care setting working directly with individuals.

(4) The facility management must have sufficient social worker and support staff to meet participant and family social services needs. The adult day health care social services must:

(i) Provide counseling to participants and families/caregivers;

(ii) Facilitate the participant's adaptation to the adult day health care program and active involvement in the plan of care, if appropriate;

(iii) Arrange for services not provided by the adult day health care program and work with these resources to coordinate services;

(iv) Serve as participant advocate by asserting and safeguarding the human and civil rights of the participants;

(v) Assess signs of mental illness and/or dementia and make appropriate referrals;

(vi) Provide information and referral for persons not appropriate for adult day health care program;

(vii) Provide family conferences and serve as liaison between participant, family/caregiver and program staff;

(viii) Provide individual or group counseling and support to caregivers and participants;

(ix) Conduct support groups or facilitate participant or family/caregiver participation in support groups;

(x) Assist program staff in adapting to changes in participants' behavior; and

(xi) Provide or arrange for individual, group, or family psychotherapy for participants' with significant psychosocial needs.

(5) Space for social services must be adequate to ensure privacy for interviews.

(g) *Environment.* The program management must provide—

(1) A safe, clean, comfortable, and homelike environment, and support the participants' ability to function as independently as possible and to engage in program activities;

(2) Housekeeping and maintenance services necessary to maintain a sanitary, orderly, and comfortable interior;

(3) Private storage space for each participant sufficient for a change of clothes;

(4) Interior signs to facilitate participants' ability to move about the facility independently and safely;

(5) A clean bed available for acute illness, when indicated;

(6) A shower for resident's need, when indicated;

(7) Adequate and comfortable lighting levels in all areas;

(8) Comfortable and safe temperature levels; and

(9) Comfortable sound levels.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

52.110 Participant assessment.

The program management must conduct initially, semi-annually and as required by a change in the participant's condition a comprehensive, accurate, standardized, reproducible assessment of each participant's functional capacity.

(a) *Intake screening.* An intake screening must be completed to determine the appropriateness of the adult day health care program for each participant.

(b) *Enrollment orders.* The program management must have physician orders for the participant's immediate care and a medical assessment, including a medical history and physical examination, within a time frame appropriate to the participant's condition, not to exceed 72 hours after enrollment, except when an examination was performed within five days before enrollment and the findings were provided and placed in the clinical record on enrollment.

(c) *Comprehensive assessments.* (1)(i) The program management must make a comprehensive assessment of a participant's needs:

(A) Using (on and after January 1, 2000) the Health Care Financing Administration Long Term Care Resident Assessment Instrument Version 2.0; and

(B) Describing the participant's capability to perform daily life functions, strengths, performances, needs as well as significant impairments in functional capacity.

(ii) An initial home visit must be conducted by program staff or in coordination with community resources to identify home safety issues, home medication use, use of or need for adaptive equipment, and the in-home functioning of the participant and family/caregiver.

(2) *Frequency.* Participant assessments must be completed—

(i) No later than 14 calendar days after the date of enrollment; and

(ii) Promptly after a significant change in the participant's physical, mental, or social condition.

(3) Review of assessments. Program management must review each

participant no less than once every 6 months and as appropriate, revise the participant's assessment to assure the continued accuracy of the assessment.

(4) Use. The results of the assessment are used to develop, review, and revise the participant's individualized comprehensive plan of care, under paragraph (e) of this section.

(d) *Accuracy of assessments.*—(1) *Coordination.*

(i) Each assessment must be conducted or coordinated with the appropriate participation of health professionals.

(ii) Each assessment must be conducted or coordinated by a registered nurse who signs and certifies the completion of the assessment.

(2) *Certification.* Each person who completes a portion of the assessment must sign and certify the accuracy of that portion of the assessment.

(e) *Comprehensive care plans.* (1) The program management must develop an individualized comprehensive care plan for each participant that includes measurable objectives and timetables to meet a participant's physical, mental, and psychosocial needs that are identified in the comprehensive assessment. The care plan must describe the following—

(i) The services that are to be provided by the program and by other sources to attain or maintain the participant's highest physical, mental, and psychosocial well-being as required under § 52.120;

(ii) Any services that would otherwise be required under § 52.120 but are not provided due to the participant's exercise of rights under § 52.70, including the right to refuse treatment under § 52.70(b)(4);

(iii) Type and scope of interventions to be provided in order to reach desired, realistic outcomes;

(iv) Roles of participant and family/caregiver; and

(v) Discharge or transition plan, including specific criteria for discharge or transfer.

(2) A comprehensive care plan must be—

(i) Developed within 21 calendar days from the date of the adult day care enrollment and after completion of the comprehensive assessment;

(ii) Assigned to one team member for the accountability of coordinating the completion of the interdisciplinary plan;

(iii) Prepared by an interdisciplinary team, that includes the primary physician, a registered nurse with responsibility for the participant, social worker, recreational therapist and other appropriate staff in disciplines as determined by the participant's needs, the participation of the participant, and the participant's family or the participant's legal representative; and

(iv) Periodically reviewed and revised by a team of qualified persons after each assessment.

(3) The services provided or arranged by the facility must—

(i) Meet professional standards of quality; and

(ii) Be provided by qualified persons in accordance with each participant's written plan of care.

(f) *Discharge summary.* Prior to discharging a participant, the program management must prepare a discharge summary that includes—

(1) A recapitulation of the participant's care;

(2) A summary of the participant's status at the time of the discharge to include items in paragraph (c)(2) of this section; and

(3) A discharge/transition plan related to changes in service needs and changes in functional status that prompted another level of care.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

52.120 Quality of care.

Each participant must receive and the program management must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

(a) *Reporting of sentinel events.*—(1) *Definition.* A *sentinel event* is an adverse event that results in the loss of life or limb or permanent loss of function.

(2) Examples of sentinel events are as follows:

(i) Any participant death, paralysis, coma or other major permanent loss of function associated with a medication error; or

(ii) Any suicide or attempted suicide of a participant, including suicides following elopement (unauthorized departure) from the program; or

(iii) Any elopement of a participant from the program resulting in a death or a major permanent loss of function; or

(iv) Any procedure or clinical intervention, including restraints, that result in death or a major permanent loss of function; or

(v) Assault, homicide or other crime resulting in a participant's death or major permanent loss of function; or

(vi) A participant's fall that results in death or major permanent loss of function as a direct result of the injuries sustained in the fall; or

(vii) A serious injury requiring hospitalization.

(3) The program management must report sentinel events to the director of VA medical center of jurisdiction within 24 hours of identification. The director of VA medical center of jurisdiction must report sentinel events to VA Network Director (10N 1–22), Chief Network Officer (10N), and Chief Consultant, Geriatrics and Extended Care Strategic Healthcare Group (114) within 24 hours of identification and/or notification by State home.

(4) The program management must establish a mechanism to review and analyze a sentinel event resulting in a written report no later than 10 working days following the event. The purpose of the review and analysis of a sentinel event in an adult day health care program is to prevent future injuries to residents, visitors, and personnel.

(b) *Activities of daily living.* Based on the comprehensive assessment of a resident, the program management must ensure that—

(1) A participant's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the participant's ability to—

(i) Bathe, dress, and groom;

(ii) Transfer and ambulate;

(iii) Toilet; and

(iv) Eat.

(2) A participant is given the appropriate treatment and services to maintain or improve his or her abilities specified in paragraph (b)(1) of this section.

(3) A participant who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, hydration, grooming, personal and oral hygiene, mobility, and bladder and bowel elimination.

(c) *Vision and hearing.* To ensure that participants receive proper treatment and assistive devices to maintain vision and hearing abilities, the program management must, if necessary, assist the participant and family—

(1) In making appointments; and

(2) Arranging for transportation to and from the office of a practitioner specializing in the treatment of vision or hearing impairment or the office of a professional specializing in the provision of vision or hearing assistive devices.

(d) *Pressure ulcers.* Based on the comprehensive assessment of a participant, the program management must ensure that—

(1) A participant who enters the program without pressure ulcers does

not develop pressure ulcers unless the individual's clinical condition demonstrates that they were unavoidable; and

(2) A participant having pressure ulcers receives necessary treatment and services to promote healing, prevent infection and prevent new ulcers from developing.

(e) *Urinary and fecal incontinence.* Based on the participant's comprehensive assessment, the program management must ensure that—

(1) A participant who enters the program without an indwelling catheter is not catheterized unless the participant's clinical condition demonstrates that catheterization was necessary;

(2) A participant who is incontinent of urine receives appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible; and

(3) A participant who has persistent fecal incontinence receives appropriate treatment and services to treat reversible causes and to restore as much normal bowel function as possible.

(f) *Range of motion.* Based on the comprehensive assessment of a participant, the program management must ensure that—

(1) A participant who enters the program without a limited range of motion does not experience reduction in range of motion unless the participant's clinical condition demonstrates that a reduction in range of motion is unavoidable; and

(2) A participant with a limited range of motion receives appropriate treatment and services to increase range of motion and/or to prevent further decrease in range of motion.

(g) *Mental and psychosocial functioning.* Based on the comprehensive assessment of a participant, the program management must ensure that a participant who displays mental or psychosocial adjustment difficulty, receives appropriate treatment and services to correct the assessed problem.

(h) *Accidents.* The program management must ensure that—

(1) The participant environment remains as free of accident hazards as is possible; and

(2) Each participant receives adequate supervision and assistance devices to prevent accidents.

(i) *Nutrition.* Based on a participant's comprehensive assessment, the program management must ensure, by working with the family, that a participant—

(1) Maintains acceptable parameters of nutritional status, such as body weight and protein levels, unless the participant's clinical condition demonstrates that this is not possible; and

(2) Receives a therapeutic diet when a nutritional deficiency is identified.

(j) *Hydration.* The program management must provide each participant with sufficient fluid intake during the day to maintain proper hydration and health.

(k) *Unnecessary drugs.*—(1) *General.* Each participant's drug regimen must be free from unnecessary drugs. An unnecessary drug is any drug when used:

(i) In excessive dose (including duplicate drug therapy); or

(ii) For excessive duration; or

(iii) Without adequate monitoring; or

(iv) Without adequate indications for its use; or

(v) In the presence of adverse consequences which indicate the dose should be reduced or discontinued; or

(vi) Any combinations of the reasons in paragraphs (k)(1)(i) through (v) of this section.

(2) *Antipsychotic drugs.* Based on a comprehensive assessment of a participant, the program management must ensure that—

(i) Participants who have not used antipsychotic drugs are not given these drugs unless antipsychotic drug therapy is necessary to treat a specific condition as diagnosed by the primary physician and documented in the clinical record; and

(ii) Participants who use antipsychotic drugs receive gradual dose reductions, and behavioral interventions, unless clinically contraindicated, in an effort to discontinue these drugs.

(l) *Medication errors.* The program management must ensure that—

(1) Medication errors are identified and reviewed on a timely basis; and

(2) strategies for preventing medication errors and adverse reactions are implemented.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

52.130 Nursing services.

The program management must provide an organized nursing service with a sufficient number of qualified nursing personnel to meet the total nursing care needs, as determined by participant assessment and individualized comprehensive plans of care, of all participants in the program.

(a) There must be at least one registered nurse on duty each day of operation of the adult day health care program. This nurse must be currently licensed by the State and must have, in writing, administrative authority, responsibility, and accountability for the functions, activities, and training of the nursing and program assistants. VA recommends that this nurse be a geriatric nurse practitioner or a clinical nurse specialist.

(b) The number and level of nursing staff is determined by the authorized capacity of participants and the nursing care needs of the participants.

(c) Nurse staffing must be based on a staffing methodology that uses case mix and is adequate for meeting the standards of this part.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

52.140 Dietary services.

The program management must provide each participant with a nourishing, palatable, well-balanced meal that proportionally meets the daily nutritional and special dietary needs of each participant.

(a) *Food and nutritional services.* The program management provides and/or contracts with a food service entity and provides and/or contracts sufficient support personnel competent to carry out the functions of the food service.

(1) The program management must employ a qualified dietitian either part-time or on a contract consultant basis to provide nutritional guidance.

(2) A qualified dietitian is one who is qualified based upon registration by the Commission on Dietetic Registration of the American Dietetic Association.

(3) The dietitian must—

(i) Conduct participant nutritional assessments and recommend nutritional intervention as appropriate.

(ii) Consult and provide nutrition education to participants, family/caregivers, and program staff as needed.

(iii) Consult and provide education and training to the food service staff.

(iv) Monitor and evaluate participants receiving enteral tube feedings and parenteral line solutions, and recommend changes as appropriate.

(b) *Menus and nutritional adequacy.*—(1) The participant's total dietary intake is of concern but is not the adult day health care program's responsibility.

(2) The program is responsible for the meals served in the facility.

(c) *Food.* Each participant receives and the program provides—

(1) Food prepared by methods that conserve nutritive value, flavor, and appearance;

(2) Food that is palatable, attractive, and at the proper temperature;

(3) Food prepared in a form designed to meet individual needs; and

(4) Substitutes offered of similar nutritive value to participants who refuse food served.

(d) *Therapeutic diets.* (1) Therapeutic diets must be prescribed by the primary care physician.

(2) Special, modified, or therapeutic diets must be provided as necessary for participants with medical conditions or functional impairments.

(3) An adult day health care program must not admit nor continue to serve a participant whose dietary requirements cannot be accommodated by the program.

(e) *Frequency of meals.* (1) Each participant may receive and program management must provide at least two meals daily, at a regular time comparable to normal mealtimes in the community.

(2) The program management must offer snacks and fluids as appropriate to meet the participants' nutritional and fluid needs.

(f) *Assistive devices.* The program management must provide special eating equipment and utensils for participants who need them.

(g) *Sanitary conditions.* The program must—

(1) Procure food from sources approved or considered satisfactory by Federal, State, or local authorities;

(2) Store, prepare, distribute, and serve food under sanitary conditions; and

(3) Dispose of garbage and refuse properly.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.150 Physician services.

As a condition of enrollment in adult day health care program, a participant must obtain a written physician order for enrollment. Each participant must remain under the care of a physician.

(a) *Physician supervision.* The program management must ensure that—

(1) The medical care of each participant is supervised by a primary care physician;

(2) Each participant's medical record must contain the name of the participant's primary physician; and

(3) Another physician is available to supervise the medical care of participants when their primary physician is unavailable.

(b) *Frequency of physician reviews.*—(1) The participant must be seen by the primary physician at least annually and as indicated by a change of condition.

(2) The program management must have a policy to help ensure that adequate medical services are provided to participant.

(3) At the option of the primary physician, required reviews in the program after the initial review may alternate between personal physician reviews and reviews by a physician assistant, nurse practitioner, or clinical nurse specialist in accordance with paragraph (f) of this section.

(c) *Availability of Acute Care.* The program management must provide or arrange for the provision of acute care when it is indicated.

(d) *Availability of physicians for emergency care.* The program management must provide or arrange for the provision of physician services when the program has participants under its care, in case of an emergency.

(e) *Physician delegation of tasks.* (1) A primary physician may delegate tasks to:

(i) A certified physician assistant or a certified nurse practitioner; or

(ii) A clinical nurse specialist who—

(A) Is acting within the scope of practice as defined by State law; and

(B) Is under the supervision of the physician.

(2) The primary physician may not delegate a task when the provisions of this part specify that the primary physician must perform it personally, or when the delegation is prohibited under State law or by the facility's own policies.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.160 Specialized rehabilitative services.

(a) *Provision of services.* If specialized rehabilitative services such as but not limited to physical therapy, speech therapy, occupational therapy, and mental health services for mental illness are required in the participant's comprehensive plan of care, program management must—

(1) Provide the required services; or

(2) Obtain the required services and equipment from an outside resource, in accordance with § 52.210(h), from a provider of specialized rehabilitative services.

(b) Specialized rehabilitative services must be provided under the written order of a physician by qualified personnel.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.170 Dental services.

(a) Program management must, if necessary, assist the participant and family/caregiver—

(1) In making appointments; and

(2) By arranging for transportation to and from the dental services.

(b) Program management must promptly assist and refer participants with lost or damaged dentures to a dentist.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.180 Administration of drugs.

The program management must assist with the management of medication and have a system for disseminating drug information to participants and program staff.

(a) *Procedures.* (1) The program management must provide reminders or prompts to participants to initiate and follow though with self-administration of medications.

(2) The program management must establish a system of records to document the administration of drugs by participants and/or staff.

(3) The program management must ensure that drugs and biologicals used by participants are labeled in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date when applicable.

(4) The program management must store all drugs, biologicals, and controlled scheduled II drugs listed in 21 CFR 1308.12 in locked compartments under proper temperature controls, permit only authorized personnel to have access, and otherwise comply with all applicable State and Federal laws.

(b) *Service consultation.* The program management must employ or contract for the services of a pharmacist licensed in the State in which the program is located who provides consultation, as needed, on all the provision of drugs.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.190 Infection control.

The program management must establish and maintain an infection control program designed to prevent the development and transmission of disease and infection.

(a) *Infection control program.* The program management must—

(1) Investigate, control, and prevent infections in the program participants and staff; and

(2) Maintain a record of incidents and corrective actions related to infections.

(b) *Preventing spread of infection.* (1) The program management must prevent participants or staff, with a communicable disease or infected skin lesions from attending the adult day health care program, if direct contact will transmit the disease.

(2) The program management must require staff to wash their hands after each direct participant contact for which hand washing is indicated by accepted professional practice.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.200 Physical environment.

The physical environment must be designed, constructed, equipped, and maintained to protect the health and safety of participants, personnel and the public.

(a) *Life safety from fire.* The facility must meet the applicable provisions of the National Fire Protection Association?s NFPA 101, Life Safety Code, 1997 edition. Incorporation by reference this document was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The document incorporated by reference is available for inspection at the Office of the Federal Register, Suite 700, 800 North Capitol Street, NW., Washington, DC, and the Department of Veterans Affairs, Office of Regulations Management (02D), Room 1154, 810 Vermont Avenue, NW., Washington, DC 20420. Copies may be obtained from the National Fire Protection Association, Battery March Park, Quincy, MA 02269. (For ordering information, call toll-free 1–800–344–3555.)

(b) *Space and equipment.* (1) Program management must—

(i) Provide sufficient space and equipment in dining, health services, recreation, and program areas to enable staff to provide participants with needed services as required by these standards and as identified in each participant's plan of care; and

(ii) Maintain all essential mechanical, electrical, and patient care equipment in safe operating condition.

(2) Each adult day health care program, when it is co-located in a nursing home, domiciliary, or other care facility, must have its own separate designated space during operational hours.

(3) The indoor space for an adult day health care program must be at least 100 square feet per participant including office space for staff and must be 60 square feet per participant excluding office space for staff.

(4) Each program will need to design and partition its space to meet its own needs, but a minimal number of functional areas must be available. These include:

(i) A dividable multipurpose room or area for group activities, including dining, with adequate table setting space.

(ii) Rehabilitation rooms or an area for individual and group treatments for occupational therapy, physical therapy, and other treatment modalities.

(iii) A kitchen area for refrigerated food storage, the preparation of meals and/or training participants in activities of daily living.

(iv) An examination and/or medication room.

(v) A quiet room, which functions to isolate participants who become ill or disruptive, or who require rest, privacy, or observation. It should be separate from activity areas, near a restroom, and supervised.

(vi) Bathing facilities adequate to facilitate bathing of participants with functional impairments.

(vii) Toilet facilities and bathrooms easily accessible to people with mobility problems, including participants in wheelchairs. There must be at least one toilet for every eight (8) participants. The toilets must be equipped for use by persons with limited mobility, easily accessible from all programs areas, i.e. preferably within 40 feet from that area, designed to allow assistance from one or two staff, and barrier-free.

(viii) Adequate storage space. There should be space to store arts and crafts materials, personal clothing and belongings, wheelchairs, chairs, individual handiwork, and general supplies. Locked cabinets must be provided for files, records, supplies, and medications.

(ix) An individual room for counseling and interviewing participants and family members.

(x) A reception area.

(xi) An outside space that is used for outdoor activities that is safe, accessible to indoor areas, and accessible to those with a disability. This space may include recreational space and garden area. It should be easily supervised by staff.

(c) *Furnishings* must be available for all participants. This must include functional furniture appropriate to the participants' needs. Furnishings must be attractive, comfortable, and homelike, while being sturdy and safe.

(d) *Participant call system.* The coordinator's station must be equipped to receive participant calls through a communication system from—

(1) Clinic rooms; and

(2) Toilet and bathing facilities.

(e) *Other environmental conditions.* The program management must provide a safe, functional, sanitary, and comfortable environment for the participants, staff and the public. The program management must—

(1) Establish procedures to ensure that water is available to essential areas if there is a loss of normal water supply;

(2) Have adequate outside ventilation by means of windows, or mechanical ventilation, or a combination of the two;

(3) Equip corridors, when available, with firmly-secured handrails on each side; and

(4) Maintain an effective pest control program so that the facility is free of pests and rodents.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.210 Administration.

An adult day health care program must be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well being of each participant.

(a) *Governing body.* (1) The State must have a governing body, or designated person functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the program; and

(2) The governing body or State official with oversight for the program appoints the adult day health care program administrator who is:

(i) a qualified heath care professional experienced in clinical program management and, if required by the State, certified as a Certified Administrator in Adult Day Health Care; and

(ii) Responsible for the operation and management of the program including:

(A) Documentation of current credentials for each licensed independent practitioner employed by the program;

(B) Review of the practitioner's record of experience;

(C) Assessment of whether practitioners with clinical privileges act within the scope of privileges granted; and

(iii) Awareness of local trends in community adult day health care and other services, and participation in area adult day health care organizations.

(b) *Disclosure of State agency and individual responsible for oversight of facility.* The State must give written notice to the Chief Consultant, Geriatrics and Extended Care Strategic Healthcare Group (114), VA Headquarters, 810 Vermont Avenue, NW, Washington, DC 20420, at the time of the change, if any of the following change:

(1) The State agency and individual responsible for oversight of a State home facility;

(2) The State adult day health care program administrator; or

(3) The State employee responsible for oversight of the State home adult day health care program if a contractor operates the State program.

(c) *Required information.* The program management must submit the following to the director of the VA

medical center of jurisdiction as part of the application for recognition and thereafter as often as necessary to be current:

(1) The copy of legal and administrative action establishing the State-operated facility (e.g., State laws);

(2) Site plan of facility and surroundings.

(3) Legal title, lease, or other document establishing right to occupy facility;

(4) Organizational charts and the operational plan of the adult day health care program;

(5) The number of the staff by category indicating full-time, part-time and minority designation, annually;

(6) The number of adult day health care participants who are veterans and non-veterans, the number of veterans who are minorities and the number of non-veterans who are minorities, annually;

(7) Annual State Fire Marshall's report;

(8) Annual certification from the responsible State home showing compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (VA Form 10–0143A set forth at 38 CFR 58.14);

(9) Annual certification for Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707) (VA From 10–0143 set forth at 38 CFR 58.15);

(10) Annual certification regarding lobbying in compliance with 31 U.S.C. 1352 (VA Form 10–0144 set forth at 38 CFR 58.16);

(11) Annual certification of compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1) as effectuated in 38 CFR part 18 (VA Form 10–0144A located at 38 CFR 58.17);

(d) *Percentage of veterans.* At least 75 percent of the program participants must be eligible veterans except that the veteran percentage need only be more than 50 percent if the facility was acquired, constructed, or renovated solely with State funds. All non-veteran participants must be veteran-related family members or gold star parents of veterans.

(e) *Management contract facility.* If a program is operated by an entity contracting with the State, the State must assign a State employee to monitor the operations of the facility on a full-time onsite basis.

(f) *Licensure.* The facility and program management must comply with applicable State and local licensure laws.

(g) *Staff qualifications.* (1) The program management must employ on a full-time, part-time or consultant basis those professionals necessary to carry out the provisions of these requirements. Professional disciplines involved in participant care must include registered nurses, program assistants, physicians, social workers, rehabilitation therapist, dietitian, and therapeutic activity therapist and pharmacist. Other disciplines may be considered depending upon the participant and/or program needs.

(2) Professional staff must be licensed, certified, or registered in accordance with applicable State laws.

(3) The staff-participant ratio must be sufficient in number and skills (at least one staff to 4 participants) to ensure compliance with the standards of this part. There must be at least two responsible persons (paid staff members) at the adult day health care center at all times when there are two or more participants in attendance.

(4) Persons counted in the staff to participant ratio must spend at least 70 percent of their time in direct service with participants.

(5) All professional team members will serve in the role of case manager for designated participants.

(6) All personnel, paid and volunteer, will be provided appropriate training to maintain the knowledge and skills required for the participant needs.

(h) *Use of outside resources.* (1) If the facility does not employ a qualified professional person to furnish a specific service to be provided by the facility, the program management must have that service furnished to participants by a person or agency outside the facility under a written agreement described in paragraph (h)(2) of this section.

(2) Agreements pertaining to services furnished by outside resources must specify in writing that the program management assumes responsibility for—

(i) Obtaining services that meet professional standards and principles that apply to professionals providing services in such a program; and

(ii) The timeliness of the services.

(i) *Medical director.* (1) The program management must provide a primary care physician to serve as medical director and a consultant to the interdisciplinary program team.

(2) The medical director is responsible for:

(i) Participating in establishing policies, procedures, and guidelines to ensure adequate, comprehensive services;

(ii) Directing and coordinating medical care in the program;

(iii) Ensuring continuous physician coverage to handle medical emergencies;

(iv) Participating in managing the environment by reviewing and evaluating incident reports or summaries of incident reports, identifying hazards to health and safety, and making recommendations to the adult day health care program administrator; and

(v) Monitoring employees' health status and advising the program administrator on employee-health policies.

(3) The medical director may also provide hands-on assessment and/or treatment if authorized by the participant's primary care provider. In programs where a medical director is available to act as a member of the team and authorizes care, information concerning the care provided must be shared with the primary care physician who continues to provide the ongoing medical care.

(4) The program management must have written procedures for handling medical emergencies. The procedures must include, at least:

(i) Procedures for notification of the family;

(ii) Procedures for transportation arrangements;

(iii) Provision for an escort, if necessary; and

(iv) Procedures for maintaining a portable basic emergency information file for each participant that includes:

(A) Hospital preference;

(B) Physician of record and telephone number;

(C) Emergency contact (family);

(D) Insurance information;

(E) Medications/allergies;

(F) Current diagnosis and history; and

(G) Photograph for participant identification.

(j) *Required training of program assistants.* (1) Program assistants must have a high school diploma or the equivalent and must have at least one year of experience in working with adults in a health care setting. Program assistants also must complete the National Adult Day Services Association training course or complete equivalent training.

(2) The program management must not use any individual working in the program as a program assistant whether permanent or not unless:

(i) That individual is competent to provide appropriate services; and

(ii) That individual has completed training or is certified by the National Adult Day Services Association as a certified Program Assistant in Adult Day Services.

(3) Verification. Before allowing an individual to serve as a nurse aide or program assistant, program management

must verify that the individual has successfully completed a training and competency evaluation program. Facilities must follow up to ensure that such an individual actually becomes certified, if available in the State.

(4) Multi-State registry verification. Before allowing an individual to serve as a nurse aide or program assistant, program management must seek information from every State registry established under HHS regulations at 42 CFR 483.156 which the facility believes may include information on the individual.

(5) Required retraining. If, since an individual's most recent completion of a training and competency evaluation program, there has been a continuous period of 24 consecutive months during none of which the individual provided nursing or nursing-related services for monetary compensation, the individual must complete a new training and competency evaluation program or a new competency evaluation program.

(6) Regular in-service education. The program management must complete a performance review of every nurse aide or program assistant at least once every 12 months, and must provide regular in-service education based on the outcome of these reviews. The in-service training must—

(i) Be sufficient to ensure the continuing competence of nurse aides or program assistants, but must be no less than 12 hours per year;

(ii) Address areas of weakness as determined in program assistants' performance reviews and address the special needs of participants as determined by the program staff; and

(iii) For program assistants or nurse aides providing services to individuals with cognitive impairments, address the care of the cognitively impaired.

(k) *Proficiency of program assistants.* The program management must ensure that program assistants or nurse aides are able to demonstrate competency in skills and techniques necessary to care for participants' needs, as identified through participant assessments, and described in the plan of care.

(l) *Laboratory and radiology results.* The program management must—

(1) Obtain laboratory or radiology results from the participant's primary physician to support the needs of its participants.

(2) Assist the participant and/or family/caregiver in making transportation arrangements to and from the source of laboratory or radiology services, if the participant needs assistance.

(3) File in the participant's clinical record laboratory or radiology reports that are dated and contain the name and address of the testing laboratory or radiology service.

(m) *Participant records.* (1) The facility management must maintain clinical records on each participant in accordance with accepted professional standards and practices that are—

(i) Complete;

(ii) Accurately documented;

(iii) Readily accessible; and

(iv) Systematically organized.

(2) Clinical records must be retained for—

(i) The period of time required by State law; or

(ii) Five years from the date of discharge if there is no requirement in State law.

(3) The program management must safeguard clinical record information against loss, destruction, or unauthorized use.

(4) The program management must keep confidential all information contained in the participant's records, regardless of the form or storage method of the records, except when release is required by—

(i) Transfer to another health care institution;

(ii) Law;

(iii) A third-party payment contract;

(iv) The participant; or

(v) The participant's legal representative.

(5) The clinical record must contain—

(i) Sufficient information to identify the participant;

(ii) A record of the participant's assessments;

(iii) The plan of care and services provided;

(iv) The results of any pre-enrollment screening conducted by the State; and

(v) Progress notes.

(n) *Quality assessment and assurance.* (1) Program management must maintain a quality improvement program and a quality improvement committee consisting of—

(i) A registered nurse;

(ii) A medical director designated by the program; and

(iii) At least 3 other members of the program's staff.

(2) The quality improvement committee—

(i) Must implement a quality improvement plan for the evaluation of its operation and services and review and revise annually; and

(ii) Must meet at least quarterly to identify quality of care issues; and

(iii) Must develop and implement appropriate plans of action to correct identified quality deficiencies; and

(iv) Must ensure that identified quality deficiencies are corrected within an established time period.

(3) The VA Under Secretary for Health may not require disclosure of the records of such committee unless such disclosure is related to the compliance with the requirements of this section.

(o) *Disaster and emergency preparedness.* (1) The program management must have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, bomb threats, and missing participants.

(2) The program management must train all employees in emergency procedures when they begin to work in the program, periodically review the procedures with existing staff, and carry out unannounced staff drills using those procedures.

(p) *Transfer procedure.* (1) The program management must have in effect a written transfer procedure that reasonably assures that—

(i) Participants will be transferred from the adult day health care program to the hospital, and ensured of timely admission to the hospital when transfer is medically appropriate as determined by a physician; and

(ii) Medical and other information needed for care and treatment of participants will be exchanged between the institutions.

(2) The transfer must be with a hospital sufficiently close to the adult day health care program to make transfer feasible.

(q) *Compliance with Federal, State, and local laws and professional standards.* The program management must operate and provide services in compliance with all applicable Federal, State, and local laws, regulations, and codes, and with accepted professional standards and principles that apply to professionals providing services in such a facility. This includes the Single Audit Act of 1984 (31 U.S.C. 7501 *et seq.*) and the Cash Management Improvement Acts of 1990 and 1992 (31 U.S.C. 3335, 3718, 3720A, 6501, 6503).

(r) *Relationship to other Federal regulations.* In addition to compliance with the regulations set forth in this subpart, the program must meet the applicable provisions of other Federal laws and regulations, including but not limited to those pertaining to nondiscrimination on the basis of race, color, national origin, handicap, or age (38 CFR part 18); protection of human subjects of research (45 CFR part 46), section 504 of the Rehabilitation Act of 1993 (29 U.S.C. 794); Drug-Free Workplace Act of 1988 (41 U.S.C. 701–707); restrictions regarding lobbying (31 U.S.C. 1352); Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Although these regulations are not in

themselves considered requirements under this part, their violation may result in the termination or suspension of, or the refusal to grant or continue payment with Federal funds.

(s) *Intermingling.* A facility recognized as a State home for providing adult day health care may only provide adult day health care in the areas of the facility recognized as a State home for providing adult day health care.

(t) *VA management of State veterans homes.* Except as specifically provided by statute or regulations, VA employees have no authority regarding the management or control of State homes providing adult day health care.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

§ 52.220 Transportation.

Transportation of participants to and from the adult day health care facility must be a component of the overall program.

(a) The adult day health care program management must provide, arrange, or contract for transportation to enable participants, including persons with disabilities, to attend the program and to participate in facility-sponsored outings.

(b) The adult day health care program management must have a transportation policy that includes routine and emergency procedures, with a copy of the relevant procedures located in all program vehicles.

(c) All vehicles transporting participants to and from adult day health care must be equipped with a device for two-way communication and one additional staff person besides the driver.

(d) All facility-provided and contracted transportation systems must meet local, state and federal regulations.

(e) The time to transport participant to or from the facility must not be more than 60 minutes except under unusual conditions, e.g. bad weather.

(Authority: 38 U.S.C. 101, 501, 1741–1743)

[FR Doc. 00–15639 Filed 6–27–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AE30

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis on Proposed Critical Habitat Determination for the Tidewater Goby

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability of a draft economic analysis of the proposed designation of critical habitat for the tidewater goby (*Eucyclogobius newberryi*). We also provide notice of the reopening of the comment period for the proposal to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public records as a part of this reopening and will be fully considered in the final rule.

DATES: The original comment period on the critical habitat proposal closed on October 4, 1999. The first reopened comment period closed on November 30, 1999. The comment period is again reopened and we will accept comments until July 28, 2000. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at ''http://pacific.fws.gov/crithab/tg'' or by contacting the U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008 (telephone 760–431–9440; facsimile 760–431–9618). Written comments should be sent to the Field Supervisor. You may also send comments by electronic mail (e-mail) to ''fw1cfwogoecan@r1.fws.gov.'' Please submit comments in ASCII file format and avoid the use of special characters and encryption. Please include ''Attn: RIN 1018–AE30'' and your name and return address in your e-mail message. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Glen Knowles, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, at the above address (telephone 760–431–9440; facsimile 760-431–9618).

SUPPLEMENTARY INFORMATION:

Background

The tidewater goby is a small, grayish brown fish approximately 2 inches long and which lives for about one year. It occurs in coastal brackish-water habitats such as lagoons, tidal bays, and estuaries of rivers and streams along the California coastline. This fish is threatened by habitat loss and degradation, predation by non-native species, and extreme weather and streamflow conditions. On August 3, 1999, the Fish and Wildlife Service published a rule proposing critical habitat for the tidewater goby *Eucyclogobius newberryi* in the **Federal Register** (64 FR 42250), a species Federally listed as endangered throughout its range. We proposed designation of approximately 11.8 miles of rivers, streams, and estuaries as critical habitat for the tidewater goby pursuant to the Endangered Species Act of 1973, as amended (Act). Proposed critical habitat is in Orange and San Diego counties, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the tidewater goby and comments received during previous comment periods, we have conducted a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address. In order to accept the best and most current scientific data regarding the critical habitat proposal and the draft economic analysis of the proposal, we reopen the comment period at this time. We will accept written comments during this reopened comment period. Previously submitted oral or written comments on this critical habitat proposal need not be resubmitted. The current comment period on this proposal closes on July 28, 2000. Written comments may be submitted to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Glen Knowles (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 19, 2000.

Don W. Weathers,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00–16276 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 65, No. 125

Wednesday, June 28, 2000

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TB–00–12]

Burley Tobacco Advisory Committee—Notice of Committee Renewal

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of committee renewal.

SUMMARY: Notice is hereby given that the Secretary of Agriculture has renewed the Burley Tobacco Advisory Committee for an additional period of 2 years.

FOR FURTHER INFORMATION CONTACT: John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, 300 12th Street, S.W., Stop 0280, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456, (202) 205–0567.

SUPPLEMENTARY INFORMATION: The Committee, which reports to the Secretary through the Under Secretary for Marketing and Regulatory Programs, recommends opening dates and selling schedules for the burley marketing area which aid the Secretary in making an equitable apportionment and assignment of tobacco inspectors. The Committee consists of 39 members; 21 producer representatives, 10 warehouse representatives, and 8 buyer representatives, representing all segments of the burley tobacco industry and meets at the call of the Secretary. The Secretary has determined that renewal of this Committee is in the public interest.

To ensure that recommendations of the Committee take into account the needs of diverse groups served by the Department, membership should include, to the extent practicable, persons with demonstrated ability to represent minorities, women, and persons with disabilities.

This notice is given in compliance with the Federal Advisory Committee Act (5 U.S.C. App.).

Dated: June 22, 2000.

Paul W. Fiddick,

Assistant Secretary for Administration.

[FR Doc. 00–16372 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–073–2]

Papaya Mealybug; Availability of a Supplement to an Environmental Assessment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: We are advising the public that we have prepared a supplement to an October 1999 environmental assessment that was prepared by the Animal and Plant Health Inspection Service relative to the suppression of the papaya mealybug, *Paracoccus marginatus* Williams (Homoptera: Pseudococcidae). The supplement examines the environmental release of nonindigenous wasps of the genus *Pseudaphycus* for use as biological control agents to suppress the papaya mealybug. The supplement has been prepared to provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing these biological control agents into the environment.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by July 28, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–073–2, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–073–2.

You may read any comment that we receive on this docket and review copies of the original environmental assessment and the supplement 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. Dale E. Meyerdirk, Supervisory Agriculturist, Pink Hibiscus Mealybug Program, PPQ, APHIS, 4700 River Road Unit 135, Riverdale, MD 20737–1236; (301) 734–5667. For copies of the supplement and the October 1999 environmental assessment, write to Dr. Meyerdirk at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: The papaya mealybug, *Paracoccus marginatus* Williams (Homoptera: Pseudococcidae), can cause serious damage to numerous agricultural products, including papayas, hibiscus, citrus, cotton, and avocados, which can result in significant economic losses. Papaya mealybug exists in Puerto Rico and the U.S. Virgin Islands, has recently been found in a few locations in Florida, and has been intercepted in Texas and California. From Florida, papaya mealybug could spread rapidly through the Gulf States and eventually on to Texas and California. The limits of its spread northward cannot be accurately predicted, but certain greenhouse crops would be at risk, even in cold regions.

On October 19, 1999, we published in the **Federal Register** (64 FR 56305–56306, Docket No. 99–073–1) a notice announcing the availability of an environmental assessment titled ''Control of Papaya Mealybug, *Paracoccus marginatus* (Homoptera: Pseudococcidae)'' (October 1999). In that environmental assessment, we discussed our review and analysis of the environmental impact and plant pest risk associated with the release into the environment of three genera of nonindigenous wasps (*Anagyrus, Apoanagyrus*, and *Acerophagus*) as part

of a biological control project to suppress papaya mealybug.

Since the publication of our October 1999 notice, a fourth genus of nonindigenous wasp—*Pseudaphycus* (Hymenoptera: Encrytidae)—that attacks the papaya mealybug has been identified. Research conducted in quarantine has shown *Pseudaphycus* spp. wasps to be a primary parasite of papaya mealybug, and this genus is only known to attack species of mealybug. Thus, a request has been made to the Animal and Plant Health Inspection Service (APHIS) for the release of *Pseudaphycus* spp. wasps into the environment for the suppression of papaya mealybug infestations throughout the United States.

The *Pseudaphycus* spp. wasps will be imported from Mexico into U.S. Department of Agriculture (USDA)-certified insect quarantine facilities at the Beneficial Insects Introduction Research Laboratory (BIIRL) in Newark, DE. At BIIRL, species identifications would be confirmed by USDA and State taxonomists, and undesirable organisms, such as hyperparasites, would be screened out and properly eliminated. Laboratory colonies would be established by APHIS and State cooperators. The wasps would then be released by APHIS and State cooperators in areas invaded by the papaya mealybug. Such areas include the U.S. Virgin Islands, Puerto Rico, and Florida, where the papaya mealybug is now present. The papaya mealybug may also spread to other States due to the presence of hosts and favorable habitats. These areas include Alabama, Arizona, Arkansas, California, Delaware, Georgia, Hawaii, Louisiana, Maryland, Mississippi, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. If the papaya mealybug does spread to these areas, APHIS and State cooperators will release the wasps in the affected areas also.

We expect that these stingless wasps would become established and reproduce naturally without further human intervention.

If APHIS does release *Pseudaphycus* spp. wasps, the release of these wasps will complement our previous releases of *Anagyrus, Apoanagyrus*, and *Acerophagus* spp. wasps, which were the first exotic biological control agents approved for release against papaya mealybug in the United States.

To document APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing *Pseudaphycus* spp. wasps into the environment as biological control agents, we have prepared a supplement to our October 1999 environmental assessment that examined the release into the environment of *Anagyrus, Apoanagyrus*, and *Acerophagus* spp. wasps. We are making the supplement to that environmental assessment available to the public for review and comment.

The supplement to our October 1999 environmental assessment has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1B), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 22nd day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–16312 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 00–058–1]

Public Meetings; Pine Shoot Beetle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings and request for comments.

SUMMARY: The Animal and Plant Health Inspection Service plans to host three public meetings to discuss issues related to how we should administer our pine shoot beetle program.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by August 28, 2000.

The public meetings will be held in: (1) Salem, OR, on July 24, 2000; (2) Albany, NY, on July 26, 2000; and (3) Forest Park, GA, on July 28, 2000. Each public meeting will begin at 1 p.m. and is scheduled to end at 5 p.m., local time.

ADDRESSES: If you cannot attend a public meeting, please send your written comment and three copies to: Docket No. 00–058–1, 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. 00–058–1.

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.

The public meetings will be held at the following locations:

(1) Salem, OR: Oregon Department of Agriculture, Hearing Room, 635 Capitol NE, Salem, OR.

(2) Albany, NY: New York Department of Agriculture and Marketing, State Conference Room, 1 Winners Circle, Albany, NY.

(3) Forest Park, GA: Atlanta Farmers' Market, Welcome Center, 16 Forest Parkway, Forest Park, GA.

FOR FURTHER INFORMATION CONTACT: Coanne E. O'Hern, National Survey Coordinator, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) plans to host three public meetings to discuss how we should administer our pine shoot beetle program.

Our pine shoot beetle program is based on our pine shoot beetle regulations (7 CFR 301.50–1 through 301.50–10, referred to below as the regulations). The regulations govern the interstate movement of regulated articles from areas quarantined because of pine shoot beetle. Section 301.50–2 of the regulations provides a list of articles regulated because of pine shoot beetle. Regulated articles are the following pine (*Pinus* spp.) products: Bark nuggets (including bark chips), Christmas trees, logs with bark attached, lumber with bark attached, nursery stock, pine wreaths and garlands, raw pine materials for pine wreaths and garlands, and stumps. In addition, any other article determined to present a risk of spreading pine shoot beetle may be designated as a regulated article. Section 301.50–3 of the regulations lists areas quarantined because of pine shoot beetle. Quarantined areas include counties in the following States: Illinois, Indiana, Maryland, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Vermont, West Virginia,

and Wisconsin. Sections 301.50–4 through 301.50–10 provide requirements for moving regulated articles interstate from quarantined areas to nonquarantined areas. These sections include requirements for certificates and limited permits and for treatment of regulated articles.

From 1992, when pine shoot beetle was first detected in the United States, through 1997, the pine shoot beetle program was funded through APHIS contingency funding. From fiscal year 1998 through fiscal year 2000, funding for the program (approximately $185,000) came from miscellaneous pest line item funding. These funds are limited for use in the eastern region of the United States. We are not certain whether there will be adequate funding to conduct pine shoot beetle program activities in fiscal year 2001 and beyond.

In spite of our efforts to control the spread of pine shoot beetle through the regulations, infested counties continue to be detected each year. Because of this, we must annually add many counties to the list of quarantined areas. The public meetings will provide an opportunity for interested persons to comment on whether APHIS should continue to administer the pine shoot beetle program in accordance with the regulations or if we should pursue another course of action. Please note, however, that while the information gathered during the meetings may indicate the need for changes to our current regulatory program, the meetings will not directly result in any changes to the regulations. If we determine that changes to the regulations are appropriate, we will publish a document in the **Federal Register** for public comment.

Topics

Because of the potential for inadequate funding and the continued spread of pine shoot beetle, we would like interested persons to comment on the following topics:

1. Should the pine shoot beetle program be maintained?
2. How effective is the pine shoot beetle program?
3. What changes could be made to the program to make it more effective?
4. If we maintain the program, how should it be funded?

Comments on these, or other related topics, are welcome during the public meetings.

Meeting Procedures/Registration

A representative of APHIS will preside at each public meeting. Any interested person may appear and be heard in person, by attorney, or by another representative. Written statements may be submitted and will be made part of the meeting record. Persons who wish to speak at a meeting will be asked to provide their names and organizations. We ask that anyone who reads a statement or submits a written statement provide two copies to the presiding officer at the meeting.

Registration for each public meeting will take place from 12:30 p.m. to 1 p.m. on the day of the meeting at the meeting room. Each public meeting will begin at 1 p.m. and is scheduled to end at 5 p.m., local time. However, any meeting may end at any time after it begins if all persons desiring to speak have been heard. If the number of speakers at a meeting warrants it, the presiding officer may limit the time for presentations so that everyone wishing to speak has the opportunity.

Written Comments

If you cannot attend a public meeting, you may submit written comments on the topics outlined in this notice. To submit written comments, please follow the instructions listed under the heading **ADDRESSES** near the beginning of this document.

Done in Washington, DC, this 22nd day of June 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–16316 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Economic Research Service

Notice of Intent To Seek Approval to Collect Information

AGENCY: Economic Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) and Office of Management and Budget (OMB) regulations at 5 CFR 1320 (60 FR 44978, August 29, 1995), this notice announces the Economic Research Service's (ERS) intention to request approval for a new information collection from participants in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC); from local WIC agency staff; and from food store cashiers, to address the legislative mandate in the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Pub. L. 105–336, 112 Stat. 3143) to study the impact of cost containment in the WIC program. This information will be used in the Assessment of WIC Cost-Containment Practices to analyze the effects of current cost-containment practices established by States on program participation, selected participant outcomes, and program costs.

DATES: Written comments on this notice must be received by September 1, 2000 to be assured of consideration.

ADDITIONAL INFORMATION OR COMMENTS: Requests for additional information should be directed to Phil R. Kaufman, Food Markets Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW, Room N2118, Washington, D.C. 20036–5801. For further information contact: Phil R. Kaufman, 202–694–5376. Submit electronic comments to *pkaufman@ers.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Paperwork Reduction Act Submission (OMB–83–1).

Type of Request: New collection of information.

Abstract: ERS of the U.S. Department of Agriculture is responsible for conducting studies and evaluations of the Nation's food assistance programs that are administered by the Food and Nutrition Service (FNS), U.S. Department of Agriculture. WIC is the second largest domestic food-assistance program in the United States. In Federal fiscal year 1998, WIC served approximately 7.4 million participants each month at an annual cost approaching $4 billion (FNS, 1998). WIC is administered through grants to the 50 states, the District of Columbia, Puerto Rico, Guam, American Samoa, the American Virgin Islands, and 33 Indian Tribal Organizations. State WIC agencies administer the program through roughly 2,000 local agencies representing about 10,000 service delivery sites.

WIC provides a comprehensive set of services including supplemental foods, nutrition education, and increased access to health care and social services for pregnant, breastfeeding, and postpartum women; infants; and children up to the age of five years. To qualify for WIC, a health or nutritional risk must be documented by a health professional and participants must be income-eligible.

WIC is not an entitlement program. Each State must operate within annual funding levels established via a formula devised by FNS to distribute funds appropriated by the Congress. This

necessitates setting a maximum caseload for each local agency. When a local agency reaches this maximum, a system of priorities is used to allocate benefits to eligible applicants. As a consequence, WIC officials seek to contain program costs, particularly food costs, so that they can serve the maximum feasible number of eligible persons with the available funds. Cost-containment strategies employed by State WIC agencies fall into three main categories:

—Restricting the size, brand, and price range of food items that participants can buy with WIC benefits;
—Restricting the number and/or types of approved WIC vendors (food stores); and
—Purchasing food items with manufacturer rebates.

Currently, all State agencies are required to buy infant formula under rebate contracts and are strongly encouraged by FNS to employ practices intended to reduce other costs of food benefits for women and children. By design, the planned study will not examine infant formula rebates. By reducing food costs, cost-containment practices have the potential to increase the number of eligible women, infants and children served by WIC. Concerns have been raised, however, that overly restrictive policies may reduce participants' access to and consumption of prescribed foods, and may ultimately lead to reduced participation and adverse health impacts. In addition, some observers have questioned whether cost-containment practices save enough in food costs to offset their additional administrative costs.

As mandated by the William F. Goodling Child Nutrition Reauthorization Act of 1998, ERS is conducting a study to describe and assess the effects of these practices on seven outcomes: (1) Program participation; (2) access and availability of prescribed foods; (3) voucher redemption rates and actual food selections by participants; (4) participants on special diets or with specific food allergies; (5) participant use and satisfaction of prescribed foods; (6) achievement of positive health outcomes; and (7) program costs. Pub. L. 105–336, Sec. 203(r), 112 Stat. 3143, 3166. This study will provide the first systematic data on the balance struck by WIC State agencies between the goals of nutritional improvement and customer satisfaction and the need to make the most of available program funds.

The study is being conducted in six States: California, Connecticut, North Carolina, Ohio, Oklahoma, and Texas. These States were purposively selected and recruited to participate because of their use of specific combinations of the main types of cost-containment practices and to represent diversity in geographical location, size, and race/ethnicity of WIC participants. This selection method is appropriate because of the need for State cooperation and because the study is intended to explore the possibility that WIC cost-containment practices have significant impacts on participants and program costs, not to provide definitive, nationally-representative impact estimates.

ERS, working with Abt Associates, Inc., who will collect the information, will draw on several data sources in each of the six participating States. Maximum use will be made of existing data in State WIC information systems, including participant certification records, food instrument issuance and redemption records, and vendor locations and characteristics. These data will be used to construct sample frames for a survey of WIC participants, a survey of WIC vendors, and focus groups with WIC participants who do not pick up all of their WIC food vouchers, as well as in the analyses of outcomes. A second existing information source is supermarket scanner data, which will provide information on WIC transactions (such as brand and size of food products selected) for a subset of WIC-approved vendors within each State. Finally, electronic benefit transfer (EBT) transaction data will provide similar information for WIC transactions in Ohio, the only selected State that will be using EBT to process WIC transactions during the study period.

The remaining data sources, for which OMB clearance will be needed, are a survey of WIC participants, a screener survey to recruit WIC participants for focus groups, a survey of WIC food availability and prices, and interviews with WIC staff. The Survey of WIC Participants is a telephone survey of active WIC recipients in each of the six participating States, with field follow-up. The survey will be administered to a random sample of recipients selected by a two-stage process. In each State, three study sites will be selected, one from each stratum defined by urban, suburban, and rural areas. WIC participants will then be randomly selected from a list of all participants residing in the study sites, stratified by women and children.

The Survey of WIC Participants will collect information relevant to all study objectives including: access to WIC vendors; food item selections and food consumption; satisfaction with WIC food items; food preferences; food selection problems associated with special diets or food allergies; use of health services; and selected participant demographics not available from State WIC records. Cross-state analyses will compare responses of participants from States implementing one or more types of cost-containment practice to responses of participants from States who are not using the same (or any) practices to determine whether there are any systematic differences in the relevant outcome measures. Within-state analyses will focus on a comparison of responses from those participants who are and are not constrained by cost-containment practices. Finally, responses of participants with special diets or food allergies will be examined to determine the extent to which they may have greater problems associated with cost-containment than other participants.

To explore the possible effects of cost containment on participant drop-out rates, the study will use State information systems data to identify those WIC participants who have failed to pick up one or more of their monthly food package instruments. A screening interview will be used to select those participants whose decision not to pick up their food instruments may have been affected by cost-containment practices. Focus groups with these WIC participants will take place in each participating State.

The Survey of Food Prices and Item Availability will be a major data source for estimating cost savings due to cost-containment practices; it also provides information on both the variety of WIC foods offered and shelf availability. Abt Associates data collectors will obtain information on food items normally stocked by asking store cashiers to scan a set of UPC (Universal Product Code) codes for a standard list of foods meeting Federal WIC guidelines. Stores will be sampled from among all WIC-authorized vendors in the study sites selected for the Survey of WIC Participants; stores will be stratified by store type (supermarket vs. grocery store), size, and WIC vs. non-WIC status. In States with vendor restrictions, non-WIC vendors will also be sampled and surveyed. In States with vendor restriction practices, food prices and availability will be compared between WIC vendors and non-WIC vendors. In States with item restriction practices, food prices and availability will be compared between WIC-approved food items and non-WIC approved foods that meet Federal guidelines.

Finally, State and local WIC officials in each of the participating States will be interviewed about the expenses of implementing cost containment, the extent to which savings have been used to increase participation, and other impacts on program operations. Interviews with the six State WIC directors will be conducted in person. The director of each selected local agency and other staff with key responsibilities related to cost containment will also be interviewed; these interviews will be conducted by telephone. The information collected from State and local WIC staff is essential for evaluating the effects of cost-containment practices on program participation and costs.

The above-mentioned information collection is needed to complete the Assessment of WIC Cost-Containment Practices mandated by Congress and to equip FNS and State WIC administrators with a comprehensive understanding of the potential impacts of cost containment as they make decisions in the future regarding the implementation of these practices. No existing data source can provide all of the information needed to complete the evaluation. Existing WIC information system databases from the six States will be used to construct the survey sample frames and to obtain demographic data on participants and WIC vendors affected by cost containment. Computer-assisted telephone interviewing will be used to minimize respondent burden and interviewer error in the Survey of WIC Participants. Focus group samples will be drawn from a limited geographic area to minimize travel time and expense for focus group participants. The survey questionnaire and screener and local agency interviews will be kept as simple and respondent-friendly as possible. Responses are voluntary and confidential. Survey and interview data will be combined with other data for statistical purposes and reported only in aggregate or statistical form.

Estimate of Burden: Public reporting burden for this data collection is estimated to vary by the type of respondent. Responses to the Survey of WIC participants are estimated to average 30 minutes. Responses from WIC participants who did not pick up their WIC vouchers are estimated at 5 minutes, on average, for a screening interview and an average of 90 minutes for the focus group session. The Survey of Food Prices will involve an estimated 15 minutes of time from the store cashier for scanning. Responses by local agency WIC staff are estimated to total 60 minutes, on average. The estimates include time for listening to instructions, gathering data needed, and responding to questionnaire or interview/discussion items.

Respondents: Participants in the local WIC agency staff, and WIC-authorized food store cashiers in six selected States.

Estimated Number of Respondents: 2,052 in total: 1,200 active WIC participants, 600 WIC participants who failed to pick up their vouchers, 72 WIC participants for focus groups, 18 local WIC agency staff, and 162 food store cashiers.

Estimated Total Annual Burden on Respondents: Total of 816.5 hours. Survey of WIC Participants: 600 hours, Screener Survey for Focus Groups: 50 hours, Focus Groups: 108 hours, Local Agency Interview: 18 hours, and Survey of Food Prices and Item Availability: 40.5 hours. Copies of the information to be collected can be obtained from Phil R. Kaufman, Food Markets Branch, Food and Rural Economics Division, Economic Research Service, U.S. Department of Agriculture, 1800 M. St., NW, Room N2118, Washington, D.C. 20036–5801, 202–694–5376.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address stated in the preamble. All responses to this notice will be considered and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: June 22, 2000.

Betsey Kuhn,

Director, Food and Rural Economics Division.

[FR Doc. 00–16255 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–18–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northwest Sacramento Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Northwest Sacramento Provincial Advisory Committee (PAC) will meet on Friday, July 14, 2000, at the French Gulch Hotel, French Gulch, California. The meeting will start at 9 a.m. and adjourn at 3 p.m. topics for the meeting are: (1) An update on the Northwest Forest Plan Implementation; (2) update on the Clear Creek/Resource Conservation District proposal; (3) discussion on the French Gulch community fuels area; and (4) public comment periods. All PAC meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Connie Hendryx, USDA, Klamath National Forest, 11263 N. Highway 3, Fort Jones, California 96032; telephone 530–468–1281; TDD (530) 468–2783; email: *chendryx@fs.fed.us.*

Dated: June 22, 2000.

Constance J. Hendryx,

PAC Support Staff.

[FR Doc. 00–16278 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Subsistence Management Regulations for Federal Public Lands in Alaska; Delegations of Authority

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Notice of interim delegations of authority.

SUMMARY: Pursuant to the regulatory authority found at 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), the Federal Subsistence Board (Board) announces interim delegations of authority for the 2000 fishing season under the Federal Subsistence Management Program (64 FR 1276). The purpose of these delegations is to be responsive to changing local conditions which require immediate opening or closing of fisheries to provide subsistence opportunities for rural subsistence users or to assure conservation of the subsistence resources.

DATES: These delegations are effective June 28, 2000.

ADDRESSES: Any comments concerning this notice may be sent to the Chair, Federal Subsistence Board, c/o Thomas H. Boyd, 3601 C Street, Suite 1030, Anchorage, Alaska, 99503.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

The Federal Subsistence Board assumed subsistence management responsibility for public lands in Alaska in 1990, after the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska,* 785 P.2d 1 (Alaska. 1989), *reh'g denied* (Alaska 1990), that the rural preference contained in the State's subsistence statute violated the Alaska Constitution. This ruling put the State's subsistence program out of compliance with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and resulted in the Secretaries assuming subsistence management on the public lands in Alaska. The ''Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule'' was published in the **Federal Register** (55 FR 27114–27170) on June 29, 1990. The ''Subsistence Management Regulations for Public Lands in Alaska; Final Rule'' was published in the **Federal Register** (57 FR 22940–22964) on May 29, 1992. The Secretaries published an amended Final Rule (64 FR 1276) on January 8, 1999, that redefined the area of Federal jurisdiction to include waters subject to a subsistence priority. The regulatory amendments in that document conformed the Federal subsistence management regulations to the court decree issued in *State of Alaska* v. *Babbitt,* 72 F.3d 698 (9th Cir. 1995) *cert denied* 517 U.S. 1187 (1996).

In-Season Management

Most salmon fisheries in Alaska are subject to in-season management by State emergency order by local State managers who have been given delegated authority by the Commissioner of the Alaska Department of Fish and Game to enact regulatory changes within a prescribed scope and for prescribed purposes. Because the annual run strengths of migratory fish species, such as salmon, are relatively unpredictable making it difficult to forecast numbers of fish available for harvest while meeting conservation objectives, harvest openings or closings are often made at or near the time and place where the fish are taken. These are local decisions, best made by the local State managers. In-season management by delegated authority is used to avoid violating conservation mandates where delayed closures would lead to over-fishing, optimize fishing opportunities where fish runs are unpredictable, and to encourage local involvement in management decisions.

Local Federal managers will face situations where the subsistence fisheries in Federal waters will need to be opened or closed quickly in order to meet local subsistence needs or to achieve a conservation objective. Local Federal managers may also need to act quickly to close Federal waters to non-subsistence fishing, in order to protect a subsistence opportunity. Local Federal managers will need to have regulatory authority similar to that available to State managers during the 2000 season to ensure that conservation and subsistence use mandates on Federal lands are met. The need for local delegated authority will occur when Federal managers identify the need to take immediate action affecting fisheries in Federal waters.

Delegation of authority to a field manager avoids violations of conservation mandates through timely response to resource shortages. Conservation and subsistence use objectives may not be met if decisions on fishing restrictions exceed 24 hours to process. Field officials with delegated authority provide focused points of contact for local subsistence users and facilitate local liaison with State managers and other user groups. Decisions are viewed as local and in the best interests of the resource and local subsistence users. Timely in-season management decisions optimize the opportunity to harvest fish when and where they are available, without jeopardizing spawning escapement goals for specific stocks. Delayed in-season decisions by the Board, if authority is not delegated, may often miss opportunities to provide for a local subsistence priority, because a targeted fish run will have passed or stock segregation will have created a conservation risk. Emphasis on local liaison creates an environment that encourages consultation with local State managers and subsistence users to help identify restrictions necessary to conserve the resource and to provide for the subsistence priority, and does so with consideration to providing for non-subsistence fisheries when harvestable surpluses are sufficient. Delegation of authority to field managers could significantly reduce the time-consuming involvement of the Board otherwise required for in-season management decisions. The Board can establish and amend limitations on delegations, management objectives, and procedural guidelines to ensure that Board intent is implemented by field managers.

Guidelines

Pursuant to the regulatory authority found at 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), the Federal Subsistence Board establishes the following guidelines for Federal officials delegated to act for the Board. Affected field managers must remain involved in the decision making process with the delegated Federal official responsible for making a final decision.

a. All delegated Federal officials will become familiar with the management history of the fisheries in their area, with the current State and Federal regulations and management plans, and be up-to-date on in-season stock and harvest status information.

b. All delegated Federal officials will review Special Action requests or situations that may require a Special Action and supporting information and determine (1) if the request/situation falls within the scope of delegated authority, (2) if significant conservation problems or subsistence harvest concerns are indicated, and (3) what the consequences of taking an action may be on potentially-affected subsistence users and non-subsistence users. Requests not within the delegated authority of the delegated Federal official must be forwarded to the Federal Subsistence Board for consideration.

c. All delegated Federal officials will notify the Federal Subsistence Board and notify/consult with local ADF&G managers, Regional Advisory Council representatives, and other affected Federal conservation unit managers concerning admissible Special Actions being considered.

d. Delegated Federal officials will issue timely decisions to effectuate the outcomes sought. Users will be notified before the effective date/time of decisions. If an action is to supersede a State action not yet in effect, the decision will be communicated to affected users at least 6 hours before the State action would be effective. If a decision is to take no action, the requestor will be notified immediately. Regional Advisory Councils will be kept informed and consulted as appropriate.

Delegation of Authority

1. Only the Federal officials identified below are delegated authority to issue Special Actions to address fish stock conservation concerns or unmet subsistence harvest needs. Such action must be substantiated by clear evidence in resource monitoring information and/or corroboration from affected users/communities, and evaluated in relation to historical information.

2. Delegated authority to issue Special Actions is limited to opening or closing Federal subsistence fishing periods or areas provided for under regulations found at 36 CFR 242.26–242.27 and 50 CFR 100.26–100.27, or closing non-subsistence fishing in Federal waters. All requests to modify Federal subsistence management regulations, such as those relating to harvest limits, permit requirements, gear restrictions, or customary and traditional use determinations, must be directed to the Federal Subsistence Board.

3. The following Federal officials are delegated to act for the Federal Subsistence Board as delineated in paragraphs 1 and 2 above, for the fishery regulatory year 2000:

Geographic region	Delegated Federal official
Arctic/Kotzebue/Norton Sound, excluding Arctic National Wildlife Refuge.	Western Arctic Parklands Superintendent.
Yukon River Drainage and the Arctic National Wildlife Refuge	Fairbanks Fisheries Resource Office Project Leader.
Kuskokwim, Goodnews and Kanektok River Drainages	Yukon Delta National Wildlife Refuge Manager.
Bristol Bay/Alaska Peninsula/Aleutian Islands/Chignik	King Salmon Fisheries Resource Office Project Leader.
Kodiak Region	Kodiak National Wildlife Refuge Manager.
Copper River	Wrangell/St. Elias National Park and Preserve Superintendent.
Remainder Prince William Sound Area and Cook Inlet	Cordova District Ranger.
Southeast Alaska/Yakutat:	
Yakutat Area	Yakutat District Ranger.
Baranof and Chichagof Islands	Sitka District Ranger.
Admiralty Island and northern southeast Alaska inside waters	Juneau District Ranger.
Prince of Wales and associated islands	Craig District Ranger.
Kuiu, Kupreanof, and Zarembo Islands and Stikine River	Petersburg District Ranger.
Southern southeast Alaska inside waters	Ketchikan District Ranger.

Drafting Information: William Knauer drafted this policy document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Curt Wilson, Alaska State Office, Bureau of Land Management; Bob Gerhard, Alaska Regional Office, National Park Service; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service provided additional guidance.

Dated: June 15, 2000.

Kenneth E. Thompson,

Acting Regional Forester, USDA—Forest Service.

Dated: June 16, 2000.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 00–16038 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Extension of Comment Period for the Natural Resources Conservation Service Conservation Programs Manual—Part 513: Resource Conservation and Development (RC&D) Program

AGENCY: Natural Resources Conservation Service (NRCS), U. S. Department of Agriculture.

ACTION: Notice and request for comments.

SUMMARY: This Public Notice announces an extension of the comment period deadline for comments on the draft the Natural Resources Conservation Service Conservation Programs Manual—Part 513: Resource Conservation and Development (RC&D) Program.

DATES: Comments will be received until July 28, 2000. All comments post-marked by July 28, 2000, will be accepted.

ADDRESSES: Address all requests and comments to: Terry D'Addio, National RC&D Program Manager, Natural Resource Conservation Service, 14th & Independence Ave, SW, Room 6013 South Building, Washington, DC, 20250.

FOR FURTHER INFORMATION CONTACT: Terry D'Addio, Natural Resources Conservation Service; telephone: (202) 720–0557; fax: (202) 690–0639, e-mail terry.daddio@usda.gov.

SUPPLEMENTARY INFORMATION: The first Public Notice was released on April 14, 2000. United States Department of Agriculture (USDA) is asking for comments from individuals, private consultants, Tribal, State, and local governments or subgroups thereof, universities, colleges, environmental groups, community development groups, and other organizations. These comments will assist USDA in the policy development and implementation of the Resource Conservation and Development (RC&D) program. This manual is intended for use by the Natural Resources Conservation Service (NRCS) and other USDA staff, conservation partners, State and local field staffs, RC&D Council members, and others that will be developing RC&D applications or participating in the RC&D program. The Conservation Programs Manual: Part 513—RC&D Program is a document intended for use by NRCS and other USDA staff, conservation partners, State and local field staffs, RC&D Council members, and others that either will be developing RC&D applications or participating in the RC&D program. The purpose of this document is to provide policy guidance for the RC&D program, not to establish regulatory requirements. The RC&D Program was authorized to encourage and improve the capability of State and local units of government and

local nonprofit organizations in rural areas to plan, develop, and implement programs for resource conservation and development. Through the establishment of RC&D Areas, the program establishes or improves coordination systems in rural communities and builds rural community leadership skills to effectively utilize Federal, State, and local programs for the communities' benefit.

Current program objectives focus on the ''quality of life'' improvements achieved through natural resources conservation and community development. Such activities lead to sustainable communities, prudent land use, and the sound management and conservation of natural resources.

Assistance is provided, as authorized by the Secretary of Agriculture, to designated RC&D Areas through their organized RC&D Councils, comprised of local leaders. RC&D Councils and their sponsors, in association with State, local, and Federal governments, and non-profit organizations, initiate and lead the planning and implementation of their locally developed RC&D Area plans. Councils also obtain assistance from other local, State, and Federal agencies; private organizations; and foundations.

USDA prohibits discrimination in its programs and activities on the basis of race, color, national origin, gender, religion, age, sexual orientation, or disability. Additionally, discrimination on the basis of political beliefs and marital or family status is also prohibited by statutes enforced by USDA. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, and audio tape, etc.) should contact the USDA's Target Center at (202) 720–2600 (voice and TDD).

To file a complaint of discrimination to USDA, write Director, Office of Civil Rights, Room 326–W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250–9410, or call (202) 720–5964 (voice and TDD). The USDA is an equal opportunity provider and employer.

Signed at Washington, DC on June 21, 2000.

Pearlie S. Reed,

Chief, Natural Resources Conservation Service.

[FR Doc. 00–16382 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Availability of Funding and Requests for Proposals for Guaranteed Loans Under the Section 538 Guaranteed Rural Rental Housing Program

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: This Notice of Fund Availability (NOFA or Notice) announces the timeframe and submission requirements and deadlines to submit proposals in the form of ''NOFA responses'' for the section 538 Guaranteed Rural Rental Housing Program (GRRHP). Eligible lenders, as defined in paragraph VII(D) of this NOFA are invited to submit NOFA proposals for the development of affordable rental housing to serve rural America. This document describes the overall application process, including the selection and identification of any priorities for selection of proposed applications, and the process by which the Rural Housing Service (RHS or Agency) will score and rank the proposals. Information will also be included concerning the submission requirements. Lenders may submit their application concurrently with their NOFA response.

DATES: The deadline for receipt of NOFA responses is 4:00 PM, Eastern Daylight Savings Time on August 15, 2000. Lenders intending to mail a NOFA response must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX), Cash on Delivery (COD), and postage due NOFA responses or applications will not be accepted. NOFA responses will not be accepted after the deadlines previously mentioned, unless that date and time is extended by another Notice published in the **Federal Register**.

ADDRESSES: Responses for participation in the program must be identified as ''Section 538 Guaranteed Rural Rental Housing Program'' on the envelope and be submitted to: Director, Multi-Family Housing Processing Division, Rural Housing Service, U.S. Department of Agriculture, Room 1263 (STOP 0781), 1400 Independence Ave. SW, Washington, DC 20250–0781.

FOR FURTHER INFORMATION CONTACT: Joyce Allen, Deputy Director, Guaranteed Loans, Multi-Family Housing Processing Division, U.S. Department of Agriculture, South Agriculture Building, Room 1271, STOP 0781, 1400 Independence Ave. SW, Washington, DC 20250–0781. E-mail: jallen@rdmail.rural.usda.gov. Telephone: (202) 690–4499. This number is not toll-free. Hearing or speech impaired persons may access that number by calling the Federal Information Relay Service toll-free at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The GRRHP is operated under the direction of title 7 CFR part 3565. The Guaranteed Rural Rental Housing Program Origination and Servicing Handbook (HB–1–3565) is available to provide lenders and the general public with the ''how to'' administrative guidance needed to administer the program. HB–1–3565, which contains a copy of 7 CFR part 3565 in Appendix 1, may be found on the Rural Development Regulation web site internet address of ''http://rdinit.usda.gov/regs'' or copies may be obtained from the Rural Housing Service Multi-Family Housing Processing Division at 202–720–1604. This is not a toll-free number. Hearing- or speech-impaired persons may access that number by calling the Federal Information Relay Service toll-free at (800) 877–8339.

Discussion of Notice

I. Purpose and Program Summary

On March 28, 1996, President Clinton signed the ''Housing Opportunity Program Extension Act of 1996,'' Public Law 104–120, authorizing the section 538 Guaranteed Rural Rental Housing Program (GRRHP). The program is designed to increase the supply of affordable multifamily housing through partnerships between Rural Housing Service (RHS) and major lending sources, as well as state and local housing finance agencies and bond issuers. Qualified lenders will be authorized to originate, underwrite, and close loans for multifamily housing projects requiring new construction or acquisition with rehabilitation of at least $15,000 per unit, when the acquisition results in the creation of new affordable housing units. RHS may guarantee such loans upon presentation and review of appropriate certifications, project information and satisfactory completion of the appropriate level of environmental review by RHS. Lenders will be responsible for the full range of loan management, servicing, and property disposition activities associated with these projects. The lender will be expected to provide servicing or contract for servicing of each loan it underwrites. In turn, RHS will guarantee the lender's loan up to 90 percent of total development cost and

commits to pay up to a maximum of 90 percent of the outstanding principal and interest balance of such loan in the case of default of the loan and filing of a claim. In no event will the Agency pay more than 90 percent of the original principal amount. This means that the Agency will have a risk exposure under the GRRHP of approximately 80 percent of the total development cost. Any losses would be split on a pro-rata basis between the lender and the Agency from the first dollar lost.

II. Allocation

This NOFA announces the availability of approximately $36.8 million in Non-Interest Credit section 538 program dollars for FY 2000. There are no Interest Credit funds remaining for FY 2000. Responses requesting interest credit assistance will not be considered in this NOFA. The Fiscal Year (FY) 2000 budget authority provided approximately $100 million in program dollars. Approximately $62 million dollars in NOFA awards were awarded in a previous FY 2000 NOFA, which closed May 8, 2000. That NOFA resulted in interest credit requests exceeding the interest credit available. FY 2000 funds will be held in the National Office. There are no set-asides or demonstration purposes for the GRRHP for FY 2000.

III. Application Process

Lenders should respond to section 538 NOFA's only when they have completed a preliminary underwriting analysis and are willing to make the proposed loan subject only to the issuance of a guarantee by the Agency. Unfortunately, the Agency has found that in some instances, this has not been the case. In an effort to reduce the number of unacceptable NOFA responses and judiciously commit program dollars to projects that demonstrate a readiness to proceed, the Agency will strictly adhere to the submission requirements.

In the interest of time, lenders have the option of submitting a combined NOFA response and application. However, the Agency will not give preference to a submission containing both a NOFA response and an application. Lenders who submit complete applications are encouraged, but not required, to include a checklist and to have their applications indexed and tabbed to facilitate the review process.

Upon notice of selection, lenders with the top ranked NOFA responses will be requested to submit the required application fee of $2,500.00 and full application if not already submitted. When the conditions of the conditional commitment are met, the lender will submit the required information with a separate guarantee fee of 1% of the total guarantee amount.

IV. Submission Requirements

NOFA submission requirements are subject to change and it is important to note that all responses must be submitted in accordance with the terms of this NOFA which are different from the last published NOFA.

Incomplete submissions will not be considered, and the lender will be notified of the reason the response was incomplete. The required information is listed as follows:

A. The Project

(1) A brief description of the proposed location of the project, including town, county, state, and congressional district.

(2) A description of the property and improvements, including lot size, number of units and bids, building type, type of construction, etc., including preliminary drawings, if available.

(3) The proposed development schedule.

(4) Total project development cost.

(5) The proposed rent structure and area median income—(HUD published area median incomes can be found online at http://www.huduser.org).

(6) Evidence of site control by the proposed borrower or a purchase option.

(7) Description of any environmental issues that may affect the project.

(8) Amount of loan to be guaranteed.

B. The Proposed Financing

(1) Proposed loan amount and the proposed borrower's equity.

(2) Estimated development budget (total and cost per unit), and the proposed sources and uses of funds. This information should include all proposed financing sources—the amount, type, rates and terms of loans, tax credits, or grant funds. Letters of application and commitment letters should be included, if available.

(3) Estimated loan-to-value ratio for guaranteed loan.

(4) Proposed Agency guarantee percentage for guaranteed loan (under no condition can the percentage exceed 90 percent of the loan amount).

(5) Collateral—all security, in addition to the real property, proposed to secure the loan.

C. The Proposed Borrower

(1) The name of the borrower and the type of ownership entity—list the general partners if a limited partnership, officers if a corporation or members of an LLC.

(2) Borrower's contact name, mailing address, phone and fax numbers, and e-mail address.

(3) Statement of borrower's housing development experience.

D. Lender Eligibility and Approval Status

Evidence that the lender is either an approved lender for the purposes of the GRRHP or that the lender is eligible to apply for approved lender status as defined in paragraph VII(D) of this NOFA. The application for lender approval must be made at the same time as the first loan application.

E. Competitive Criteria

Information that shows how the proposal is responsive to the selection criteria specified in the NOFA. (See paragraph V of this NOFA).

F. Lender Certification

A commitment letter or certification by the lender that will make a loan to the borrower for the proposed project, under specified terms and conditions subject only to the issuance of a guarantee by the Agency. The lender certification must be on the lender's letterhead, and be signed by both the lender and the applicant, and be submitted by the lender to the Agency.

V. Competitive Criteria

In order to expedite the review of the applications, RHS suggests using the following sample NOFA response checklist to ensure that you have addressed all the submission requirements and competitive criteria of this NOFA.

BILLING CODE 3410–XV–U

Sample NOFA Response:

Lender Name	Lender organization name.
Lender Contact Name	Name of the lender contact for loan.
Mailing Address	Complete mailing address for lender.
Phone Number	Phone number for lender contact.
Fax Number	Insert number.
E-mail Address	Insert E-mail address.
Borrower Name And Type Of Ownership Entity.	Show official name, list any trade name as " d/b/a."
Borrower Tax Id Number	Insert number.
Principle Or Key Member	Insert name and title.
Borrower Information And Statement Of Housing Development Experience	Attach relevant information.
New Construction Or Repair/Rehab. Of At Least $15,000/Unit.	State whether the project is new construction or repair/rehab.
Project Location Town	Town in which the project is located.
Project County	County in which the project is located.
Project State	State in which the project is located.
Project Zip Code	Insert Number.
Project Congressional District	Congressional District for project location.
Project Name	Insert project name
Project Type	Family, Senior or Mixed
Property Description And Proposed Development Schedule	See Attached.
Total Project Development Cost	Enter amount for total project
Number Of Units	What is the total number of units in the project.
Cost Per Unit	Total development cost divided by number of units.
Bedroom Mix	Number of units by number of bedrooms.
Rent	What is the proposed rent structure?
Median Income For Community	Provide median income for the project community.
Evidence Of Site Control	Attach relevant information.
Description Of Any Environmental Issues	Attach relevant information.
Loan Amount	Insert the loan amount.
Borrower's Proposed Equity	Insert Amount
Other Sources Of Funds	List all funding sources
Loan To Value	Guarantee loan divided by value.
Debt Coverage Ratio	Net Operating Income divided by debt payments.
Percentage Of Guarantee	Percentage guarantee requested.
Collateral	Attach relevant information.
Approved by GRRHP, HUD, Fannie Mae or Freddie Mac to make multifamily housing loans?	Yes or No, If no, attach evidence of eligibility as described in paragraph VII(D) of this NOFA.

Lender Certification	Attach relevant information.
EZ/EC	Yes or No Is the project in EZ/EC community?
Colonia Or Tribal Lands	Yes or No Is the project in a Colonia or on an Indian Reservation?
Population	Must be within the 20,000 population limit set for the program.
Is A Guarantee For Construction Advances Being Requested?	Yes or No (The Agency will guarantee construction advances, only as part of a combination construction and permanent loan).
Loan Term	Fixed rate, up to a 40 year term, must be fully amortizing, i.e., balloon mortgages are not eligible.
Basis Points Over 30 Year Treasury	Insert relevant number.

BILLING CODE 3410–XV–C

VI. Selection Criteria

NOFA proposals will be reviewed as received. Priorities will be assigned to eligible proposals on the basis of the following criteria as contained in 7 CFR 3565.5(b), and points will be assigned as follows:

(A) Projects located in rural communities with the smallest population will receive priority. All proposals will be ranked in order of their population. The proposals will be given a point score starting with the project located in the area with the lowest population receiving 20 points, the next 19 points and so forth, until up to 20 projects have received points.

(B) The most needy communities as determined by the median income from the most recently available census data. The proposals will be given a point score starting with the community having the lowest median income receiving 20 points, the next 19 points and so forth until up to 20 proposals have received points.

(C) Partnering and leveraging in order to develop the maximum number of housing units and promote partnerships with state and local communities, including other partners with similar housing goals. Leveraging points will be awarded as follows:

Loan to value ratio (percentage %)	Points
More than 75	10
70–75	15
Less than 70	20

(D) Loans with interest rates less than the maximum allowable 250 basis points over the 30 Year Treasury Rate will be awarded points as follows (fractional basis points will be rounded to the nearest whole basis point):

Interest rate	Points
More than 200 basis points	0
200 to 151 basis points, inclusive	5
150 to 100 basis points, inclusive	10
99 to 50 basis points, inclusive	15
Less than 50 basis points	20

(E) Preference will be given to proposals having a higher percentage of 3–5 bedroom units to total units. The proposals will be ranked in order of this percentage with the proposal with the highest percent receiving 20 points, the next 19 points and so forth until up to 20 projects have received points.

(F) Proposals to be developed in a colonia, on tribal land, in an Empowerment Zone or Enterprise Community, or in a place identified in the State consolidated plan or State needs assessment as a high need community for multifamily housing (20 points).

(G) Projects will be ranked by the length of the amortization period, with the longest receiving priority as follows:

Amortization (yrs.)	Points
40	20
At least 35	15
At least 30	10
At least 20	5
Less than 20	0

VII. Additional Information

A. Maximum Interest Rate

The maximum allowable interest rate on a loan submitted for a guarantee is 250 basis points over the 30-year Treasury Bond Yield as published in the Wall Street Journal as of the business day prior to the business day the rate is set.

B. Surcharges for Guarantee of Construction Advances

There is no surcharge for guarantee of construction advances for FY 2000.

C. Program Fees for FY 2000

(1) There is an initial guarantee fee of 1% of the total guarantee amount which will be due when the loan guarantee is issued. For purposes of calculating this fee, the guarantee amount is the product of the percentage of the guarantee times the initial principal amount of the guaranteed loan.

(2) There is an annual renewal fee of 0.5% of the guaranteed outstanding principal balance charged each year or portion of the year that the guarantee is in effect. This fee will be collected prospectively on January 1, of the calendar year.

(3) There is no fee for site assessment and market analysis or preliminary feasibility in FY 2000.

(4) There is a non-refundable application fee of $2,500 when the application is submitted following proposal selection under the NOFA.

(5) There is a flat fee of $500 when a lender requests RHS to extend the term of a guarantee commitment.

(6) There is a flat fee of $500 when a lender requests RHS to reopen a guarantee commitment after the period of the commitment lapses.

(7) There is a flat fee of $1,250 when a lender requests RHS to approve the transfer of property and assumption of the loan to an eligible applicant.

D. Eligible Lenders for Section 538 Approval

The application for lender approval must be made at the same time as the

first loan application. The first loan application means: (1) The first application for a loan guarantee for a new loan; or (2) The first application before ownership of any GRRHP loan is transferred to that lender. A lender must be approved before a loan guarantee is issued or a guaranteed loan is acquired.

An eligible lender must be a licensed business entity or Housing Finance Authority (HFA) in good standing in the state or states where it conducts business; be approved by the Agency; and meet at least one of the criteria contained below. Lenders who are not eligible may participate in the program if they maintain a correspondent relationship with a lender who is eligible. An eligible lender must:

(a) Meet the qualifications of, and be approved by, the Secretary of Housing and Urban Development to make multifamily housing loans that are to be insured under the National Housing Act;

(b) Meet the qualifications and be approved by Fannie Mae or Freddie Mac to make multifamily housing loans that are to be sold to such corporations;

(c) Be a state or local HFA, or a member of the Federal Home Loan Bank system, with a demonstrated ability to underwrite, originate, process, close, service, manage, and dispose of multifamily housing loans in a prudent manner;

(d) Be a lender who meets the requirements for Agency approval contained in 7 CFR part 3565 subpart B and has a demonstrated ability to underwrite, originate, process, close, service, manage, and dispose of multifamily housing loans in a prudent manner; or

(e) Be a lender who meets the following requirements in addition to the other requirements of 7 CFR part 3565 subparts B and of subpart I:

(1) Have qualified staff to perform multifamily housing servicing and asset management;

(2) Have facilities and systems that support servicing and asset management functions; and

(3) Have documented procedures for carrying out servicing and asset management responsibilities.

Dated: June 21, 2000.

David J. Villano,

Acting Administrator, Rural Housing Service.

[FR Doc. 00–16311 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by August 28, 2000.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1522, Room 4036 South Building, Washington, DC 20250–1522. Telephone: (202) 720–9550. FAX: (202) 720–4120.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for reinstatement.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250–1522. FAX: (202) 720–4120.

Title: Water and Waste Disposal Programs Guaranteed Loans.

Type of Request: New collection approval.

Abstract: The Rural Utilities Service is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and waste disposal facilities primarily servicing rural residents. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed loans. The regulations governing the Water and Waste Disposal Guaranteed Loan program are currently codified at 7 CFR 1980, subparts A and I, and the reporting and recordkeeping requirements are currently cleared under OMB Control Numbers 0572–0119 and 0572–0120. The Agency issued a proposed rule dated October 7, 1997, at 62 FR 52277, that proposed to amend 7 CFR 1980, subparts A and I. The Agency is currently working on the final rule and when the rule is finalized the Water and Waste Disposal Guaranteed Loan program will be codified at 7 CFR 1779 and covered under a new OMB Control number, incorporating all requirements for the program.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 7.8 hours per response.

Respondents: Business or other for profit; not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 7.3.

Estimated Total Annual Burden on Respondents: 858 hours.

Copies of this information collection can be obtained from Michele Brooks, Program Development and Regulatory Analysis, at (202) 690–1078. FAX: (202) 720–4120.

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: June 20, 2000.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 00–16273 Filed 6–27–00; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)).

Agency: U.S. Department of Commerce.

Title: Applicant Background Survey.

Form Number: Pending OMB approval.

Agency Approval Number: 0690-xxxx.

Type of Request: New collection.

Burden: 2,812.5 hours.

Number of Respondents: 45,000 annually.

Avg Hours Per Response: 5 minutes.

Needs and Uses: The Department of Commerce is below parity with the relevant civilian labor force representation for many of our primary occupations. The only method to determine if there are barriers in the recruitment and selection process for these occupations is to track groups that apply and how they fare through the selection process. Without this information, DOC does not have the ability to evaluate the effectiveness of its recruitment efforts, or to determine barriers in its selection process. There is no other objective way to make these determinations, and no source of this information other than from applicants.

The race and national origin (RNO) information of job applicants was previously collected by all Federal agencies using OPM Form 1386. The form expired several years ago and DOC is seeking to establish a replacement form. Completion of the form is voluntary. It will not be a required part of the application package. A number of Federal agencies have already recreated this form for the same purpose collecting race, national origin, gender and disability information of job applicants.

The information is not provided to selecting officials and plays no part in the selection of individuals. Instead, it is used in summary form to determine trends over many selections within a given occupation or organizational area. The information is treated in a very confidential manner.

Affected Public: Individual or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

Legal Authority: Section 7201 of Title 5 of the U.S. Code, Title VII of the U.S. Civil Rights Action of 1964, as amended, the Rehabilitation Act of 1973, as amended, 29 CFR Section 1607.

OMB Desk Officer: Susan Schechter, (202) 395–5103.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, room 5033, 14th and Constitution Avenue, NW, Washington, D.C. 20230 (or via the Internet at Lengelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 of publication of this notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, D.C. 20503.

Dated: June 22, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–16288 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–BS–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: Internet Export Finance Matchmaker.

OMB Number: 0625–0232.

Type of Request: Regular Submission.

Burden: 350 hours.

Number of Respondents: 2000.

Avg. Hours Per Response: Exporters 10 minutes.

Export Service Firms: 30 minutes.

Needs and Uses: The Office of Finance assists U.S. firms in identifying trade finance opportunities and promotes the competitiveness of U.S. financial services in international trade. The Office of Finance interacts with private financial institutions in insurance, banking, leasing, factoring, barter, and counter trade; U.S. financing agencies, such as the Export-Import Bank and the Overseas Private Investment Corporation; and multilateral development banks, such as the World Bank, Asian Development Bank, and others. To facilitate contact between exporters and financial institutions, the Office of Finance is developing an interactive INTERNET trade finance match-making program to link exporters seeking trade finance with banks and other financial institutions. The information collected from financial institutions regarding the trade finance products and services they offer will be compiled into a database. An exporter will be able to electronically submit a form identifying the potential export transaction and type of financing requested. This information will be electronically matched with the financial institution(s) that meet the requirements of the exporter. After a match has been made, a message will be electronically sent to both the exporter and the financial institution containing the information about the match, and contact information for either party to initiate communication. This program is designed to implement the Department of Commerce's goal of improving access to trade financing for small business exporters.

Affected Public: Businesses or other for-profit.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain a benefit; voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 6086, 14th and Constitution, NW., Washington, DC 20230. Email LEngelme@doc.gov.

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: June 22, 2000.

Madeleine Clayton,

Management Analyst, Office of Management and Organization.

[FR Doc. 00–16290 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to

comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 28, 2000.

ADDRESSES: Direct all written comments to Linda Englemeier, Departmental Forms Clearance Officer, Department of Commerce, Room 6086 , 14th and Constitution Avenue, NW, Washington D.C. 20230 or by E-mail to LEngelme@doc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to: R. David Belli, U.S. Department of Commerce, Bureau of Economic Analysis, BE–50 (OC), Washington D.C. 20230 (Telephone: 202–606–9800).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons (Form BE–22) obtains reliable and up-to-date information on selected U.S. services transactions with unaffiliated foreign persons. It is intended to update the results of the BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The BE–20 survey is conducted once every five years, and the last survey covered 1996. A BE–22 survey is conducted each of the four years between the two benchmark surveys; the last BE–22 survey covered 1999. Some of the major purposes of the survey are to provide information needed in formulating U.S. international trade policy on services, supporting bilateral and multilateral trade negotiations and monitoring trade agreements, compiling the U.S. international transactions and national income and product accounts, assessing and promoting U.S. competitiveness in international trade in services, and improving the ability of U.S. businesses to identify and evaluate market opportunities. No changes are being proposed for Form BE–22.

II. Method of Collection

The BE–22 survey must be filed by each U.S. person that had transactions (either sales or purchases) in excess of $1,000,000 with an unaffiliated foreign person in any of the services covered by the survey. If a U.S. person had transactions (either sales or purchases) in the types of services covered by the survey but they were $1,000,000 or less, the U.S. person is requested to voluntarily provide an estimate of the total for each type of service. The data collected are sample data covering the transactions between U.S. persons and unaffiliated foreign persons. Universe estimates are developed from the reported sample.

III. Data

OMB Number: 0608–0060.

Form Number: BE–22.

Type of Review: Regular submission.

Affected Public: Businesses or other for-profit, not-for-profit institutions, farms, and State, Local or Tribal Government.

Estimated Number of Respondents: 1,500 annually.

Estimated Time Per Response: 11.5 hours.

Estimated Total Annual Burden: 17,250 hours.

Estimated Total Annual Cost: $517,500 (based on an estimated reporting burden of 17,250 hours and estimated hourly cost of $30).

Respondent's Obligation: Mandatory.

Legal Authority: Title 22, United States Code, Sections 3101–3108.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden (Including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: June 22, 2000.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 00–16289 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1105]

Expansion of Foreign-Trade Zone 26; Atlanta, GA Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Georgia Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 26 (Atlanta, Georgia), submitted an application to the Board for authority to expand FTZ 26 to include a site at the Canton-Cherokee County Business and Industrial Park located in Canton, Georgia (Site 3), adjacent to the Atlanta Customs port of entry (FTZ Docket 59–99; filed 11/23/99);

Whereas, notice inviting public comment was given in the **Federal Register** (64 FR 67844, 12/3/99) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to expand FTZ 26 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000-acre activation limit.

Signed at Washington, DC, this 21st day of June 2000.

Troy H. Cribb,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. 00–16376 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1107]

Grant of Authority for Subzone Status, SMC Pneumatics, Inc. (Pneumatic Automation Components); Indianapolis, IN

Pursuant to its authority under the Foreign-Trade Zones Act, of June 18,

1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for '' * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Indianapolis Airport Authority, grantee of Foreign-Trade Zone 72, has made application to the Board for authority to establish special-purpose subzone at the pneumatic automation components manufacturing and warehousing facilities of SMC Pneumatics, Inc., located in Indianapolis, Indiana (FTZ Docket 38–99, filed 7/16/99);

Whereas, notice inviting public comment was given in the **Federal Register** (64 FR 41375, 7/30/99); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied, and that approval of the application would be in the public interest provided approval is subject to restriction;

Now, Therefore, the Board hereby grants authority for subzone status at the pneumatic automation components manufacturing and warehousing facilities of SMC Pneumatics, Inc., located in Indianapolis, Indiana (Subzone 72P), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28, and further subject to a restriction requiring that all foreign merchandise admitted to the subzone be placed in privileged foreign status.

Signed at Washington, DC, this 21st day of June 1999.

Troy H. Cribb,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. 00–16378 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1106]

Grant of Authority for Subzone Status, Clariant Corporation (Electronic Chemicals); Somerville, NJ

Pursuant to its authority under the Foreign-Trade Zones Act, of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, has made application to the Board for authority to establish special-purpose subzone at the electronic chemicals manufacturing and warehousing facilities of the Clariant Corporation, located in Somerville, New Jersey (FTZ Docket 42–99, filed 8/25/99);

Whereas, notice inviting public comment was given in the **Federal Register** (64 FR 48578, 9/7/99); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the electronic chemicals manufacturing and warehousing facilities of the Clariant Corporation, located in Somerville, New Jersey (Subzone 49I), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 21st day of June 1999.

Troy H. Cribb,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Pierre V. Duy,

Acting Executive Secretary.

[FR Doc. 00–16377 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 31–2000]

Foreign-Trade Zone 138—Columbus, Ohio Area; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Rickenbacker Port Authority (RPA), grantee of Foreign-Trade Zone 138, requesting authority to expand its zone in the Columbus, Ohio area, adjacent to the Columbus Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 20, 2000.

FTZ 138 was approved on March 13, 1987 (Board Order 351, 52 FR 9319, 3/24/87) and expanded on February 23, 1994 (Board Order 685, 59 FR 10783, 3/8/94) and November 9, 1999 (Board Order 1063, 64 FR 63786, 11/22/99). The general-purpose zone currently consists of two sites: *Site 1* (4,713 acres—4 parcels)—at the Rickenbacker International Airport in Franklin County and *Site 2* (136 acres, 3 adjacent parcels)—industrial park project, McClain Road, Lima (Allen County).

The applicant is now requesting authority to expand the general-purpose zone to include four additional sites in Ross, Fairfield, Guernsey and Madison Counties, Ohio: *Proposed Site 3* (42-acres)—within the 90-acre Gateway Interchange Industrial Park (owned by the Ross Community Improvement Corporation), State Route 104 and U.S. Route 35, Chillicothe (Ross County); *Proposed Site 4* (44 acres)—within the 960 acre Rock Mill Industrial Park (owned by the Lancaster Area Community Improvement Corporation), south of Mill Park Drive, Lancaster (Fairfield County); *Proposed Site 5* (133 acres)—within the 149 acre D.O. Hall Business Center (owned by the Community Industrial Association of Cambridge-Guernsey County), SR 660 and north of Reitler Road, Cambridge

(Guernsey County); and, *Proposed Site 6* (74 acres)—within the Eagleton Industrial Park (owned by MTB Corporation and Building Systems Transportation), S.R.142 and west of Spring Valley Road, London (Madison County). This expansion is being requested as part of a local economic development project known as the Greater Columbus Inland Port Program. No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 28, 2000. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period September 11, 2000.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, Two Nationwide Plaza, Suite 1400, Columbus, Ohio 43215.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: June 22, 2000.

Pierre Duy,

Acting Executive Secretary.

[FR Doc. 00–16375 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–822 and A–122–823]

Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Extension of Time Limits For Preliminary Results of Antidumping Duty Administrative Reviews.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Mike Strollo, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone: (202) 482–5255.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, codified at 19 CFR Part 351 (1999).

Background

On August 19, 1993, the Department published in the **Federal Register** (58 FR 44162) the antidumping duty orders on certain corrosion-resistant carbon steel flat products and certain cut-to-length carbon steel plate from Canada. The Department initiated these reviews for Stelco, Inc., Dofasco, Inc., Sorevco, Inc., Continuous Colour Coat, Ltd., and National Steel Corp., (corrosion-resistant) and Clayson Steel Inc., Metaux Russel Inc. and Stelco, Inc. (cut-to-length) on October 1, 1999 (64 FR 53318).[1] We initiated a review of Gerdau MRM Steel (cut-to-length) on November 4, 1999 (64 FR 60161).[2] These reviews cover the period of August 1, 1998 through July 31, 1999. On April 27, 2000, the Department published an extension of these preliminary results of review until July 21, 2000 (65 FR 24678).

Extension of Time Limits for Preliminary Results

For the reasons described in the Memorandum from Edward C. Yang to Joseph A. Spetrini, *Extension of Time Limit for the Final Results of Antidumping Duty Administrative Reviews of Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate From Canada,* dated June 22, 2000, it is not practical to complete these reviews within the time limits mandated by section 751(a)(3)(A) of the Act.

Therefore, in accordance with section 751(a)(3)(A) of the Act, the Department is extending the time period for issuing the preliminary results of review until August 30, 2000.

Dated: June 22, 2000.

Robert M. James,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00–16374 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

[1] Petitioners withdrew their request for a review of Stelco under both orders. Stelco did not request that its sales be reviewed. National withdrew its request to be reviewed. Petitioners did not request that National be reviewed.

[2] We inadvertently failed to include Gerdau MRM Steel in our October 1, 1999 notice.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Notice of Extension of Time Limit for Final Results of New Shipper Antidumping Review: Freshwater Crawfish Tail Meat From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Sarah Ellerman or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4106 and (202) 482–3020, respectively.

Time Limits

Statutory Time Limits

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 180 days after the date on which the review is initiated, and a final determination within 90 days after the date the preliminary determination is issued. However, if the Department concludes that the case is extraordinarily complicated, section 751(a)(2)(B)(iv) of the Act allows the Department to extend the time limit for the preliminary determination from 180 days to 300 days and may extend the time limit for the final determination from 90 days to 150 days from the date of publication of the preliminary determination.

Background

On March 30, 1999, the Department received a request from Yancheng Haiteng Aquatic Products & Foods Co., Ltd. to conduct a new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China. On May 6,

1999, the Department published its initiation of this new shipper review covering the period September 1, 1998 through February 28, 1999 (64 FR 24328). On March 15, 2000, the Department published the preliminary results of review (65 FR 13939). On May 1, 2000, the Department extended the time limits for the final results of this new shipper review (65 FR 25309).

Extension of Time Limits for Final Results

Because of the complexities described in the *Memorandum from Edward C. Yang to Joseph A. Spetrini, Extension of Time Limit for the Final Results of New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China,* dated June 19, 2000, we find that this case is extraordinarily complicated and we are unable to complete this review within the time limits mandated by section 351.214(i)(2) of the Department's regulations.

Therefore, in accordance with section 351.214(i)(2) of the Department's regulations, the Department is extending the time period for issuing the final results of review until July 14, 2000.

Dated: June 19, 2000.

Edward C. Yang,

Acting Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 00–16381 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–818, A–489–805]

Certain Pasta From Italy and Turkey: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Russell Morris at (202) 482–1775, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW., Washington, DC 20230.

Time Limits

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the date of publication of the preliminary determination.

Background

On August 30, 1999, the Department published a notice of initiation of administrative reviews of the antidumping duty orders on certain pasta from Italy and Turkey, covering the period July 1, 1998, through June 30, 1999 (64 FR 47167). On February 4, 2000, the Department extended the time limit for completion of the preliminary results of these administrative reviews by 90 days (65 FR 5591). The preliminary results are currently due no later than June 30, 2000.

Extension of Time Limit for Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of these reviews within the extended 90 day time limit. Therefore the Department is extending the time limit for completion of these preliminary results for the full 120 days, until no later than July 31, 2000. *See* Decision Memorandum from Melissa Skinner to Holly Kuga, dated June 14, 2000, which is on file in the Central Records Unit, Room B–099 of the main Commerce building. We intend to issue the final results no later than 120 days after the publication of the preliminary results notice.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: June 16, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Import Administration, Group II.

[FR Doc. 00–16379 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–401–401]

Certain Carbon Steel Products From Sweden: Extension of Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of Countervailing Duty Administrative Review.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl at (202) 482–1767 or Gayle Longest at (202) 482–3338, Office of AD/CVD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days and for the final determination to 180 days (or 300 days if the Department does not extend the time limit for the preliminary determination) from the Date of publication of the preliminary determination.

Background

On December 3, 1999, the Department published a notice of initiation of administrative review of the countervailing duty on certain carbon steel products from Sweden, covering the period January 1, 1998 through December 31, 1998 (64 FR 56485). The preliminary results are currently due no later than July 2, 2000.

Extension of Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limits for completion

of the preliminary results until no later than October 31, 2000. *See* Decision Memorandum from Melissa G. Skinner, Office Director for AD/CVD Office VI, to Holly A. Kuga, Acting Deputy Assistant Secretary, dated June 21, 2000, which is on public file in the Central Records Unit, Room B–099 of the Department of Commerce. We intend to issue the final results no later than 120 days after the publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: June 22, 2000.

Holly A. Kuga,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 00–16380 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

2000 Overseas Trade Missions Private Sector Participants Recruitment and Selection

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade missions. For a more complete description of the trade mission, obtain a copy of the mission statement from the Project Officer indicated below. The recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daley on March 3, 1997.

Clean Energy Trade Mission
Poland, Hungary and the Czech Republic
September 28–October 5, 2000
Recruitment closes August 5, 2000

For further information contact: Andy Collier, U.S. Department of Commerce, Tel: 202–482–0680, Fax: 202–482–3352, E-Mail: Andrew_Collier@ita.doc.gov.

Franchising Trade Mission
Malaysia, the Philippines, and South Korea
September 28–October 6, 2000
Recruitment closes August 15, 2000

For further information contact: Raj Dwivedy, U.S. Department of Commerce, Tel: 202–482–1135, Fax: 202–482–2669, E-Mail: Raj_Dwivedy@ita.doc.gov.

Medical Device Trade Mission to India
New Delhi, Chennai and Mumbai
February 4–11, 2001
Recruitment closes December 15, 2000

For further information contact: Michael Andrews, U.S. Department of Commerce Tel: 202–482–2795, Fax: 202–482–0975, E-Mail: Michael_Andrews@ita.doc.gov.

For further information contact Reginald Beckham, U.S. Department of Commerce. Tel: 202–482–5478, Fax: 202–482–1999.

Dated: June 22, 2000.

Tom Nisbet,

Director, Promotion Planning and Support Division, Office of Export Promotion Coordination.

[FR Doc. 00–16274 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061900D]

Notice of Decision and Availability of Decision Documents on the Issuance of a Permit for Incidental Takes of Threatened and Endangered Species (1233); Issuance of Modifications to Existing Permits (988, 1030); and Receipt of Application for Scientific Research (1254)

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

ACTION: Notice of decision and availability of decision documents on the issuance of a permit (1233) for incidental takes of endangered and threatened species; issuance of modification number 3 to permit 1030; issuance of modification number 1 to permit 988; receipt of an application for a scientific research permit (1254).

SUMMARY: This notice advises the public that a decision on the application for an incidental take permit by the State of Idaho Department of Fish and Game (IDFG), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (ESA), has been made and that the decision documents are available upon request. Notice is also given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has issued modification number 1 to permit 988 to Dr. Peter Dutton of NMFS—Southwest Fisheries Science Center (SWFSC) (988) and NMFS has issued modification number 3 to permit 1030 to Mr. Reed Bohne, of NOAA—Gray's Reef NMS (GRNMS) (1030); and NMFS has received an application for a scientific research permit from Mr. Martin Daley, of Central Hudson Gas & Electric Corporation (CHPG) (1254).

ADDRESSES: Written comments on any of the new applications or modification requests should be sent to the appropriate office as indicated here. Comments may also be sent via fax to the number indicated for the application or modification request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment:

For permits 1030, 988 and 1254, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, **Silver Spring, MD, 20910 (Ph.: 301–713–1401).**

For permit 1233, Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, F/NWO3, NMFS, 525 NE Oregon Street, Suite 510, Portland, OR 97232–2737 (503–230–5407).

Documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permit 1233: Herbert Pollard, Portland, OR (208) 378–5614, fax: (208) 378–5699, or e-mail: Herbert.Pollard@noaa.gov

For permits 988, 1030, and 1254: Terri Jordan, Silver Spring, MD, (301–713–1401 x148).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such

hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionary significant units (ESU's) are covered in the permit:

Fish

Chinook salmon (*Oncorhynchus tshawytscha*): threatened Snake River (SnR) spring/summer, threatened SnR fall.

Sockeye salmon (*O. nerka*): endangered SnR.

Steelhead (*O. mykiss*): threatened SnR.

Shortnose sturgeon (*Acipenser brevirostrum*).

Turtles

Threatened Loggerhead turtle (*Caretta caretta*).

Endangered Green turtle (*Chelonia mydas*).

Endangered Olive ridley turle (*Lepidochelys olivacea*).

Permits and Modifications Issued

Permit Issued

Notice was published on April 19, 2000 (65 FR 20951) that IDFG applied for a section 10(a)(1)(B) permit for annual incidental takes of ESA-listed anadromous fish associated with otherwise lawful recreational fisheries on non-listed species in the Snake, Salmon, and Clearwater River Basins and the Stanley Basin lakes in the State of Idaho in the Pacific Northwest. IDFG submitted a Conservation Plan with its permit application that describes measures designed to monitor, minimize, and mitigate the incidental taking of ESA-listed anadromous salmonids associated with the sport-fisheries, some or all of which are expected to occur annually for the duration of the permit.

NMFS' decision is to adopt the preferred alternative in the Conservation Plan together with the preferred alternative in the Environmental Assessment that was completed for this permit action and issue a permit with conditions authorizing incidental takes of the ESA-listed anadromous fish species. This decision is based on a thorough review of the alternatives and their environmental consequences. NMFS' conditions will ensure that the incidental takes of ESA-listed anadromous fish will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. By adopting the preferred alternative in the Conservation Plan, with the Conservation Plan's stated assurances that IDFG's mitigation program will be implemented, all practicable means to avoid or minimize harm have been adopted.

IDFG requested an annual incidental take of threatened SnR steelhead. Protective regulations are currently proposed for SnR steelhead (64 FR 73479, December 30, 1999). NMFS did not act on that part of IDFG's permit application. In the future, when NMFS promulgates final rules under section 4(d) of the ESA that will provide take prohibitions for threatened SnR steelhead, NMFS may amend the permit to include the authorization for an incidental take of this species as IDFG requested in its application. Issuance of the permit does not presuppose the contents of the eventual protective regulations.

Rationale for Decision

The decision to issue the permit was made because the Conservation Plan proposed by IDFG meets the statutory criteria for issuance of an incidental take permit under section 10 of the ESA. In issuing the permit, NMFS determined that IDFG's Conservation Plan provides adequate mitigation measures to avoid, minimize, and/or compensate for the anticipated takes of ESA-listed anadromous fish.

The permit was granted only after NMFS determined that the permit was applied for in good faith, that all permit issuance criteria were met, including the requirement that granting the permit would not jeopardize the continued existence of the species, and that the permit is consistent with the purposes and policies set forth in the Endangered Species Act of 1973, as amended.

Modification to Permits Issued

Mr. Reed Bohne, of GRNMS has applied for a modification to 1030. Modification number 3 names Mr. Bohne as the permit holder, removes three individuals as designated agents and adds three additional individuals. Permit 1030 authorizes the take up to 25 listed loggerhead sea turtles each year in the waters within and adjacent to the Gray's Reef National Marine Sanctuary and on Wassaw, Ossabaw, Sapelo, or Blackbeard Islands on the Georgia coast. The turtles will be taken for examination, tagging, testing, observation, collection of biological information, rehabilitation if necessary, and release. Turtles will be acquired by takes from the wild and also from sources authorized to incidentally capture. Animals would be tagged with flipper (inconel), and PIT (passive inductive transponder) tags, radio, sonic, or satellite telemeters. Biological information will be collected in the form of blood samples. All information gathered would augment an extensive sea turtle database used to study population trends, migrations, habitat, and diving behavior. Modification number 3 to Permit 1030 was issued on June 15, 2000, authorizing take of listed species. Permit 1030 expires March 31, 2002.

Dr. Peter Dutton of the SWFSC applied for a modification to 988. Modification number 1 authorizes Dr. Dutton to use five satellite transmitters in lieu of five previously permitted radio transmitters. Permit 988 authorizes the capture 50 green turtles, five olive ridley turtles, and five loggerhead turtles in San Diego Bay. The turtles will be measured, weighed, have blood samples taken, and have tags and transmitters attached. Some turtles will have lavage stomach sampling performed. Turtles will be recaptured monthly for growth measurements. The purpose of the research is to reassess the status of sea turtles in San Diego Bay. Data collected will be compared to baseline data to determine which turtles are still resident in the Bay, and to determine growth and tag retention rates. Information will be collected on turtle numbers, species, size, sex, tags, health status, stock origin, and behavior and movement patterns. Genetic analysis of blood samples will contribute to an international effort to determine stock structure of Pacific sea turtles. Modification number 1 to Permit 988 was issued on June 15, 2000, authorizing take of listed species. Permit 988 expires April 30, 2001.

New Applications Received

Application 1254: The applicant has requested a five-year scientific research permit to conduct a monitoring study as part of an incidental take permit for the operation of the Roseton and Danskammer Point power plants. The applicant will be collecting larvae, juvenile and adult shortnose sturgeon in various location in the Hudson River between the estuary and river mile 65.

Dated: June 22, 2000.

Craig Johnson,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–16350 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.022800B]

Small Takes of Marine Mammals Incidental to Specified Activities; Marine Seismic-Reflection Data Collection in Southern California

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals by harassment incidental to collecting marine seismic-reflection data in southern California waters has been issued to the U.S. Geological Survey (USGS).

DATES: This authorization is effective from June 5, 2000, through September 30, 2000.

ADDRESSES: A copy of the application may be obtained by writing to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3225, or by telephoning one of the contacts listed here.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, (301) 713–2055, or Christina Fahy, NMFS, 562–960–4023.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The MMPA now defines ''harassment'' as:

> * * * any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

Subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On January 24, 2000, NMFS received a request from the USGS for authorization to take small numbers of several species of marine mammals by harassment incidental to collecting marine seismic-reflection data from waters off southern California. Seismic data will be collected during a 3-week period between May and July 2000, preferably June, to determine the source of the invasion of seawater into freshwater aquifers that are critical to the Los Angeles-San Pedro area water supply and to support studies of the regional landslide and earthquake hazards for people within the coastal cities between Santa Barbara and San Diego.

Background

The USGS proposes to conduct a high-resolution seismic survey offshore from Southern California. For a 3-week period between May and July 2000, preferably in June, the USGS would like to collect seismic-reflection data to investigate: (1) the intrusion of seawater into freshwater coastal aquifers that are critical to the water supply for people within the Los Angeles- San Pedro area and (2) the hazards posed by landslides, tsunamis, and potential earthquake faults in the nearshore region from Santa Barbara to San Diego. Both of these tasks are multi-year efforts that require high-resolution, seismic-reflection data using a minisparker acoustic source.

Coastal Southern California is the most highly populated urban area along the U.S. Pacific coast with 30 percent of the California population (approximately 10 million people) living in Los Angeles County alone. The primary objectives of the USGS research are to provide information (1) to understand and help mitigate the intrusion of salt water into coastal aquifer systems resulting from ground-water overdraft, and (2) to help mitigate the earthquake threat to this area. Data collected to address the salt water intrusion objective will be used to develop a hydrogeologic model for the region. This model will assist water managers (Water Replenishment District of Southern California and the Los Angeles County Department of Public Works) in providing a safe and uncontaminated ground-water supply to the local population.

Important geologic information that the USGS will derive from this project's seismic-reflection data is how earthquake deformation is distributed offshore; that is, where the active faults are and what the history of movement along them has been. This should improve understanding of the shifting pattern of deformation that occurred over both the long term (approximately the last 100,000 years) and short term (the last few thousand years). The USGS seeks to identify actively deforming structures that may constitute significant earthquake threats. The USGS also proposes to locate offshore landslides that might affect coastal areas. Not only major subsea landslides might affect the footings of coastal buildings, but also very large slides can generate local tsunamis. These large sea waves can be generated by seafloor movement that is produced either by landslides or by earthquakes. Knowing where large slides have occurred offshore will help locate areas susceptible to wave inundation.

Some faults that have produced earthquakes lie entirely offshore or extend into offshore areas where they can be studied using high-resolution seismic-reflection techniques. An example is the Rose Canyon fault, which extends through the San Diego area, and is considered to be the primary earthquake threat. This fault extends northward from La Jolla, beneath the inner continental shelf, and appears again onshore in the Los

Angeles area. This fault and others like it near shore could generate moderate (M5-6) to large (M6-7) earthquakes.

Knowing the location and geometry of fault systems is critical to estimating the location and severity of ground shaking. Therefore, the results of this project will contribute to decisions involving land use, hazard zonation, insurance premiums, and building codes.

The USGS emphasizes that the goal is not to predict earthquakes but rather to help determine what steps might be taken to minimize the devastation should a large earthquake occur. The regional earthquake threat is known to be high, and a major earthquake could adversely affect the well-being of a large number of people. For example, earthquakes in the coastal ocean off southern California commonly result in large-scale submarine landslides, many of which could be capable of producing destructive tsunamis.

The proposed work is in collaboration with scientists at the Southern California Earthquake Center, which analyzes faults and earthquakes in onshore regions, and with scientists at the Scripps Institute of Oceanography, who measure strain (incremental movement) on offshore faults.

The USGS also wants to collect high-resolution seismic- reflection data to locate the sources and pathways of seawater that intrudes into freshwater aquifers below San Pedro. Ground water usage in the Los Angeles basin began in the mid-1800s. Today, more than 44,000 acre-feet of freshwater each year are extracted from the aquifers that underlie the West Coast Basin. Aggressive extraction of freshwater from coastal aquifers causes offshore salt water to flow toward areas of active pumping. To limit this salt-water intrusion, the Water Replenishment District and water purveyors in San Pedro are investing $2.7 million per year at the Dominguez Gap Barrier Project to inject freshwater underground to establish a zone of high water pressure in the aquifers near San Pedro and Long Beach. The resulting zone of high pressure forms a barrier between the invasive saltwater and the productive coastal aquifers.

USGS scientists in San Diego are working with the Los Angeles County Department of Public Works and the Water Replenishment District to develop a ground-water simulation model to predict fluid flow below San Pedro and nearby parts of the Los Angeles Basin. This model will eventually be used in managing water resources. The accuracy of the present model, however, is compromised by a paucity of information about aquifer geometry and about other geologic factors that might affect fluid flow. Data collected by the USGS will be used to improve three-dimensional, fluid-flow models to aid management of water resources.

Proposed Field Work

Fieldwork described here will be the fourth geophysical survey on the west coast that the USGS has conducted under close supervision by marine-mammal biologists. In March 1998, the USGS used a large (6,500 in^3, 106 liters) airgun array in and around Puget Sound to study the regional earthquake hazard (see 63 FR 2213, January 14, 1998). The USGS employed 12 biologists, who worked on two ships continuously to oversee the seismic- reflection operations. On several occasions the USGS shut off the acoustic sources when marine mammals entered safety zones that had been stipulated by NMFS, and when mammals left these zones, the USGS gradually ramped-up the array as required in its permit to avoid harming wildlife. Marine-mammal biologists reported that during the survey, no overt distress was evident among the dense marine mammal population, and afterward no unexplained marine mammal strandings occurred.

In August 1998, the USGS surveyed offshore from southern California, using a small airgun (40 in^3, 0.65 liters). Two marine-mammal biologists oversaw this activity. In June 1999, the USGS conducted the third survey to support study of aquifer contamination and earthquake hazards in southern California (see 64 FR 31548, June 11, 1999). Three marine-mammal biologists provided oversight for this operation. The survey described in this document is proposed to be conducted with similar oversight.

Experimental Design

Marine studies conducted by the USGS focus on areas where saltwater intrusion into coastal aquifers is an active concern and where other kinds of natural hazards have their greatest potential impact on society. In southern California, USGS studies will focus on five chief geographic areas. First is the San Pedro shelf, offshore of the Dominguez Gap barrier project. Collecting data as close to shore as feasible is critically important in order to merge onshore and offshore geology in a manner that allows modeling the hydrologic flow through the system. With respect to the seismic-hazard issues in the offshore, the USGS' main priority (and second geographic area) is the coastal zone and continental shelf between Long Beach and San Diego, where much of the hazard appears to be associated with strike-slip faults such as the Newport-Inglewood and Palos Verdes faults. A critical component of the survey concerns the third geographic area, which lies farther offshore in the Santa Monica, San Pedro, and San Diego Trough deeps, where rapid sedimentation has left a more complete record, relative to shallow-water areas, that can be used to decipher earthquake history. The fourth area is the extension into the Santa Barbara Channel of major elements of onshore geology that cross the northern part of Santa Monica Bay and include several major known earthquake faults. The fifth area is the geologic boundary, marked generally by the Channel Islands, between the inner California Borderland (dominated by strike-slip faults) and the Santa Barbara Channel (dominated by compressional faults). This change in fault types is important to study because the degree of earthquake threat varies with fault type. The study proposed herein focuses on the three highest priority areas, which lie near shore between Los Angeles and San Diego.

The seismic-reflection survey is planned to last 21 days. Based on experience collecting seismic-reflection data in this general area during 1998 and 1999, the USGS would prefer to conduct the 2000 survey in June. Because it will have to contract for a vessel from which to conduct the geophysical survey, the targeted study time frame is sometime within the May through July window. The basis for this decision is the USGS' desire to avoid the gray whale migrations and the peak arrival of other mysticetes during the later summer. An important part of the effort this summer will be to fill in gaps caused by shutdowns and daylight-only operations during earlier surveys.

The USGS has not yet determined the exact tracklines for the survey, but it does know the areas where minisparker use will be concentrated (see Fig. 3 in the application). Within the overall work area, the objective is to collect seismic-reflection data along a grid of lines that are about 2 km (1.07 nmi) apart. Data collected during the 1998 and 1999 surveys will be used to guide the planning for the proposed survey in order to minimize the number of survey lines that are required to adequately define the aquifer geometries and location of potential earthquake faults.

The USGS proposes to use two seismic-reflection systems for data collection: (1) A 1.5 kilo-Joule (kJ) minisparker using a 200-m (656.2–ft) long multichannel streamer, and (2) a low-power, high resolution deep-tow

system. The potential effect on marine mammals is from the minisparker; mammals cannot become entangled in the streamer. The low-powered, high-resolution seismic- reflection system, manufactured by Huntec, Ltd., will obtain detailed information about the very shallow geology. The seismic-reflection systems will be aboard a vessel owned by a private contractor or academic cooperator. Ship navigation will be accomplished using satellites of the Global Positioning System. The survey ship will be able to report accurate positions, which is important to mitigating the minisparker's effect on marine mammals and to analyzing what impact, if any, minisparker operation has on the environment.

The Seismic Sound Sources

The primary sound source to be used during this survey will be a 1.5 kJ ''SQUID 2000'' minisparker system manufactured by Applied Acoustic Engineering, Inc. This minisparker includes eight electrodes that are mounted on a small pontoon sled. The electrodes simultaneously discharge electric current through the seawater to an electrical ground. This discharge creates an acoustic signal. The pontoon sled that supports the minisparker is towed on the sea surface, approximately 20 meters (65.6 ft) behind the ship.

Source characteristics of the SQUID 2000™ minisparker provided by the manufacturer show a sound-pressure level (SPL) of 209 dB re 1 μPa-m root-mean-square (RMS). The amplitude spectrum of this pulse indicates that most of the sound energy lies between 150 hertz (Hz) and 1700 Hz (1.7 kHz), and the peak amplitude is at 900 Hz. The output sound pulse of the minisparker has a duration of about 0.8 milli-seconds (ms). When operated at sea for the multichannel seismic-reflection survey proposed herein, the minisparker will be discharged every 4 to 6 seconds.

The second seismic source that will be used during this survey is a Huntec™ system, which generates underwater sound at higher frequencies than does the minisparker. The Huntec™ system uses electromagnetically driven plates to produce an acoustic pulse every 0.5 seconds, with a duration of about 0.3 ms. In water depths greater than 200 m (656.2 ft), the Huntec™ source is towed behind the ship at a depth of approximately 100 m (328.1 ft). In shallow water, such as the inner shelf, the sound source is towed at a depth of about 5 m (16.4 ft) of the sea surface within about 5 m (16.4 ft) of the stern of the ship. The SPL for this source is 205 dB re 1 μPa_{rms}. The frequencies of the main output sound are between 500 Hz and 8 kHz, with a peak amplitude at 4.5 kHz.

Comments and Responses

A notice of receipt of the application and proposed authorization was published on March 28, 2000 (65 FR 1374), and a 30-day public comment period was provided on the application and proposed authorization. Comments were received from the Marine Mammal Commission (MMC).

Comment 1: The MMC notes that the description of the two sound sources contained in the **Federal Register** document appears somewhat different than the description contained in the application. For example, the description of the minisparker does not mention a 200–m (656.2–ft) streamer, that the Huntec™ system is towed approximately 100 m (328.1 ft) behind the ship in water depths greater than 200 m (656.2 ft), and that only the minisparker will be towed at night.

Response: The description of the acoustic sources is more clearly described in this document. The streamer is only used as a receiver and is not a sound source. The streamer will be deployed during any operation involving the minisparker sound source. In shallow water, which will be the major part of the survey this year, because of the approval to work within the 3–mile (5.6 km) limit using the minisparker sound source, the Huntec™ system will be towed just below or at the sea surface and typically will be within 5 m (16.4 ft) of the minisparker sound source. Thus, during night operations in shallow water, both systems will be in the same illuminated safety zone.

Comment 2: The MMC notes that the area of the planned survey, while not likely to encounter California sea otters as noted in the application, may encounter Guadalupe fur seals. If California sea otters may be encountered, the applicant should apply to the U.S. Fish and Wildlife Service for an incidental harassment authorization. If Guadalupe fur seals could be encountered, this species should be included in any incidental harassment authorization issued by NMFS.

Response: California sea otters, which are typically found north of Point Conception, are not expected to be observed within the limits of the proposed survey. The USGS has reviewed the reports of the marine mammal observers from Cascadia Research Collective in Olympia, WA (Cascadia) for its surveys in 1998 and 1999 and noted that sea otters were not sighted during either operation. Also for those same years, there are no reported sightings of Guadalupe fur seals. While the Guadalupe fur seal population has been increasing on Guadalupe Island, Mexico, their only breeding location, from below 1000 in the late 1970s to the current estimate of 7500, their breeding season is from May-July, so it is very likely that most Guadalupe fur seals will be found further south, and not off southern California. However, there was a recent report of a mother-pup on San Miguel Island, from June-September, 1997. Melin & DeLong (1999) speculate that it may have been due to El Nino conditions, as there are more strandings of Guadalupe fur seals along the Calfornia coast during El Nino years. Therefore, although the numbers of Guadalupe fur seals are increasing, and they seem to be extending their range at least during warmer years, because the seismic-reflection surveys are going to be taking place during the breeding season, the likelihood of a Guadalupe fur seal being in the area is extremely low.

Comment 3: The MMC questions whether the planned nighttime observations would be capable of assuring that the surveys have the least practicable adverse impact on marine mammals if the Huntec™ system is used at night, or if the 200–m (656.2–ft) streamer is part of the minisparker sound source. Concerned that night-time lighting for marine mammal observations could attract fish and squid, which in turn may attract and increase the likelihood of attracting marine mammals, the MMC recommends that NMFS consult with the applicant to assure that any marine mammals approaching or entering the designated safety zone around the sound source(s) can be detected in time to stop operations so the animals are not adversely affected.

Response: In order for seismic reflection surveys to incidentally take marine mammals at night, the night-time lighting must be capable of making the entire safety zone visible. If lighting attracts marine mammals, then the USGS would incur more shutdowns and a longer period of time would be needed to complete the surveys. NMFS is unaware of ship lighting attracting fish and squid to the extent that marine mammals would likewise be attracted to the vessel. The mitigation plan for the USGS survey is being designed by Cascadia in order to ensure that shutdowns are conducted when marine mammals are about to enter the safety zone. The IHA requires the USGS to have a minimum of 3 observers available at all times, with two on watch

at all times that seismic operations are starting up or underway.

NMFS notes that the recent precautionary application of a 180–dB safety zone for protecting marine mammals does not necessarily mean that animals entering that zone will be adversely affected. It simply means that animals have the potential to incur a temporary elevation in hearing threshold (termed temporary threshold shift (TTS)), lasting, at worst, for a few minutes at the 180 dB sound pressure level. Also, based upon California Coastal Commission (CCC) determinations, the USGS has implemented, and NMFS has adopted for this action, a safety zone for pinnipeds based on the 180 dB isopleth. However, current scientific consensus indicates that a safe level for impulse sounds for pinnipeds from incurring TTS is higher than the level indicated for cetaceans (e.g., 180 dB). As a result, although scientists have preliminarily established an SPL of 190 dB re 1 μPa-m_{RMS} as a safe level for pinnipeds underwater, and while NMFS adopts this information as the best scientific information available, the USGS must abide by the conditions contained in its CCC consistency determination. Therefore, NMFS believes that the potential for adversely affecting pinnipeds is even less likely as they would need to be significantly closer to the source than provided by the safety zone.

Comment 4: The MMC notes that the USGS application did not indicate the species or numbers of marine mammals that approached or entered the designated safety zones during the 1998 and 1999 surveys. The MMC recommends, as it did on the USGS' 1999 application, that the USGS be required to (1) report at the end of each 24–hour period the species and number of marine mammals observed approaching and entering the designated safety zone during the day and during the night; and (2) suspend night-time operations if the species or number of animals observed approaching and entering the designated safety zone at night are significantly different than those observed during the day, suggesting that nighttime observations were failing to detect significant numbers of animals that enter the safety zones and could be killed or injured.

Response: There are several issues involved in this recommendation that need to be addressed separately. First, marine mammals are very unlikely to be seriously injured, let alone killed, by the relatively low-intensity acoustic sources proposed by the USGS for this survey. Although at different frequencies, the seismic equipment proposed for use by USGS are less powerful than fish-finding sonars commonly used in U.S. waters (including California), and there is no evidence to date that commercially available sonars are adversely affecting marine mammals.

Second, it may not be possible for the USGS to make daily reports. The USGS' leased vessel does not have satellite communication facilities and the only communication method available would be cell phone, but only when the vessel is within range of an onshore repeater.

NMFS doesn't believe daily reports are necessary for this authorization because, based on the Cascadia observations during the previous surveys, the number of mammals that enter the safety zone is small; there were only 11 occurrences in 1998 and 21 in 1999. It is also important to note that the designated safety zones were significantly larger (as much as 200 m (656.2 ft), depending upon the species in question) during those earlier surveys. The number of occurrences for the proposed survey this year is expected to be lower given the 30 m (98.4 ft) safety zone for the much less powerful sound source that will be employed. Cascadia will report all marine mammal observations. This report will be available upon completion of the survey (see Reporting).

The second part of the recommendation from the MMC is difficult to evaluate. First, merely comparing numbers of occurrences between night and day has the built-in assumption that the density of marine mammals is uniform throughout the survey area. A review of the area of the shutdowns required by the Cascadia observers during the previous surveys shows that the shutdowns are commonly grouped in a few geographic areas, probably reflecting such factors as feeding success by the mammals. In 1999, when there were 21 shutdowns for mammals moving within the designated safety zone, six occurred on one day but there were no shutdowns during several of the survey days.

In this regard, it should also be noted that Cascadia reported for the 1999 survey that eight of the 21 occurrences that required shutdown of the sound sources involved common dolphins (*Delphinus delphis*) approaching the seismic boat to bowride. More specifically, the report stated that: ''Marine mammal movements and behaviors observed during the seismic-reflection operations, revealed no apparent patterns of avoidance and none could be interpreted as harassment.'' Again, given the 30–m (98.4–ft) safety zone for the much less powerful sound source that will be used this year, the number of occurrences of shutdowns for the proposed survey should be significantly less.

Finally, the CCC did not approve night operations for the 1999 survey, so the USGS does not have data concerning day vs. night operations from that year. In 1998, when there were night operations, Cascadia observers required 11 shutdowns. Three of these shutdowns were due to pinnipeds, and these occurrences were in mid-day. Of the remaining eight shutdowns, three occurred at night. Because the hours of daylight were about double the hours of darkness during the time of the survey, there did not appear to be any significant difference between night and day operational shutdowns during the 1998 survey.

Comment 5: Noting that the work proposed by the USGS is a multi-year effort, the MMC recommends that NMFS consult with the applicant to determine whether it would be more appropriate to obtain an authorization under section 101(a)(5)(A) of the MMPA for the full range of studies proposed rather than annual authorizations under section 101(a)(5)(D) of the MMPA.

Response: NMFS believes that a multi-year authorization under section 101(a)(5)(A) of the MMPA warrants the extensive time and effort to implement regulations and annual Letters of Authorization thereunder only when the activity does not have the potential to vary significantly on an annual basis and/or when the impacts are fairly uniform. For example, activities such as construction and production of an oil production facility at Northstar (64 FR 57010, October 22, 1999) or the taking of seals at Seabrook Nuclear Power Station (64 FR 28114, May 25, 1999) meet these two criteria. On the other hand, whenever an activity is likely to require its authorization issued under section 101(a)(5)(A) to be publically reviewed annually (such as occurred with seismic oil and gas exploration in the Beaufort Sea prior to 1994), little would be gained by delaying an authorization for several months while regulations are issued prior to an authorization under section 101(a)(5)(A) of the MMPA. This lengthy delay in issuing incidental take authorizations due to the inordinate length of time necessary for rulemaking actions was the primary reason Congress implemented MMPA section 101(a)(5)(D) authorizations when the takings were limited to incidental harassment. Since the CCC has instructed the USGS that each operation

must be considered separately because of the different geographic areas and different times of the year that the surveys may be conducted, no benefit would be gained by issuing regulations governing this activity's incidental take.

Comment 6: The MMC notes statements made in the application and **Federal Register** document (65 FR 1374, March 28, 2000), that pinnipeds will come from great distances to scrutinize seismic operations, and that as a result, NMFS will not require the minisparker to be shut down if pinnipeds approach the safety zone. The MMC states that there is no indication whether the referenced observations are anecdotal or the product of peer-reviewed science. If not peer-reviewed, the MMC suggests that research should be conducted under section 104 of the MMPA.

Response: The proposed mitigation measure noted in the **Federal Register** document (65 FR 1374, March 28, 2000), states that for pinnipeds, if the research vessel towing the minisparker approaches a pinniped, a safety radius of 30 m (98 ft) around the seismic source when operating in deep water and 15 m (49.2 ft) when in shallow water will be maintained. However, if a pinniped approaches the towed minisparker source, NMFS proposes to not require the USGS to shutdown the minisparker, but to require the USGS to monitor the interaction to ensure the animal does not show signs of distress. If the pinniped(s) show obvious distress, the USGS will terminate minisparker operations and will continue to conduct observations on effects the minisparker may have on the animals. Reviewers should note that these seals and sea lions need to be actively approaching the vessel (itself moving forward at about 3–5 knots) from the side of the vessel or the stern, meaning that the animal is voluntarily approaching a noise source that is increasing in strength as the animal gets closer.

It is NMFS' responsibility to ensure that the incidental taking is reduced to the lowest level practicable. In reviewing the information available, NMFS has determined that it is not practicable to require applicants to delay seismic surveys in order to provide additional protection for curious seals. These delays lengthen the time necessary for completing surveys, requiring additional survey time and resulting in a potential increase in impacts on more sensitive marine mammal species, and raise the potential for increased costs for conducting surveys. As mentioned in this document and in prior **Federal Register** notices, seals and sea lions are believed to be less likely to be harmed by underwater noise than cetaceans, and have even been observed swimming in the bubbles of seismic airguns, a source significantly more powerful than the proposed instruments.

While, to our knowledge, the information provided has not been peer-reviewed or scientifically verified under a section 104 scientific research permit, these observations were, for the most part, obtained as a result of monitoring seismic activities. As a result, NMFS does not consider them anecdotal. NMFS has chosen to adopt observations made to date, some of which were conducted under previous MMPA section 101(a)(5)(D) authorizations, as the best scientific information available.

Description of Habitat and Marine Mammals Affected by the Activity

The Southern California Bight supports a diverse assemblage of 29 species of cetaceans (whales, dolphins and porpoises) and 6 species of pinnipeds (seals and sea lions). The species of marine mammals that are likely to be present in the seismic research area include the bottlenose dolphin (*Tursiops truncatus*), common dolphin, killer whale (*Orcinus orca*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), northern right whale dolphin (*Lissodelphis borealis*), Risso's dolphin (*Grampus griseus*), pilot whales (*Globicephala macrorhynchus*), Dall's porpoise (*Phocoenoides dalli*), sperm whale (*Physeter macrocephalus*), humpback whale (*Megaptera novaengliae*), gray whale (*Eschrichtius robustus*), blue whale (*Balaenoptera musculus*), minke whale (*Balaenoptera acutorostrata*), fin whales (*Balaenoptera physalus*), harbor seal (*Phoca vitulina*), elephant seal (*Mirounga angustirostris*), northern sea lion (*Eumetopias jubatus*), and California sea lion (*Zalophus californianus*), northern fur seal (*Callorhinus ursinus*) and sea otters (*Enhydra lutris*). General information on these latter species can be found in the USGS application and in Forney *et al.* (1999) and Barlow *et al.* (1998, 1997). Please refer to these documents for information on the biology, distribution, and abundance of these species in southern California waters.

Potential Effects of Seismic Surveys on Marine Mammals

Discussion

Seismic surveys are used to obtain data about stratigraphic sequences and rock formations up to several thousands of feet deep. These surveys are accomplished by transmitting sound waves into the earth, which are reflected off subsurface formations and recorded with detectors in the water column.

Disturbance by seismic noise is the principal means of taking by this activity. Vessel noise may provide a secondary source. Also, the physical presence of vessel(s) could lead to some non-acoustic effects involving visual or other cues.

Depending upon ambient conditions and the sensitivity of the receptor, underwater sounds produced by open-water seismic operations may be detectable some distance away from the activity. Any sound that is detectable is (at least in theory) capable of eliciting a disturbance reaction by a marine mammal or of masking a signal of comparable frequency. An incidental harassment take is presumed to occur when marine mammals in the vicinity of the seismic source (or vessel) react to the generated sounds or to visual cues.

Seismic pulses are known to cause some species of whales, including gray whales, to behaviorally respond within a distance of several kilometers (Richardson *et al.*, 1995). Although some limited masking of low-frequency sounds is a possibility for those species of whales using low frequencies for communication, the intermittent nature of seismic source pulses limits the extent of masking. Bowhead whales in Arctic waters, for example, are known to continue calling in the presence of seismic survey sounds, and their calls can be heard between seismic pulses (Richardson *et al.*, 1986).

When the received levels of noise exceed some behavioral reaction threshold, cetaceans will show disturbance reactions. The levels, frequencies, and types of noise that will elicit a response vary between and within species, individuals, locations and seasons. Behavioral changes may be subtle alterations in surface-dive-respiration cycles. More conspicuous responses include changes in activity or aerial displays, movement away from the sound source, or complete avoidance of the area. The reaction threshold and degree of response are related to the activity of the animal at the time of the disturbance. Whales engaged in active behaviors, such as feeding, socializing, or mating are less likely than resting animals to show overt behavioral reactions, unless the disturbance is directly threatening.

Hearing damage is not expected to occur during the project. While it is not known whether a marine mammal co-located or very close to an intense seismic source would be at risk of permanent hearing impairment, TTS is a theoretical possibility for animals close to the seismic-reflection sources.

However, planned monitoring and mitigation measures (described later in this document) are designed to detect marine mammals occurring near the seismic-reflection source(s) and to avoid, to the greatest extent practicable, exposing them to sound pulses that have any possibility of causing TTS in hearing.

Maximum Sound-Exposure Levels for Marine Mammals

The adverse effects of underwater sound on mammals have been documented for exposure times that last for tens of seconds or minutes, but adverse effects have not been documented for the brief pulses typical of the minisparker (0.8 ms) and the Huntec™ system (typically 0.3 ms). While NMFS in the past considered that the maximum SPLs, from impulse sounds, to which marine mammals could safely be exposed were 180 dB re 1 μPa-m_{rms} for mysticetes (baleen whales) and sperm whales, and 190 dB re 1 μPa-m_{rms} for odontocetes (toothed whales, dolphins and porpoises) and pinnipeds (seals and sea lions), recent workshops have recommended a more precautionary approach be taken and, accordingly, NMFS now recommends that odontocetes also be limited to an SPL no greater than 180 dB re 1 μPa-m_{rms}. However, based on statements and recommendations made at NMFS' Acoustic Criteria Workshop in 1998, NMFS has not increased its recommended safety zone for pinnipeds to this same level. In 1999 and 2000, the CCC has limited the maximum sound-exposure level to 180 dB re 1 μPa-m for all species of marine mammals.

In its application, the USGS has provided two estimates of how close marine mammals can approach the Huntec™ and minisparker sources before they need to be powered down. The first estimate follows the procedure required by the CCC in 1999, where underwater sound is assumed to attenuate with distance according to the equation 20log(Radius(R)), and the maximum SPL to which marine mammals can be exposed is 180 dB re 1 μPa-m_{RMS}. The alternative estimate of safe distance is proposed for operations limited to shallow water. In shallow water, sound from both the Huntec™ and minisparker sources will decay (attenuate) with distance more sharply than 20log(R) because some of the sound energy will exit the water and penetrate the sea floor when the source is physically close to the sea floor.

In the deeper water (greater than 50 m (164 ft)) areas of the proposed survey, the safety zone for the Huntec™ and minisparker is a circle whose radius is the distance from the source to where the SPL is reduced to 180 dB re 1 μPa-m_{RMS}. For a 20log(R) sound attenuation, the safety zone for a 209 dB re 1 μPa-m_{RMS} source has a radius of about 30 m (98 ft).

Much of that part of the proposed 2000 survey that focuses on saltwater intrusion of coastal aquifers will be conducted close to shore, where water is shallow. In 1999, the USGS measured a sound attenuation of 27log(R) in shallow water off southern California. Therefore, the USGS proposes that for inshore areas, underwater sound will attenuate to approximately 25log(R), which for inshore areas would yield a safety zone with a radius of 15 m (49.2 ft).

Because observers would be able to monitor this short radius of a 15 m (49.2 ft) or 30 m (98 ft) safety zone, the USGS also proposed that the Huntec™ and minisparker can be used at night, using spotlights to illuminate the safety zone around the tow sled.

Estimated Number of Potential Harassments of Marine Mammals

Based on estimated marine mammal populations within the survey area (Calambokidis and Francis, 1994) and on the number of individuals that were observed during the 1998 and 1999 seismic surveys, the USGS estimates that up to 50 blue whales, 5 killer whales, 10 minke whales, 10 sea otters, 50 humpback whales, 50 northern sea lions, 100 northern fur seals, 100 northern elephant seals, 100 Dall's porpoise, 100 Risso's dolphins, 100 northern right-whale dolphins, 100–200 Pacific white-sided dolphins, 100 bottlenosed dolphins, 200 California sea lions, 200 Pacific harbor seals, and 10,000–12,000 common dolphins may be harassed incidental to the USGS survey. No marine mammals will be seriously injured or killed as a result of the survey. However, NMFS has subsequently reviewed the information and has determined that the large mysticete whales, northern sea lions, and sea otters are unlikely to be affected by either acoustic source planned to be used this year in this area by the USGS. The large whales are expected to remain in offshore waters outside the Channel Islands at the time of the year that the activity will take place; northern sea lions, which are expected to be in more northerly waters during the summer, are not known to be affected by low frequency seismic sources unless close to the source; and California sea otters will be north of Point Conception.

Mitigation of Potential Environmental Impact

To avoid potential Level A harassment (*i.e.,* injury) of marine mammals, safety zones will be established and monitored continuously by biologists, and the USGS will shut off any operating seismic source whenever the ship and a marine mammal converge closer than the previously mentioned safety distances.

For all cetaceans (whales, dolphins, and porpoises), NMFS is requiring USGS to immediately cease operations of the minisparker when members of these species approach within 30 m (98 ft) of the sound source when operating in deep water, and 15 m (49.2 ft) for both the minisparker and the Huntec™ source when operating in shallow water. (The Huntec™ source in deep water will be in waters significantly deeper than the radius of the safety zone and therefore is not practical to monitor). NMFS understands that the CCC has not accepted the scientific data that in shallow water, underwater sound commonly attenuates more sharply than 20log(R), for reasons mentioned previously in this document. However, NMFS is required to use the best scientific information available when making determinations and implementing appropriate mitigation measures, and as such, has concluded that the more restrictive conditions placed on the USGS by the CCC are not supportable and therefore cannot be adopted by NMFS. This however, in no way relieves the USGS from complying with the conditions imposed by the CCC in its determination of coastal consistency.

For pinnipeds (seals and sea lions), if the research vessel approaches a pinniped, the USGS originally requested, and, for the reasons cited in the previous paragraph, NMFS has accepted, that a safety radius of 30 m (98 ft) around the minisparker seismic source when operating in deep water and 15 m (49.2 ft) for both acoustic sources when in shallow water will be maintained. NMFS believes the 180 dB re 1 μPa-m_{RMS} safety zone is more conservative than is necessary for the reasons stated previously in this document, however, because this level was requested initially by the applicant, NMFS has accepted this condition for the USGS' IHA.

However, if a pinniped approaches the towed acoustic source, NMFS will not require the USGS to shutdown the source, but will require the USGS to monitor the interaction to ensure the animal does not show signs of distress. Experience indicates that pinnipeds will

come from great distances to inspect seismic operations. Seals have been observed swimming within airgun bubbles, 10 m (33 ft) away from active arrays, apparently unaffected. Although seismic-reflection operations will be terminated if the pinnipeds show obvious distress, the USGS is required to conduct observations on effects the acoustic sources may have on the animals.

The USGS will have marine biologists aboard the ship who will have the authority to stop the seismic-reflection operations when a marine mammal enters the safety zone or indicates obvious distress anywhere within the vicinity of the ship. Although NMFS believes it is very unlikely to occur, if observations are made that one or more marine mammals of any species are attempting to beach themselves when the source is operating in the vicinity of the shore, the seismic-reflection sources will be immediately shut off and NMFS contacted.

During seismic-reflection surveying, the ship's speed will only be 4 to 5 knots, so that when the acoustic source is being discharged, nearby marine mammals, if they hear the low- to mid-frequency noise, will have gradual warning of the vessel's approach and can move away if disturbed. Finally, NMFS will coordinate with the local stranding network to determine whether any strandings which occur during, or near the time of the survey, can be related to the seismic-reflection operation. If NMFS determines, based upon a necropsy of the animal(s), that the death was likely due to exposure to the USGS acoustic source(s), the survey will cease until procedures are altered to eliminate the potential for future mortality.

Operating less than 24 hours each day incurs substantially increased cost for the leased ship, which the USGS states that it cannot afford. The ship schedule provides a narrow time window for this project; other non-related experiments are already scheduled to precede and follow this survey and for that reason, the USGS cannot arbitrarily extend the survey time. Thus, the USGS does not propose as a mitigation measure shutting down in dark or during periods of poor visibility. The 2000 survey will require only 3 weeks, and it will be spread out geographically from Los Angeles to San Diego, so no single area will experience long-term activity. In the view of the USGS, the best course is to complete the survey as expeditiously as possible. For these reasons, the USGS has requested that the acoustic survey be conducted 24 hours/day and the IHA allow 24-hour operations, specifically at night and with the understanding that the USGS will survey during this time in shallow water. Both NMFS and the CCC concur, and the IHA provides for 24–hour operations surveys while in shallow water.

Possible Modifications or Alternatives to the Proposed Survey

Options to change the activity are limited. In order to reduce the probability for the incidental harassment of marine mammals and to be able to operate within nearshore areas, the USGS has changed from using a seismic airgun source, as used in prior surveys, to a minisparker for the proposed survey. The seismic-source strength cannot be reduced further in an attempt to limit the potential environmental impact. The minisparker is already smaller than any source the USGS has previously used for these kinds of geophysical surveys, and the problem with this option is that the USGS cannot significantly reduce the source strength without jeopardizing the success of this survey. This judgment is based not only on USGS' decades-long experience with seismic-reflection surveys, but especially on the 1998 survey that was conducted in the same general area as outlined here. If the USGS were to reduce the sound-source size and then fail to obtain the required information, another survey would need to be conducted, and this would have the potential to increase impact on marine mammals.

To abandon this study altogether is a poor option. The USGS has described the societal relevance of this project as it would improve understanding of fluid movement in coastal aquifers and how to stem the intrusion of salt water into them. Another facet of this study is to help scientists understand the regional earthquake hazard that, in turn, will aid city planners in establishing building codes. If the project was canceled, such information would be unavailable.

This project could be carried out at some other time of year. The USGS talked with biologists to find out the best time for the project to be conducted. The USGS wants to avoid the gray whale migrations and the mid-summer arrival of other mysticete species because, while these species remain mostly in the area of the Channel Islands, some individuals venture closer to the mainland. An important consideration in deciding the most appropriate time of the year is that biologists can best prevent harm to mammals when daylight is long, that is, near the solstice.

Monitoring

Monitoring marine mammals while the acoustic sources are active will be conducted 24 hours each day. Trained marine mammal observers will be aboard the seismic vessel to mitigate the potential environmental impact from using these acoustic sources and to gather data on the species, number, and reaction of marine mammals to the sources. During daylight, observers will use 7x50 binoculars with internal compasses and reticules to record the horizontal and vertical angle to sighted mammals. Night-time operations will be conducted with a spotlight to illuminate the safety zone around the minisparker tow sled. Monitoring data to be recorded during seismic-reflection operations include the name of the observer on duty, and weather conditions (such as Beaufort sea state, wind speed, cloud cover, swell height, precipitation, and visibility). For each mammal sighting, the observer will record the time, bearing and reticule readings, species, group size, and the animal's surface behavior and orientation. Observers will instruct geologists to shut off the acoustic source(s) whenever a marine mammal enters the safety zone.

Reporting

The USGS will contract with Cascadia to provide an initial report to NMFS within 160 days of the completion of the 2000 phase of the marine seismic project. This report will provide dates and locations of seismic operations, details of marine mammal sightings, and estimates of the amount and nature of all takes by harassment. A final technical report will be provided by USGS within 270 days of completion of the 2000 phase of the marine seismic project. The final technical report will contain a description of the methods, results, and interpretation of all monitoring tasks.

Consultation

Under section 7 of the Endangered Species Act, NMFS has completed consultation on the issuance of an IHA. NMFS finds this action to be unlikely to adversely affect listed marine mammals because the endangered whales are expected to be more prevalent in offshore waters outside the Channel Islands at the time of the year that the activity will take place; northern sea lions, which are expected to be in more northerly waters during the summer, are not known to be affected by low frequency seismic sources unless close to the source; and the Guadalupe fur seal is expected to be on or near

Guadalupe Island, Mexico, during this time.

Conclusions

NMFS has determined that the short-term impact of conducting marine seismic-reflection data in offshore southern California may result, at worst, in a temporary modification in behavior by certain species of pinnipeds and cetaceans. While behavioral modifications may be made by certain species of marine mammals to avoid the resultant noise from the seismic sources, this behavioral change is expected to have no more than a negligible impact on the animals.

In addition, no take by serious injury or death is anticipated, and takes will be at the lowest level practicable due to the incorporation of the mitigation measures previously mentioned. No known rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near the planned area of operations during the season of operations.

Since NMFS is assured that the taking would not result in more than the incidental harassment (as defined by the MMPA) of small numbers of certain species of marine mammals, would have only a negligible impact on these stocks, and would result in the least practicable impact on the stocks, NMFS has determined that the requirements of section 101(a)(5)(D) of the MMPA have been met and the authorization can be issued.

Authorization

Accordingly, NMFS has issued an IHA to the USGS for the possible harassment of small numbers of several species of marine mammals incidental to collecting marine seismic-reflection data off southern California between June 5 and September 30, provided the mitigation, monitoring and reporting requirements described in the authorization are undertaken.

Dated: June 21, 2000.

Art Jeffers,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–16228 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 053100C]

Marine Mammals; File No. 358–1564–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that the Alaska Department of Fish and Game, 1255 W. 8th Street, P.O. Box 25526, Juneau, Alaska 99802–5526 [P.I. Kenneth W. Pitcher] has been issued a permit to take Steller sea lions (*Eumetopias jubatus*) *for purposes of scientific research.*

ADDRESSES: The permit and related documents are available for review upon written request or by appointment **in the following office(s):**

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Alaska Region, NMFS, P.O. 21668, Juneau, AK 99802–1668 (907/586–7248).

FOR FURTHER INFORMATION CONTACT: Simona Roberts or Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On February 11, 2000, notice was published in the **Federal Register** (65 FR 6997) that a request for a scientific research permit to take Steller sea lions had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 22, 2000.

Ann Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–16351 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

June 22, 2000.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 28, 2000.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing, special shift and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 64 FR 71982, published on December 22, 1999). Also see 64 FR 68333, published on December 7, 1999.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 22, 2000.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 1, 1999, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2000 and extends through December 31, 2000.

Effective on June 28, 2000, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
335	219,794 dozen.
336/636	620,844 dozen.
342/642	582,721 dozen.
347/348	3,453,982 dozen.
641	774,451 dozen.
645/646	421,167 dozen.
647/648	2,172,317 dozen.
847	467,141 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1999.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 00–16291 Filed 6–27–00; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 00–44]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 00–44 with attached transmittal and policy justification.

Dated: June 22, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

16 June 2000

In reply refer to:
I-00/006638

Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 00-44, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $77 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Attachments

Same ltr to: **House Committee on International Relations**
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 00-44

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: Egypt**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 24 million
Other	$ 53 million
TOTAL	$ 77 million

(iii) **Description of Articles or Services Offered: Co-production of 30,000 M865 and 15,000 M831A1 120mm training ammunition cartridges kits; 660 M865 and 480 M831A1 120mm testing calibration cartridges; also, included contractor technical support, ammunition manufacturing support equipment, combustible cartridge case facility, metal storage container manufacturing equipment, support and test equipment, publications, program management, personnel training and training equipment, U.S. Government and contractor technical and logistics services and other related elements of program support.**

(iv) **Military Department: Army (NFP)**

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none**

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: none**

(vii) **Date Report Delivered to Congress: 16 June 2000**

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt - Co-production of 120mm Tank Training Ammunition

The Government of Egypt has requested a possible sale for co-production of 30,000 M865 and 15,000 M831A1 120mm training ammunition cartridges kits; 660 M865 and 480 M831A1 120mm testing calibration cartridges; also, included contractor technical support, ammunition manufacturing support equipment, combustible cartridge case facility, metal storage container manufacturing equipment, support and test equipment, publications, program management, personnel training and training equipment, U.S. Government and contractor technical and logistics services and other related elements of program support. The estimated cost is $77 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale for co-production of the ammunition will allow the support and sustainment training for Egypt's fleet of 655 U.S. co-produced M1A1 tanks in a self sufficient manner, using ammunition that is of identical configuration to that used by U.S. forces. This sale will also contribute positively to the experience and readiness of the U.S. industrial base. Egypt, which already has training ammunition in its inventory, will have no difficulty absorbing this additional ammunition.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor is unknown at this time. Award will be made on a competitive basis, however the letter of request from the GOE specified that "The selected prime contractor must be a current active supplier of the 120mm ammunition for the U.S. Army". There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require numerous U.S. Government and contractor representatives to Egypt for varying temporary periods throughout the timeframe of the co-production. Purposes will be for facility construction, facilitization and proveout, as well as technical and logistical support and program management.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 00–16261 Filed 6–27–00; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial

AGENCY: Joint Service Committee on Military Justice (JSC).

ACTION: Notice of Summary of Public Comment Received Regarding Proposed Amendments to the Manual for Courts-Martial, United States, (1998 ed.).

SUMMARY: The JSC is forwarding final proposed amendments to the Manual for Courts-Martial, United States, (1998 ed.) (MCM) to the Department of Defense. The proposed changes concern the rules of procedure applicable in trials by courts-martial and implement the amendment to Article 19 of the Uniform Code of Military Justice contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000. Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation. The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, ''Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon,'' May 21, 1964, and do not constitute the official position of the Department of Defense, the Military Departments, or any other government agency.

ADDRESSES: Comments and materials received from the public are available for inspection or copying at the U.S. Air Force, Air Force Legal Services Agency, Military Justice Division, Room 202, 112 Luke Avenue, Bolling Air Force Base, Washington, DC 20332–8000, between 8 a.m. and 3:30 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Thomas C. Jaster, U.S. Air Force, Air Force Legal Services Agency, 112 Luke Avenue, Room 343, Bolling Air Force Base, Washington, DC 20332–8000, (202) 767–1539; FAX (202) 404–8755.

SUPPLEMENTAL INFORMATION:

Background

On April 4, 2000, the JSC published a Notice of Proposed Amendments to the Manual for Courts-Martial, (MCM) United States, (1998 ed.) and Notice of Public Meeting. On April 18, 2000, the public meeting was held and one individual provided oral comment. The JSC also received two letters commenting on the proposed amendments.

Purpose

The proposed changes concern the rules of procedure applicable in trials by courts-martial and implement the amendment to Article 19 of the Uniform Code of Military Justice (UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000. Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation.

Discussion of Comments and Changes

The two written comments received were not supportive of the amendments. The first writer addressed problems he saw with the decision to expand the jurisdiction of special courts-martial. The second writer believed that Congress enacted incomplete legislation and, in doing so, upset the coherence and unity within the Uniform Code of Military Justice. The writer also believed that the JSC proposed amendments to implement the change to Article 19, UCMJ, created internal philosophical conflicts within the MCM provisions. He recommended withholding action on the proposed MCM amendments until Articles 54(c) and 66, UCMJ, were also amended to mandate verbatim transcripts and appellate review in cases involving a bad conduct discharge or confinement in excess of six months or forfeitures of pay in excess of six months. He recommended the MCM apply similar protections. The second writer also recommended that the current Discussion accompanying R.C.M. 1107(d)(1) addressing the mitigation of a bad conduct discharge be retained and suggested that the amendment to the analysis accompanying R.C.M. 1107 contained typographical errors.

The JSC has considered the oral and written comment provided and is satisfied that the proposed amendments are appropriate to implement the Congressional change to Article 19, UCMJ. However, the JSC has reexamined the analysis accompanying R.C.M. 1107 and has corrected the identified typographical errors. The JSC recognized the arguable tension between Article 19 as amended and Article 54(c)(1)(B) and took those matters into consideration prior to publication of the proposed amendments. After reconsidering the issues raised, the JSC does not believe the proposed MCM amendments are internally inconsistent or upset the basic architecture of the UCMJ and will forward the proposed amendments to the Department of Defense.

All public comment received will be forwarded, along with the proposed amendments, to the Department of Defense.

Proposed Amendments After Consideration of Public Comment Received

The proposed amendments to the Manual for Courts-Martial are as follows:

Amend R.C.M. 201(f)(2)(B)(i) to read as follows:

''(i) Upon a finding of guilty, special courts-martial may adjudge, under limitations prescribed by this Manual, any punishment authorized under R.C.M. 1003 except death, dishonorable discharge, dismissal, confinement for more than 1 year, hard labor without confinement for more than 3 months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than 1 year.''

Amend R.C.M. 201(f)(2)(B)(ii) to read as follows:

''(ii) A bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may not be adjudged by a special court-martial unless:

(a) Counsel qualified under Article 27(b) is detailed to represent the accused; and

(b) A military judge is detailed to the trial, except in a case in which a military judge could not be detailed because of physical conditions or military exigencies. Physical conditions or military exigencies, as the terms are here used, may exist under rare circumstances, such as on an isolated ship on the high seas or in a unit in an inaccessible area, provided compelling reasons exist why trial must be held at that time and at that place. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to detail a military judge. If a military judge cannot be detailed because of physical conditions or military exigencies, a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged provided the other conditions have been met. In that event, however, the convening authority shall, prior to trial, make a written statement explaining why a military judge could not be obtained. This statement shall be appended to the record of trial and shall set forth in detail the reasons why a

military judge could not be detailed, and why the trial had to be held at that time and place.''

Amend the analysis accompanying R.C.M. 201(f) by inserting the following before the discussion of subsection (3):

''2000 Amendment: Subsections (f)(2)(B)(i) and (f)(2)(B)(ii) were amended to remove previous limitations and thereby implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law No. 106–65, 113 Stat. 512 (1999). Subject to limitations prescribed by the President, the amendment increased the jurisdictional maximum punishment at special courts-martial to confinement for one year and forfeitures not exceeding two-thirds pay per month for one year, vice the previous six-month jurisdictional limitation.''

Amend the seventh paragraph of the Discussion accompanying R.C.M. 601(e)(1) to read as follows:

''The convening authority should acknowledge by an instruction that no bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, may be adjudged when the prerequisites under Article 19 will not be met. See R.C.M. 201(f)(2)(B)(ii). For example, this instruction should be given when a court reporter is not detailed.''

Amend the first paragraph of the Discussion accompanying R.C.M. 808 to read as follows:

''Except in a special court-martial not authorized to adjudge a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, the trial counsel should ensure that a qualified court reporter is detailed to the court-martial. Trial counsel should also ensure that all exhibits and other documents relating to the case are properly maintained for later inclusion in the record. See also R.C.M. 1103(j) as to the use of videotapes, audiotapes, and similar recordings for the record of trial. Because of the potential requirement for a verbatim transcript, all proceedings, including sidebar conferences, arguments, and rulings and instructions by the military judges, should be recorded.''

Amend the sixth paragraph of the Discussion accompanying R.C.M. 1003(b)(2) to read as follows:

''At a special court-martial, if a bad-conduct discharge and confinement are adjudged, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during that period of confinement. If only confinement is adjudged, and that confinement exceeds six months, then the operation of Article 58b results in a forfeiture of two-thirds of pay only (not allowances) during the period of confinement. If only a bad conduct discharge is adjudged, Article 58b has no effect on pay.''

Amend R.C.M. 1103(b)(2)(B)(i) to read as follows:

''(i) Any part of the sentence adjudged exceeds six months confinement, forfeiture of pay greater than two-thirds pay per month, or any forfeiture of pay for more than six months or other punishments which may be adjudged by a special court-martial; or''

Amend the analysis accompanying R.C.M. 1103(b)(2)(B) by inserting the following before the discussion of subsection (2)(C):

''2000 Amendment: Subsection (2)(B) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law No. 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(b)(2)(B) was amended to prevent an inconsistent requirement for a verbatim transcript between a general court-martial and a special court-martial when the adjudged sentence of a general court-martial does not include a punitive discharge or confinement greater than six months, but does include forfeiture of two-thirds pay per month for more than six months but not more than 12 months.''

Amend R.C.M. 1103(c) to read as follows:

''(c) Special courts-martial.

(1) Involving a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months. The requirements of subsections (b)(1), (b)(2)(A), (b)(2)(B), (b)(2)(D), and (b)(3) of this rule shall apply in a special court-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged.

(2) All other special courts-martial. If the special court-martial resulted in findings of guilty but a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was not adjudged, the requirements of subsections (b)(1), (b)(2)(D), and (b)(3)(A)–(F) and (I)–(M) of this rule shall apply.''

Amend the analysis accompanying R.C.M. 1103(c) by inserting the following before the discussion of subsection (e):

''2000 Amendment: Subsection (c) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(c) was amended to conform the requirements for a verbatim transcript with the requirements of Article 19 for a ''complete record'' in cases where the adjudged sentence includes a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months.''

Amend R.C.M. 1103(f)(1) to read as follows:

''(1) Approve only so much of the sentence which could be adjudged by a special court-martial, except that no bad-conduct discharge, confinement for more than six months, or forfeiture of two-thirds pay per month for more than six months, may be approved; or''

Amend the analysis accompanying R.C.M. 1103(f) by inserting the following before the discussion of subsection (g):

''2000 Amendment: Subsection (f)(1) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1103(f)(1) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.''

Amend R.C.M. 1104(a)(2)(A) to read as follows:

''(A) Authentication by the military judge. In special courts-martial in which a bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, has been adjudged and in general courts-martial, except as provided in subsection (a)(2)(B) of this rule, the military judge present at the end of the proceedings shall authenticate the record of trial, or that portion over which the military judge presided. If more than one military judge presided over the proceedings, each military judge shall authenticate the record of the proceedings over which that military judge presided, except as provided in subsection (a)(2)(B) of this rule. The record of trial of special courts-martial in which no bad-conduct discharge, confinement for more than six months, or forfeiture of pay for more than six months, was adjudged shall be authenticated in accordance with regulations of the Secretary concerned.''

Amend the analysis accompanying R.C.M. 1104(a) by inserting the

following before the discussion of subsection (b):

''2000 Amendment: Subsection (a)(2)(A) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1104(a)(2)(A) was amended to ensure that the military judge authenticates all verbatim records of trial at special courts-martial.''

Amend R.C.M. 1104(e) to read as follows:

''(e) Forwarding. After every court-martial, including a rehearing and new and other trials, the authenticated record shall be forwarded to the convening authority for initial review and action, provided that in case of a special court-martial in which a bad-conduct discharge or confinement for one year was adjudged or a general court-martial, the convening authority shall refer the record to the staff judge advocate or legal officer for recommendation under R.C.M. 1106 before the convening authority takes action.''

Amend the analysis accompanying R.C.M. 1104(e) by inserting the following at the end of the discussion of subsection (e):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment reflects the change to R.C.M. 1106 for special court-martial with an adjudged sentence that includes confinement for one year.''

Amend R.C.M. 1106(a) to read as follows:

''(a) In general. Before the convening authority takes action under R.C.M. 1107 on a record of trial by general court-martial or a record of trial by special court-martial which includes a sentence to a bad-conduct discharge or confinement for one year, that convening authority's staff judge advocate or legal officer shall, except as provided in subsection (c) of this rule, forward to the convening authority a recommendation under this rule.''

Amend the analysis accompanying R.C.M. 1106(a) by inserting the following before the discussion of subsection (b):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment requires all special courts-martial cases subject to appellate review to comply with this rule.''

Amend the second paragraph of the Discussion accompanying R.C.M. 1107(d)(1) to read as follows:

''When mitigating forfeitures, the duration and amounts of forfeiture may be changed as long as the total amount forfeited is not increased and neither the amount nor duration of the forfeitures exceeds the jurisdiction of the court-martial. When mitigating confinement or hard labor without confinement, the convening authority should use the equivalencies at R.C.M. 1003(b)(6) and (7), as appropriate. One form of punishment may be changed to a less severe punishment of a different nature, as long as the changed punishment is one that the court-martial could have adjudged. For example, a bad-conduct discharge adjudged by a special court-martial could be changed to confinement for up to one year (but not vice versa). A pretrial agreement may also affect what punishments may be changed by the convening authority.''

Amend R.C.M. 1107(d)(4) to read as follows:

''(4) Limitations on sentence based on record of trial. If the record of trial does not meet the requirements of R.C.M. 1103(b)(2)(B) or (c)(1), the convening authority may not approve a sentence in excess of that which may be adjudged by a special court-martial, or one which includes a bad-conduct discharge, confinement for more than six months, forfeiture of pay exceeding two-thirds pay per month, or any forfeiture of pay for more than six months.''

Amend the analysis accompanying R.C.M. 1107(d) by inserting the following at the end of the discussion of subsection (d):

''2000 Amendment: The Discussion accompanying subsection (d)(1) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. R.C.M. 1107(d)(4) was amended to include the additional limitations on sentence contained in Article 19, UCMJ.''

Amend R.C.M. 1109(e) and (e)(1) to read as follows:

''(e) Vacation of a suspended special court-martial sentence wherein a bad-conduct discharge or confinement for one year was not adjudged.

(1) In general. Before vacating the suspension of a special court-martial punishment that does not include a bad-conduct discharge or confinement for one year, the special court-martial convening authority for the command in which the probationer is serving or assigned shall cause a hearing to be held on the alleged violation(s) of the conditions of suspension.''

Amend the analysis accompanying R.C.M. 1109(e) by inserting the following at the end of the discussion of subsection (e):

''2000 Amendment: Subsection (e) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.''

Amend R.C.M. 1109(f) and (f)(1) to read as follows:

''(f) Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year.

(1) The procedure for the vacation of a suspended approved bad-conduct discharge or of any suspended portion of an approved sentence to confinement for one year, shall follow that set forth in subsection (d) of this rule.''

Amend the analysis accompanying R.C.M. 1109(f) by inserting the following at the end of the discussion of subsection (f):

''2000 Amendment: (f) Vacation of a suspended special court-martial sentence that includes a bad-conduct discharge or confinement for one year. Subsection (f) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. This amendment reflects the decision to treat an approved sentence of confinement for one year, regardless of whether any period of confinement is suspended, as a serious offense, in the same manner as a suspended approved bad-conduct discharge at special courts-martial under Article 72, UCMJ and R.C.M. 1109.''

Amend the Discussion accompanying R.C.M. 1109(f) to read as follows:

''An officer exercising special court-martial jurisdiction may vacate any suspended punishments other than an

approved suspended bad-conduct discharge or any suspended portion of an approved sentence to confinement for one year, regardless of whether they are contained in the same sentence as the bad-conduct discharge or confinement for one year. See Appendix 18 for a sample of a Report of Proceedings to Vacate Suspension of a Special Court-Martial Sentence including a bad-conduct discharge or confinement for one year under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).''

Amend the title to Appendix 18 to read as follows:

''Report of Proceedings to Vacate Suspension of a General Court-Martial or of a Special Court-Martial Sentence Including a Bad-Conduct Discharge or Confinement for One Year Under Article 72, UCMJ, and R.C.M. 1109 (DD Form 455).''

Amend R.C.M. 1110(a) to read as follows:

''(a) In general. After any general court-martial, except one in which the approved sentence includes death, and after any special court-martial in which the approved sentence includes a bad-conduct discharge or confinement for one year, the accused may waive or withdraw appellate review.''

Amend the analysis accompanying R.C.M. 1110(a) by inserting the following at the end of the discussion of subsection (a):

''2000 Amendment: Subsection (a) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial.''

Amend the Discussion accompanying R.C.M. 1110(a) to read as follows:

''Appellate review is not available for special courts-martial in which a bad-conduct discharge or confinement for one year was not adjudged or approved or for summary courts-martial. Cases not subject to appellate review, or in which appellate review is waived or withdrawn, are reviewed by a judge advocate under R.C.M. 1112. Such cases may also be submitted to the Judge Advocate General for review. See R.C.M. 1201(b)(3). Appellate review is mandatory when the approved sentence includes death.''

Amend R.C.M. 1111(b) to read as follows:

''(1) Cases including an approved bad-conduct discharge or confinement for one year. If the approved sentence of a special court-martial includes a bad-conduct discharge or confinement for one year, the record shall be disposed of as provided in subsection (a) of this rule.

(2) Other cases. The record of trial by a special court-martial in which the approved sentence does not include a bad-conduct discharge or confinement for one year shall be forwarded directly to a judge advocate for review under R.C.M. 1112. Four copies of the order promulgating the result of trial shall be forwarded with the record of trial, unless otherwise prescribed by regulations of the Secretary concerned.''

Amend the analysis accompanying R.C.M. 1111(b) by inserting the following at the end of the discussion:

''2000 Amendment: R.C.M. 1111(b) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special courts-martial not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''

Amend R.C.M. 1112(a)(2) to read as follows:

''Each special court-martial in which the accused has waived or withdrawn appellate review under R.C.M. 1110 or in which the approved sentence does not include a bad-conduct discharge or confinement for one year; and''

Amend the analysis accompanying R.C.M. 1112 by inserting the following at the end of the discussion:

''2000 Amendment: R.C.M. 1112(a)(2) was amended to implement the amendment to 10 U.S.C. 819 (Article 19, UCMJ) contained in section 577 of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, 113 Stat. 512 (1999) increasing the jurisdictional maximum punishment at special courts-martial. The amendment ensures all special courts-martial not requiring appellate review are reviewed by a judge advocate under R.C.M. 1112.''

Amend Page A8–19, Left Margin Entry to Note 100 to read as follows:

Advice in GCMs and SPCMs in which BCD or confinement for one year is adjudged.	[Note 100. In cases subject to review by a Court of Criminal Appeals, the following advice should be given. In other cases proceed to Note 101 or 102 as appropriate.]

Amend Page A8–21, Left Margin Entry to Note 102 to read as follows:

SPCM not involving a BCD or confinement for one year	[Note 102. In special courts-martial not involving BCD or confinement for one year, the following advice should be given.]

Amend Page A17–4, first note to paragraph d, to read as follows:

''[Note. Orders promulgating the vacation of the suspension of a dismissal will be published by departmental orders of the Secretary concerned. Vacations of any other suspension of a general court-martial sentence, or of a special court-martial sentence which as approved and affirmed includes a bad-conduct discharge or confinement for one year, will be promulgated by the officer exercising general court-martial jurisdiction over the probationer (Article 72(b)). The vacation of suspension of any other sentence may be promulgated by an appropriate convening authority under Article 72(c). See R.C.M. 1109.]''

Dated: June 22, 2000.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 00–16265 Filed 6–27–00; 8:45 am]

BILLING CODE 5001–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Panel To Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the next meeting of the Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction. Notice of this meeting is required under the Federal Advisory Committee Act. (Pub. L. 92–463).

DATES: July 17 and 18, 2000.

ADDRESSES: RAND, 1200 South Hayes Street, Arlington, VA 22202–5050.

PROPOSED SCHEDULE AND AGENDA: Panel to Assess the Capabilities for Domestic Response to Terrorist Attacks Involving Weapons of Mass Destruction will meet from 9 a.m. until 5 p.m. on July 17, 2000, and from 9 a.m. until 2 p.m. on July 18, 2000. Time will be allocated for public comments by individuals or organizations.

FOR FURTHER INFORMATION CONTACT: RAND provides information about this Panel on its web site at http://www.rand.org/organization/nsrd/terrpanel; it can also be reached at (703) 413–1100 extension 5282. Public comment presentations will be limited to two minutes each and must be provided in writing prior to the meeting. Mail written presentations and requests to register to attend the open public session to: Priscilla Schlegel, RAND, 1200 South Hayes Street, Arlington, VA 22202–5050. Public seating for this meeting is limited, and is available on a first-come first-served basis.

Dated: June 22, 2000.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–16260 Filed 6–27–00; 8:45 am]

BILLING CODE 5601–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Defense Science Board (DSB) Task Force on Unconventional Nuclear Warfare Defense will meet in closed session on July 10–11, 2000, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Suite 500, Arlington, VA. This Task Force will determine the adequacy of DoD's ability to detect, identify, respond, and prevent unconventional nuclear attacks by terrorists or subnational entities, and the appropriate role(s) and capability of DoD to provide protection against unconventional nuclear attacks in support of homeland defense.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Defense Science Board Task Force will review and evaluate the Department's ability to provide information.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: June 22, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–16259 Filed 6–27–00; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF EDUCATION

National Board of the Fund for the Improvement of Postsecondary Education, Department of Education

ACTION: Notice of meeting.

SUMMARY: This notice provides the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: July 24, 2000, 9:20 a.m. to 4 p.m. 0

ADDRESSES: Washington Monarch Hotel, 2401 M Street, NW., Washington, DC Telephone: (202) 429–2400.

FOR FURTHER INFORMATION CONTACT: Sandra Newkirk, U.S. Department of Education, 1990 K Street N.W., Washington, D.C. 20006–8544. Telephone: (202) 502–7500. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday).

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.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Title VII, Part B, Section 742 of the Higher Education Amendments of 1998 (20 U.S.C. 1138a). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and procedures for grant awards.

The meeting of the National Board is open to the public. The National Board will meet on Friday, July 24 from 9:30 a.m. to 4 p.m. to provide an overview of the Fund's program status and special initiatives.

The meeting site is accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device or materials in an alternate format) should notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although the Department will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, 8th Floor, 1990 K Street N.W., Washington, D.C. 20006–8544 from the hours of 8 a.m. to 4:30 p.m.

A. Lee Fritschler,

Assistant Secretary for Postsecondary Education.

[FR Doc. 00–16268 Filed 6–27–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA NO: 84.031H and 84.031N]

Alaska Native and Native Hawaiian-Serving Institutions Program

Notice of reopening of Fiscal Year 2000 deadline dates for receipt of applications for designation as eligible Alaska Native-Serving Institutions and for receipt of grant applications from

Alaska Native-Serving Institutions; correction.

On June 23, 2000 we published in the **Federal Register** (65 FR 39136–39137) (FR Doc. 00–15920) a notice to extend the deadline dates for receipt of applications for designation as eligible Alaska Native-Serving Institutions and for receipt of grant applications from eligible Alaska Native-Serving Institutions. In that notice the date for ''*Deadline for Transmittal of Applications*'' requesting designation as an eligible Alaska Native-Serving Institution and the Alaska Native-Serving Institutions Certification Form (Appendix XIII in the application booklet) was stated incorrectly as June 28, 2000. This notice corrects that date to read ''July 7, 2000.'' The deadline for transmittal of grant applications remains July 28, 2000.

For Applications or Information Contact: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, D.C. 20006–8513. Telephone (202) 502–7777. E-mail: darlene_collins@ed.gov

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audio tape, or computer diskette) on request to the contact person listed in the preceding paragraph.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

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 PDF, you must have Adobe Acrobat Reader Program, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 572–1530.

Note: The official version of a 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. 1059d.

Dated: June 26, 2000.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–16445 Filed 6–26–00; 12:32 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Wetland Involvement for Installation of a Soils Staging Area (Cell 2) at the Miamisburg Environmental Management Project

AGENCY: Department of Energy (DOE), Miamisburg Environmental Management Project.

ACTION: Notice of wetland involvement

SUMMARY: This is to give notice of DOE's proposal to construct a soil staging area at the Miamisburg Environmental Management Project (MEMP), located approximately ten (10) miles southwest of Dayton, Ohio. The proposed activity would involve a small isolated wetland in Montgomery County, Ohio. In accordance with 10 CFR Part 1022, Compliance with Floodplains/Wetlands Environmental Review Requirements, DOE will prepare a Wetlands Assessment and conduct the proposed action in such a manner as to avoid or minimize potential harm to or within the surrounding environment.

DATES: Written comments must be received by the DOE at the following address on or before July 13, 2000.

ADDRESSES: For further information on this proposed action, including a site map and/or a copy of the Wetlands Assessment, contact: Mr. Art Kleinrath, U. S. Department of Energy, Miamisburg Environmental Management Project, P. O. Box 66, Miamisburg, OH 45343–0066.

Phone: (937) 865–3597; Facsimile: (937) 865–4489.

FOR FURTHER INFORMATION CONTACT: For further information on general DOE wetland and floodplain environmental review requirements, contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance, EH–42, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Phone: (202) 586–4600 or 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The proposed activity would directly support the ongoing environmental remediation program at the Mound Plant. Construction of the new soil staging area would impact approximately a 0.03 acre isolated wetland. The wetland is one of several identified in the Delineation of Federal Wetlands and Other Waters of the U.S., Miamisburg Environmental Management Project, August 1999. The proposed action will result in negative, long-term, and direct impacts from the excavation and filling of an isolated wetland of 0.03 acres. The affected wetland would be excavated and filled with soil during the construction of a drainage channel supporting a new soil staging area. Best management practices will be utilized to avoid or minimize potential harm to or within the surrounding environment (*e.g.*, including, but not limited to, minimum grading requirements, runoff controls, and design and construction constraints).

Issued in Miamisburg, Ohio on June 16, 2000.

Susan L. Smiley,

NEPA Compliance Officer, Ohio Field Office.

[FR Doc. 00–16302 Filed 6–27–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management (EM) Site-Specific Advisory Board (SSAB), Fernald

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) Fernald. Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Saturday, July 15, 2000: 8:30 a.m.–12:00 p.m.

ADDRESSES: DOE–Fernald Site, Large Laboratory Conference Room, 7400 Willey Road, Hamilton, OH 45013.

FOR FURTHER INFORMATION CONTACT: Victoria Spriggs, Phoenix Environmental, 6186 Old Franconia Road, Alexandria, VA 22310, at (513) 648–6478.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

8:30 a.m.—Call to order
8:30–8:45 a.m.—Chairs Remarks and Announcements

8:45–9:15 a.m.—Site Specific Advisory Boards' Common Interests Statement
9:15–9:45 a.m.—Discussion of 2001 Budget and Impacts on Remediation Schedule
9:45–10:00 a.m.—Site Traffic Study
10:00–10:15 a.m.—Break
10:15–11:00 a.m.—Native American Reinterment
11:00–11:45 p.m.—Future of Fernald Vision and Next Steps
11:45–12:00 p.m.—Public Comment
12:00 p.m.—Adjourn

Public Participation: The meeting is open to the public. Written statements may be filed with the Board chair either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Board chair at the address or telephone number listed below. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer, Gary Stegner, Public Affairs Officer, Ohio Field Office, U.S. Department of Energy, 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 five minutes 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 the Fernald Citizens' Advisory Board, C/O Phoenix Environmental Corporation, MS 76, Post Office Box 538704, Cincinnati, Ohio 45253–8704, or by calling the Advisory Board at (513) 648–6478.

Issued at Washington, DC on June 22, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–16299 Filed 6–27–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River

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), Savannah River. 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: Monday, July 24, 2000: 3:30 p.m–9:00 p.m.; Tuesday, July 25, 2000: 8:30 a.m.–4:00 p.m.

ADDRESSES: All meetings will be held at: Sheraton Augusta Hotel, 2651 Perimeter Parkway, Augusta, GA 30909.

FOR FURTHER INFORMATION CONTACT: Gerri Flemming, Office of Environmental Quality, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802 (803) 725–5374.

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

Monday, July 24, 2000

3:30 p.m.—Administrative Committee
6:30 p.m.—Public Comment Session
7 p.m.—Committee Meetings
9 p.m.—Adjourn

Tuesday, July 25, 2000

8:30 a.m.
- Approval of Minutes, Agency Updates
- Public Comment Session
- Facilitator Update
- Waste Management Committee Report
- Nuclear Materials Committee Report
- Public Comment

12 p.m.
- Lunch Break

1 p.m.
- Strategic and Long-Term Issues Long Term Stewardship
- Savannah River Site Budget Prioritization Process
- Savannah River Site SSAB Statement of Principles
- Radioactive Materials Transportation Workshop Report
- Administrative Committee Report
- Public Comments

4 p.m.—Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details. A final agenda will be available at the meeting.

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 Gerri Flemming's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

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 a.m. and 4 p.m., Monday–Friday except Federal holidays. Minutes will also be available by writing to Gerri Flemming, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling (803) 725–5374.

Issued at Washington, DC on June 23, 2000.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–16300 Filed 6–27–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Paducah

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. 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, July 20, 2000: 5:30 p.m.–9 p.m.

ADDRESSES: Paducah Information Age Park Resource Center, 2000 McCracken Boulevard, Paducah, Kentucky.

OTHER INFORMATION CONTACT: John D. Sheppard, Site Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001, (270) 441–6804.

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 and waste management activities.

Tentative Agenda

5:30 p.m.—Informal Discussion

6 p.m.—Call to Order

6:10 p.m.—Approve Minutes

6:20 p.m.—Presentations/Board Response/Public Comments

8 p.m.—Sub Committee Reports/Board Response/Public Comment

8:30 p.m.—Administrative Issues

9 p.m.—Adjourn

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact John D. Sheppard 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 Official 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

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 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Environmental Information Center and Reading Room at 175 Freedom Boulevard, Highway 60, Kevil, Kentucky between 8 a.m. and 5 p.m. on Monday thru Friday or by writing to John D. Sheppard, Department of Energy Paducah Site Office, Post Office Box 1410, MS–103, Paducah, Kentucky 42001 or by calling him at (270) 441–6804.

Issued at Washington, DC on June 23, 2000.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 00–16301 Filed 6–27–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC00–75–000]

NiSource Inc.; Notice of Filing

June 22, 2000.

Take notice that on June 19, 2000, NiSource Inc. and Columbia Energy Group supplemented their merger filing of April 10, 2000, with additional materials for Exhibit G under Part 33 of the Commission's Regulations.

Any person desiring to be heard or to protect such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 3, 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. 00–16271 Filed 6–27–00; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–84–000]

Prairieland Energy, Inc.; Notice of Filing

June 22, 2000.

Take notice that on June 13, 2000, Prairieland Energy, Inc. (Prairieland) filed a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, requesting the Commission to disclaim jurisdiction over Prairieland as a ''public utility'', as that latter term is defined in Section 201(e) of the Federal Power Act, 16 U.S.C.A. § 824(e).

In its petition, Prairieland states that it intends to engage in wholesale electric power and energy purchases and sales as a marketing company. Prairieland is a corporation wholly-owned by The Board of Trustees of the University of Illinois, a body corporate and politic of the State of Illinois.

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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before July 5, 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. 00–16272 Filed 6–27–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG00–171–000, et al.]

EUA Ocean State Power Corporation, et al., Electric Rate and Corporate Regulation Filings

June 20, 2000.

Take notice that the following filings have been made with the Commission:

1. EUA Ocean State Power Corporation

[Docket No. EG00–171–000]

Take notice that on June 15, 2000, EUA Ocean State Power Corporation (EUA OSP) filed an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations. EUA OSP states that it is engaged indirectly through its affiliates in owning and operating the Ocean State Power project consisting of two approximately 250 megawatt electric generating facilities located in Burrillville, Rhode Island. Electric energy produced by the Ocean State Power project is sold exclusively at wholesale.

Comment date: July 11, 2000, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration

of comments to those that concern the adequacy or accuracy of the application.

2. Southwestern Public Service Company

[Docket No. ER00–2840–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service Company of Colorado required in its agreement with Lyntegar Electric Cooperative, Inc. (Lyntegar) filed in Docket No ER97–3906–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

3. Tucson Electric Power Company

[Docket No. ER00–2841–000]

Take notice that on June 15, 2000, Tucson Electric Power Company (Tucson) tendered for filing one (1) umbrella service agreement (for short-term firm service) pursuant to Part II of Tucson's Open Access Transmission Tariff, which was filed in Docket No. OA96–140–000.

The details of the service agreement are as follows:

(1) Umbrella Agreement for Short-Term Firm Point-to-Point Transmission Service dated as of June 12, 2000 by and between Tucson Electric Power Company and El Paso Merchant Energy, L.P. No service has commenced at this time.

Tucson requests that the service agreement become effective as of June 14, 2000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

4. Southwestern Public Service Company

[Docket No. ER00–2842–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service Company of Colorado required in its agreement with Roosevelt Electric Cooperative, Inc. (Roosevelt) filed in Docket No ER97–3902–000.

Comment date: May 5, 2000, in accordance with Standard Paragraph E at the end of this notice.

5. Southwestern Public Service Company

[Docket No. ER00–2845–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service Company of Colorado required in its agreement with Central Valley Electric Cooperative, Inc. (Central Valley) filed in Docket No ER97–3904–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

6. Southwestern Public Service Company

[Docket No. ER00–2846–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service Company of Colorado required in its agreement with Lea County Electric Cooperative, Inc. (Lea County) filed in Docket No ER97–3905–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

7. Southwestern Public Service Company

[Docket No. ER00–2847–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service Company of Colorado required in its agreement with New Corp Resources, Inc. (New Corp) filed in Docket No ER97–3903–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

8. PacifiCorp

[Docket No. ER00–2848–000]

Take notice that PacifiCorp on June 15, 2000, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a Notice of Cancellation of Service Agreement No. 140 under PacifiCorp's FERC Electric Tariff, Fourth Revised Volume No. 3 between Illinova Power Marketing, Inc. (Illinova) and PacifiCorp.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

9. Carolina Power & Light Company

[Docket No. ER00–2849–000]

Take notice that on June 15, 2000, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement with PG&E Energy Trading-Power, L.P. under the provisions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4. This Service Agreement supersedes the un-executed Agreement originally filed in Docket No. ER98–3385–000 and approved effective May 18, 1998.

CP&L is requesting an effective date of May 18, 1998 for this Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

10. Northern Indiana Public Service Company

[Docket No. ER00–2855–000]

Take notice that on June 15 , 2000, Northern Indiana Public Service Company (Northern Indiana) filed a Service Agreement pursuant to its Power Sales Tariff with British Columbia Power Exchange Corporation (Powerex).

Northern Indiana has requested an effective date of June 19, 2000.

Copies of this filing have been sent to Powerex, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

11. Northern Indiana Public Service Company

[Docket No. ER00–2856–000]

Take notice that on June 15 , 2000, Northern Indiana Public Service Company (Northern Indiana) filed a Service Agreement pursuant to its Power Sales Tariff with ONEOK Power Marketing Company (OPMC).

Northern Indiana has requested an effective date of June 16, 2000.

Copies of this filing have been sent to OPMC, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

12. Carolina Power & Light Company

[Docket No. ER00–2857–000]

Take notice that on June 15, 2000, Carolina Power & Light Company (CP&L) tendered for filing an executed Service Agreement between CP&L and the following eligible buyer: El Paso Merchant Energy, L.P. Service to this eligible buyer will be in accordance with the terms and conditions of CP&L's Market-Based Rates Tariff, FERC Electric Tariff No. 4, for sales of capacity and energy at market-based rates.

CP&L requests an effective date of May 22, 2000 for this Service Agreement.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

13. PSEG Energy Resources & Trade LLC

[Docket No. ER00–2858–000]

Take notice that on June 15, 2000, PSEG Energy Resources & Trade LLC (ER&T) of Newark, New Jersey, tendered for filing an agreement for the potential long-term sale of capacity and energy to Niagara Mohawk Power Corporation pursuant to the ER&T Wholesale Power Market Based Sales Tariff, on file with the Commission.

ER&T requests that the Service Agreement be made effective May 19, 2000.

Copies of the filing have been served upon Niagara Mohawk Power Corporation and the New York Public Service Commission.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

14. New York Independent System Operator, Inc.

[Docket No. ER00–1969–001]

Take notice that on June 15, 2000, the New York Independent System Operator, Inc. (NYISO), tendered for filing Revisions to its Market Administration and Control Area Services Tariff in a compliance filing made pursuant to the order of the Federal Energy Regulatory Commission in Docket No. ER00–1969–000 on May 31, 2000.

The NYISO requests an effective date of May 31, 2000 and waiver of notice requirements.

A copy of this filing was served upon all persons who have signed the NYISO Market Administration and Control Area Services Tariff.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

15. TXU Energy Trading Company

[Docket No. ER00–2178–001]

Take notice that on June 15, 2000, TXU Energy Trading Company (TXU ET), tendered for filing a compliance revised rate schedule to modify the revised rate schedule included in TXU ET's April 11, 2000 filing in Docket No. ER00–2178–000, in compliance with the Commission's June 2, 2000 order in that Docket.

Copies of the filing were served on the persons designated on the official service list compiled by the Secretary in this proceeding.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

16. Southwestern Public Service Company

[Docket No. ER00–2850–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credits resulting from its merger with Public Service Company of Colorado required in its agreement with Golden Spread Electric Cooperative, Inc. (Golden Spread) filed in Docket No ER97–47–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

17. Southwestern Public Service Company

[Docket No. ER00–2853–000]

Take notice that on June 15, 2000, Southwestern Public Service Company (Southwestern), tendered for filing its proposed non-fuel and non-purchased power operations and maintenance expense savings credit resulting from its merger with Public Service company of Colorado required in its agreement with Farmers' Electric Cooperative, Inc. (Farmers) filed in Docket No ER97–3901–000.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

18. Entergy Services, Inc.

[Docket No. ER00–2854–000]

Take notice that on June 15, 2000, Entergy Services, Inc. (ESI) on behalf of the Entergy Operating Companies (Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc.) (collectively, Entergy), tendered for filing several amendments to the System Agreement to facilitate the introduction of retail competition in Arkansas and Texas on January 1, 2002, and to provide for continued rough equalization of costs among the Operating Companies operating in Louisiana and Mississippi. The System Agreement is a FERC-approved rate schedule among ESI and the Operating Companies providing for coordinated operation of the generation and bulk transmission facilities of the Operation Companies and the allocation of benefits and costs among them. Entergy states that it has served a copy of this filing on its retail regulators and the Docket No. EL00–66–000 service list.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

19. Northern States Power Company (Minnesota); Northern States Power Company (Wisconsin)

[Docket No. ER00–2859–000]

Take notice that on June 12, 2000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin) (jointly NSP), tendered for filing a Non-Firm and a Short-Term Firm Point-to-Point Transmission Service Agreement between NSP and Split Rock Energy LLC.

NSP requests that the Commission accept the Agreement effective June 2, 2000, and requests waiver of the Commission's notice requirements in order for the agreements to be accepted for filing on the date requested.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

20. Wisconsin Electric Power Company

[Docket No. ER00–2860–000]

Take notice that on June 15, 2000, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing short-term firm Transmission Service Agreements and non-firm Transmission Service Agreements between itself and Cargill-Alliant LLC (Cargill) and between Wisconsin Electric and Split Rock Energy LLC (SRE). The Transmission Service Agreements allows Cargill and SRE to receive transmission services under Wisconsin Energy Corporation Operating Companies' FERC Electric Tariff, Volume No. 1.

Wisconsin Electric requests an effective date coincident with its filing and waiver of the Commission's notice requirements in order to allow for economic transactions as they appear.

Copies of the filing have been served on Cargill, SRE, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

21. Alliant Energy Corporate Services, Inc.

[Docket No. ER00–2861–000]

Take notice that on June 15, 2000, Alliant Energy Corporate Services, Inc. tendered for filing an executed Service Agreement for short-term point-to-point transmission service, establishing Gen~Sys Energy. As a point-to-point Transmission Customer under the terms of the Alliant Energy Corporate Services, Inc., transmission tariff.

Alliant Energy Corporate Services, Inc. requests an effective date of June 1, 2000, and accordingly, seeks waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

22. Consumers Energy Company

[Docket No. ER00–2862–000]

Take notice that on June 15, 2000, Consumers Energy Company (Consumers), tendered for filing executed transmission service agreements with Sempra Energy Trading Corp. (Customer) pursuant to the Joint Open Access Transmission Service Tariff filed on December 31, 1996 by Consumers and The Detroit Edison Company (Detroit Edison).

The agreements have effective dates of June 1, 2000.

Copies of the filed agreement were served upon the Michigan Public Service Commission, Detroit Edison, and the Customer.

Comment date: July 6, 2000, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/ online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–16270 Filed 6–27–00; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 22, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands.

b. *Project No.:* P–1494–210.

c. *Date Filed:* June 6, 2000.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The Pensacola Project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bob Sullivan, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–5545.

i. *FERC Contact:* Shannon Dunn at *shannon.dunn@ferc.fed.us,* or telephone (202) 208–0853.

j. *Deadline for filing comments, motions, or protests:* July 27, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project number P–1494–209) on any comments, motions, or protests filed.

k. *Description of Project:* Grand River Dam Authority, license for the Pensacola Project, requests approval to grant permission to Darrell and Tracy Fisher, to dredge approximately 5,831 cubic yards of material. The dredging would deepen the cove for and boat access. The proposed project is on an arm of the Elk River in the Grand Lake O' the Cherokees.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceedings. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–16309 Filed 6–27–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

June 22, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Land.

b. *Project No.:* P–1494–209.

c. *Date Filed:* June 6, 2000.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The Pensacola Project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, U.S.C. 791(a)–825(r).

h. *Applicant Contract:* Bob Sullivan, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301, (918) 256–5545.

i. *FERC Contact:* Shannon Dunn at *shannon.dunn@ferc.fed.us,* or telephone (202) 208–0853.

j. *Deadline for filing comments, motions, or protests:* July 27, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

Please include the project number P–1494–209) on any comments, motions, or protests filed.

k. *Description of Project:* Grand River Dam Authority, licensee for the Pensacola Project, requests approval to grant permission to John Ahern, d/b/a Beehern Properties to dredge approximately 7,500 to 8,500 cubic yards of material to deepen the cove for dock construction and boat access. The dock project would consist of 2 docks and 1 breakwater containing 20 slips. The proposed project is in the Zena area of the Grand Lake O' the Cherokees.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 00–16310 Filed 6–27–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00663; FRL–6592–3]

Certification of Pesticide Applicators; Renewal of Pesticide Information Collection Activities and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is seeking public comment on the following Information Collection Request (ICR): ''Certification of Pesticide Applicators (EPA ICR No. 0155.07, OMB No. 2070–0029).'' This is a request to renew an existing ICR that is currently approved and due to expire September 30, 2000. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket control number OPP–00663, must be received on or before August 28, 2000.

ADDRESSES: Comments 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, it is imperative that you identify docket control number OPP–00663 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Nancy Vogel, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6475; fax number: (703) 305–5884; e-mail address: vogel.nancy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you run an EPA approved certified pesticide applicator program for restricted use pesticides or are a certified pesticide applicator using restricted use pesticides that must comply with requirements of section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and 40 CFR part 171. Potentially affected

categories and entities may include, but are not limited to:

Category	NAICS code	SIC codes	Examples of potentially affected entities
Farms—agriculture production crops	0191	010	Pesticide applicator
Farms—agriculture production animals	0291	020	Pesticide applicator
Commercial exterminating services	561710	734	Pesticide applicator, pesticide dealers
Administration of environmental quality programs	924110	951	States, Federal Agencies, Indian Tribes
Administration of general economic programs		964	States, Federal Agencies, Indian Tribes
Retail nurseries, lawn, and garden supply stores	111421, 444220	526	Pesticide dealers, pesticide applicator
Miscellaneous nondurable goods (dealers)	4229	519	Pesticide dealers

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. The North American Industrial Classification System (NAICS) codes and the Standard Industrial Classification (SIC) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. Electronically

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

B. Fax-on-Demand

Using a faxphone call (202) 401–0527 and select item 6081 for a copy of the ICR.

C. In Person

The Agency has established an official record for this action under docket control number OPP–00663. 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.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit the 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–00663 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments and/or data electronically by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described in Units III.A.1. and 2. 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–00663. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under ''FOR FURTHER INFORMATION CONTACT.''

C. What Should I Consider when 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 collection activity.

7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number and administrative record 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.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.

2. Evaluate the accuracy of the Agency's estimates of the burdens of the proposed collections of information.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

EPA's Office of Pesticide Programs is specifically looking for comments related to business activities of the commercial pesticide applicators and firms sector. Specifically, EPA is looking information related to ''usual and customary'' business practices. To determine if the Agency has correctly calculated the respondent burden estimated for this business sector, the Agency would like information which identifies whether or not business would collect the following information regardless of the Agency's reporting requirements contained in 40 CFR 171.11(c)(7)(i)(A)-(H). This information includes:

1. Name and address of the person for whom the pesticide was applied.

2. Location of the pesticide application.

3. Target pest(s).

4. Specific crop or commodity, as appropriate, and site, to which the pesticide was applied.

5. Year, month, day, and time of application.

6. Trade name and EPA registration number of the pesticide applied.

7. Amount of the pesticide applied and percentage if active ingredient per unit of pesticide used.

8. Type and amount of the pesticide disposed of, method of disposal, date(s) of disposal, and location of the disposal site.

Commenters should identify whether or not they are a commercial pesticide applicator or firm and identify by number, (e.g., 1, 2, 3, 4, 5, 6, 7, or 8) those activities which the commenter considers to be usual and customary business practices.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Certification of Pesticide Applicators.

ICR numbers: EPA ICR No. 0155.07, OMB No. 2070–0029.

ICR status: This is a renewal of an existing ICR that is currently approved by OMB and is due to expire September 30, 2000. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to the approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: FIFRA allows EPA to classify a pesticide as ''restricted use'' if the pesticide meets certain toxicity or risk criteria. Restricted use pesticides, because of their potential to harm persons or the environment, may be applied only by a certified applicator or someone under the direct supervision of a certified applicator. In order to become a certified applicator, a person must meet certain standards of competency. Once approved by EPA, participating States can implement a certified applicator program. In non-participating States, EPA administers certification programs.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, ''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 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.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden is estimated to be 1,285,865.16 hours. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: 57 States, Federal Agencies, and Indian Tribes; 266 pesticide dealers, 48 applicators in Colorado and 412,922 commercial pesticide applicators and firms.

Estimated total number of potential respondents: 413,293.

Frequency of response: Once annually.

Estimated total/average number of responses for each respondent: One.

Estimated total annual burden hours: 1,285,865.16 hours.

Estimated total annual burden costs: $20,118,111.96.

VI. Are There Changes in the Estimates from the Last Approval?

The annual burden hours related to the activities of this ICR have increased from 997,222 hours to 1,285,865.16 hours. The significant increase is attributed to the increase in the number of commercial applicators and firm respondents, an increase of 82,922 respondents. There was no change in burden per response.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR

1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the person listed under ''FOR FURTHER INFORMATION CONTACT.''

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 20, 2000.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 00–16220 Filed 6–27–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–100157; FRL–6594–4]

ABT Associates, Inc., Chemical Information Services, Inc., and National Center for Food and Agricultural Policy; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that pesticide related information submitted to EPA's Office of Pesticide Programs (OPP) pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), including information that may have been claimed as Confidential Business Information (CBI) by the submitter, will be tranferred to ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, in accordance with 40 CFR 2.307(h)(3) and 2.308(i)(2). ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, have been awarded a contract to perform work for OPP, and access to this information will enable ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, to fulfill the obligations of the contract.

DATES: ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, will be given access to this information on or before July 3, 2000.

FOR FURTHER INFORMATION CONTACT: By mail: Erik R. Johnson, FIFRA Security Officer, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–7248; e-mail address: johnson.erik@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

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/.

II. Contractor Requirements

EPA's Office of Pesticide Programs (OPP) is restructuring the fees charged to pesticide registrants to establish pesticide tolerances under the Tolerance Fee Rule. The rule will assess tolerance fees for some chemicals that were previously exempt from tolerance fees, and there are some existing tolerances that will be assessed fees retroactively.

Under Contract No. 68–W6–0040, ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, will perform broad professional and expert support by providing an analysis calculating the economic impacts of the proposed rule on the pesticide industry (including manufacturers of inert materials). The analysis will include the calculations of the fee-based costs of the rule in terms of the number of tolerance petitions at each fee level, as well as an analysis of the economic impact of these costs on the various industry segments bearing the costs.

The OPP has determined that access by ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, until the requirements in this document have been fully satisfied. Records of information provided to ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, will be maintained by EPA Project Officers for this contract. All information supplied to ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, by EPA for use in connection with this contract will be returned to EPA when ABT Associates, Inc. and its subcontractors, Chemical Information Services, Inc. and National Center for Food and Agricultural Policy, have completed their work.

List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: June 19, 2000.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 00–16369 Filed 6–27–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34230; FRL–6595–3]

Pesticides; Availability of Risk Assessments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of risk assessments that were developed as part of the EPA's process for making Reregistration Eligibility Decisions (REDs) for pesticides and for tolerance reassessments consistent with the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). These risk assessments are the human health and ecological risk assessments and related documents for oxamyl, terrazole, and triallate. These risk assessments are being released to the public as part of the joint initiative between EPA and the Department of Agriculture (USDA) to strengthen stakeholder involvement and help ensure decisions made under FQPA are transparent and based on the best available information. The tolerance reassessment process will ensure that the United States continues to have the safest and most abundant food supply.

DATES: The risk assessments and related documents are available in the OPP Docket. While there is no formal public comment period, the Agency will accept comments on the risk assessment documents. Comments submitted within the first 30 days are most likely to be considered.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit II. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, it is imperative that you identify docket control number of the chemical of specific interest in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8004; and e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the risk assessments for oxamyl, terrazole, and triallate, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under ''FOR FURTHER INFORMATION CONTACT.''

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. In addition, copies of the pesticide risk assessments released to the public may also be accessed at http: www.epa.gov/pesticides.

2. *In person*. The Agency has established an official record for this action under docket control numbers OPP–34227 for oxamyl, OPP–34229 for terrazole, and OPP–34226 for triallate. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. How Can I Respond to this Action?

A. 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 for the specific chemical of interest in the subject line on the first page of your response.

1. *By mail*. Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division, Office of Pesticide Programs, 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*. Submit electronic comments by e-mail to: ''opp-docket@epa.gov,'' or you can submit a computer disk as described in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control number of the chemical of specific interest. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information 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.''

III. What Action is the Agency Taking?

EPA is making available to the public the risk assessments that have been developed as part of EPA's process for tolerance reassessment and reregistration. While there is no formal public comment period, the Agency will accept comments on the risk assessment documents. Comments submitted within the first 30 days are most likely to be considered. REDs for pesticides developed under the interim process will be made available for public comment.

EPA and USDA have been using a pilot public participation process for the assessment of organophosphate pesticides since August 1998. In considering how to accomplish the movement from the current pilot being used for the organophosphate pesticides to the public participation process that will be used in the future for non-organophosphates, such as oxamyl, terrazole, and triallate, EPA and USDA have adopted an interim public participation process for the non-organophosphate pesticides scheduled for tolerance reassessment and reregistration in 2000. The interim public participation process ensures public access to the Agency's risk assessments while also allowing EPA to meet its reregistration commitments. The interim public participation process for the non-organophosphate pesticides scheduled for tolerance reassessment and reregistration in 2000 and 2001 takes into account that the risk assessment development work on these pesticides is substantially complete. The interim public participation process involves: A registrant error correction period; a period for the Agency to respond to the registrant's error comments; the release of the refined risk assessments and risk characterizations to the public via the docket and EPA's internet website; a significant effort on stakeholder consultations, such as meetings and conference calls; and the issuance of the risk management document (*i.e.,* RED) after the consideration of issues and discussions with stakeholders. USDA plans to hold meetings and conference calls with the public (*i.e.,* interested stakeholders such as growers, USDA Cooperative Extension Offices, commodity groups, and other Federal government agencies) to discuss any identified risks and solicit input on risk management strategies. EPA will participate in USDA's meetings and conference calls with the public. This feedback will be used to complete the risk management decisions and the RED. EPA plans to conduct a close-out conference call with interested stakeholders to describe the regulatory decisions presented in the RED. REDs for pesticides developed under the interim process will be made available for public comment.

Included in the public version of the official record is the Agency's risk assessments and related documents for oxamyl, terrazole, and triallate. As additional comments, reviews, and risk assessment modifications become available, these will also be docketed for the pesticides listed in this notice. These risk assessments reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: June 21, 2000.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–16370 Filed 6–27–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6725–9]

State Program Requirements; Application to Administer the National Pollutant Discharge Elimination System (NPDES) Program; Maine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of public comment period on Application for Approval of the Maine Pollutant Discharge Elimination System.

SUMMARY: The State of Maine has submitted a request for approval of the Maine Pollutant Discharge Elimination System (MEPDES) Program pursuant to section 402 of the Clean Water Act. If EPA approves the MEPDES program, the State will administer this program, which regulates the discharges of point sources to navigable waters, subject to continuing EPA oversight and enforcement authority, in place of the National Pollutant Discharge Elimination System (NPDES) program now administered by EPA in Maine. On December 30, 1999 (64 FR 73552) EPA published a notice requesting comments on the Maine application by February 29, 2000. Today, EPA is extending the comment period on the State's request until July 28, 2000 solely for the purposes of taking comment on the question of whether EPA should approve the State's application to administer its program in the lands or territories of the Indian Tribes in Maine. EPA will determine whether to approve or disapprove the State's application as to Indian lands and territories and as to all other areas in the State of Maine after considering all comments it receives.

DATES: EPA Region I will take written comments solely on the question of whether EPA should approve the State's application to operate its program in the lands or territories of the Indian Tribes in Maine through July 28, 2000 at its office in Boston, MA. EPA requests that copies of such written comments also be provided to the Maine Department of Environmental Protection (MEDEP).

ADDRESSES: Written comments must be submitted to: Stephen Silva, USEPA Maine State Office, 1 Congress Street—Suite 1100 (CME), Boston, MA 02114–2023. EPA requests that a copy of each comment be submitted to: Dennis Merrill, MEDEP, Statehouse Station #17, Augusta, ME 04333–0017.

Copies of documents Maine has submitted in support of its program approval request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at:

EPA Region I, 11th Floor Library, 1 Congress Street—Suite 1100, Boston, MA 02114–2023, 617–918–1990 or 1–888–372–5427; and MEDEP, Ray Building, Hospital Street, Augusta, ME.

FOR FURTHER INFORMATION CONTACT: Stephen Silva at the address listed above or by calling (617) 918–1561 or Dennis Merrill at the address listed above or by calling (207) 287–7788. The State's submissions (which comprise approximately 128 pages in the application, 382 pages in the appendix, and 11 pages in a supplement with an additional 688 pages of attachments) may be copied at the MEDEP office in Augusta, or EPA office in Boston, at a cost of 15 cents per page. A copy of the entire initial submission (not including

the supplement) may be obtained from the MEDEP office in Augusta for a $20 fee.

Part of the State's program submission and supporting documentation is available electronically at the following Internet address: http://www.state.me.us/dep/blwq/delegation/delegation.htm

SUPPLEMENTARY INFORMATION:

Tribal Issues On Which EPA Is Taking Further Comment

In the original notice inviting public comment on Maine's program application, EPA specifically asked for comment on the State's assertion that it has authority under the Maine Indian Claims Settlement Act, 25 U.S.C. 1721–1735 (MICSA), to administer its NPDES program in the lands and territories of the Maine Indian Tribes, which are the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs, the two governments of the Passamaquoddy Tribe, and the Penobscot Nation. In addition, on October 21, 1999, EPA formally requested a written legal opinion from the Department of the Interior (DOI), Office of the Solicitor on the extent of the State of Maine's jurisdiction over the regulation of water quality in Indian country in light of the Maine Indian Claims Settlement Act. On May 16, 2000, DOI provided EPA with the Solicitor's legal opinion (the DOI opinion). EPA has placed a copy of this opinion in its rulemaking record and has made the opinion available to the public. EPA believes the public should have an opportunity to comment on the State of Maine's application to administer its MEPDES program in the lands and territories of the Tribes in Maine in light of the DOI opinion.

EPA is opening its record solely for the purposes of taking comment on the question of whether EPA should approve the State's application to administer its program in the lands or territories of the Tribes in Maine, because we believe our record would benefit from further comment by interested parties. EPA is not opening its record for comment on other issues, which the Agency believes have already been thoroughly aired.

Jurisdiction in Passamaquoddy and Penobscot Indian Territory

The DOI opinion concluded that the regulation of water quality is an ''internal tribal matter'' under MICSA over which the State of Maine does not have jurisdiction in the Passamaquoddy and Penobscot Indian Territories. As noted in the DOI opinion, MICSA incorporates the terms of the Maine Implementing Act, 30 M.R.S.A. sections 6201–6214 (MIA), when describing the jurisdictional relationship between the State and the Passamaquoddy Tribe and Penobscot Nation. 25 U.S.C. 1725. The MIA provides that ''Except as otherwise provided in this Act, all Indians, Indian nations, and tribes and bands of Indians in the State and any lands or other natural resources owned by them, held in trust for them by the United States or by any other person or entity shall be subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State to the same extent as any other person or lands or other natural resources therein.'' 30 MRSA section 6204. In section 6206, the MIA specifically provides that with regard only to the Passamaquoddy Tribe and the Penobscot Nation that ''internal tribal matters, including membership in the respective tribe or nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections and the use or disposition of settlement fund income shall not be subject to regulation by the State.'' MICSA and MIA contain other provisions that provide for the exercise of tribal authority separate and distinct from the civil and criminal jurisdiction of the State. Commenters may wish to read the DOI opinion, which explains the basis for its conclusion.

EPA notes that if it adopts DOI's analysis and denies the State application as to Passamaquoddy and Penobscot Indian Territory, EPA would retain the authority to administer the NPDES program in these Territories. If EPA were to deny Maine's application as to the Indian Territories, the next question becomes where would the State's program apply and where would EPA retain permitting authority? EPA recognizes that facilities that need a discharge permit would need to know whether to apply or reapply to the State or EPA for an NPDES permit. Understanding that jurisdictional boundaries are primarily an intergovernmental issue of concern of the Tribes, the State, and the federal government, EPA seeks comment on the geographical extent of Passamaquoddy and Penobscot Indian Territories.

Other Issues

Regardless of what areas it may approve the State of Maine to administer, EPA would retain significant oversight authority. EPA would exercise such oversight responsibilities consistent with the federal government's trust responsibility to federally-recognized Indian Tribes. To that end, EPA intends to negotiate a Memorandum of Understanding with each of the Maine Tribes outlining how EPA will consult with all of the Tribes to understand their concerns about administration of the NPDES program under the Clean Water Act. EPA has placed a proposed draft of this Memorandum in the docket available to the public and will be consulting with the Maine Tribes on the terms of the Memorandum. EPA notes that the draft Memorandum addresses potential water quality effects on all of the Tribes in Maine. This form of the draft is not intended to suggest that EPA has prejudged whether EPA will approve Maine to administer its program in the Territories of the Passamaquoddy Tribe and the Penobscot Nation. The memorandum is drafted broadly to address all of EPA's oversight responsibilities in the State. A Tribe may have concerns not only about the State's administration of the program within tribal lands, but also about the effects of state administration of its program in state waters that are upstream from, or that otherwise affect water quality in, tribal lands and territories.

Whatever decision EPA makes the Agency will have to address practical implementation issues. EPA seeks comment on those issues.

Other Federal Statutes

Nothing in this extension of the public comment period changes any of the analyses or findings concerning other federal statutes which EPA made in its notice of December 30, 1999. See 64 FR 73554–73555.

Authority: This action is prepared under the authority of section 402 of the Clean Water Act as amended, 42 U.S.C. 1342.

Dated: June 20, 2000.

Mindy S. Lubber,

Regional Administrator, Region I.

[FR Doc. 00–16365 Filed 6–27–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 00–1401]

New Filing Window for MDS and ITFS Applications for Two-Way Operations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document postpones the July 3 through July 10, 2000 filing window for MDS and ITFS applications for two-way operations. The new filing

window will begin August 14, 2000 and end August 18, 2000.

DATES: The new window filing opportunity begins August 14, 2000 and ends August 18, 2000.

FOR FURTHER INFORMATION CONTACT: David Roberts, Video Services Division, Mass Media Bureau at (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a summary of a Order released June 23, 2000. It does not include attachments. The complete text of the Order is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov.

The Mass Media Bureau announces a postponement of the July 3 through July 10, 2000 filing window for MDS and ITFS applications for two-way operations. The new filing window will begin August 14, 2000 and end August 18, 2000. However, in order to permit commercial operators to fulfill their business plans which were created in reliance upon the timelines set forth in previous Commission Orders and Public Notice, the Commission will permit MDS operators, starting July 3, 2000, to file applications for two-way authority for Channels 1, 2 and 2a upstream. Such commercial applicants should have consents for downstream transmissions from all affected parties. In addition, we will permit ITFS operators the opportunity to file for developmental authority to begin two-way service.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00–16324 Filed 6–27–00; 8:45 am]

BILLING CODE 6712–01–P

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 940. 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.: 011367–018.

Title: Colombia Discussion Agreement.

Parties:

Frontier Liner services, Inc.
Crowley Liner Services, Inc.
King Ocean Services, S.A. d/b/a King Ocean de Colombia
Hamburg-Sudamerikanische Dampfschifffahrtsgesellschaft Eggert & Amsinck d/b/a Crowley American Transport
A.P. Moller-Maersk Sealand
Seaboard Marine Ltd.
American President Lines, Ltd.

Synopsis: The proposed amendment would allow the parties to negotiate and agree on joint service contracts while retaining the right to negotiate service contracts with non-members who belong to the Colombia Independent Carrier Agreement. The parties are not required to agree to or adhere to any rates, terms or conditions except those entered into pursuant to such service contracts.

Agreement No.: 011528–016.

Title: Japan/United States Eastbound Freight Conference.

Parties:

American President Lines, Ltd.
Hapag-Lloyd Container Line GmbH
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
A.P. Moller-Maersk Sealand
Nippon Yusen Kaisha
Orient Overseas Container Line, Inc.
P&O Nedlloyd B.V.
P&O Nedlloyd Limited
Wallenius Wilhelmsen Lines AS

Synopsis: The proposed amendment would further extend the suspension of the Agreement for an additional six-month period through January 31, 2001.

Dated: June 23, 2000.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–16389 Filed 6–27–00; 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 Ocean Transportation Intermediary Applicants:

F.M.I. Cargo Shipping, Inc., 1022 W. Irving Park Road, Bensenville, IL 60106. Officers: Felix Wong, Secretary (Qualifying Individual); Wai-Fan Yeung, President.

DVN Carriers, LP, 6802 Mapleridge Street, Suite 207, Bellaire, TX 77401. Officers: C. Rider Griswold, Managing Partner; Madelaine Griswold, Partner.

Jenkar International Freight Ltd., 150–30 132nd Avenue, Jamaica, NY 11434. Officers: Donald James Wolfe, Director (Qualifying Individual).

Ocean Freight Forwarders—Ocean Transportation Intermediary Applicants:

Farris Customs Brokers, Inc., 13591 McGregor Bl., Suite 20, Fort Myers, FL 33912. Officers: Donald G. Farris, Sr., Vice President (Qualifying Individual); Carolyn D. Wilmot, President.

Cargomar Overseas, Inc., 1325 N.W. 78 Avenue, Suite 100, Miami, FL 33126. Officer: Atilio C. Fernandez, President (Qualifying Individual).

Ohlson International Logistics Incorporated, 960 Lunt Avenue, Elk Grove Village, IL 60007. Officers: Michael J. Ohlson, President (Qualifying Individual); Joseph Calabria, Vice President.

Dated: June 23, 2000.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 00–16388 Filed 6–27–00; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Children's Online Privacy Protection Safe Harbor Proposed Self-Regulatory Guidelines; ESRB Privacy Online, a Division of the Entertainment Software Rating Board

AGENCY: Federal Trade Commission.

ACTION: Notice of Proposed ''Safe Harbor'' Guidelines and Request for Public Comment.

SUMMARY: The Federal Trade Commission publishes this notice and request for public comment concerning proposed self-regulatory guidelines submitted by ESRB Privacy Online, a division of the Entertainment Software Rating Board (''ESRB''), under the safe harbor provision of the Children's

Online Privacy Protection Rule, 16 CFR 312.10.

DATES: Written comments must be submitted on or before July 31, 2000. Comments will be posted on the Commission's web site: <http://www.ftc.gov>.

ADDRESSES: Written comments should be submitted to: Secretary, Federal Trade Commission, Room H–159, 600 Pennsylvania Avenue, NW, Washington, DC 20580. The Commission requests that commenters submit the original plus five copies, if feasible. To enable prompt review and public access, comments also should be submitted, if possible, in electronic form, on either a 5¼ or a 3½ inch computer disk, with a disk label stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS or Windows are preferred. Files from other operating systems should be submitted in ASCII text format.) Alternatively, the Commission will accept comments submitted to the following e-mail address, <*safeharbor@ftc.gov*>. Individual members of the public filing comments need not submit multiple copies or comments in electronic form. All submissions should be captioned: ''ESRB Safe Harbor Proposal—Comment, P004504.''

FOR FURTHER INFORMATION CONTACT: Toby Levin, (202) 326–3156, Abbe Goldstein, (202) 326–3423, or Karen Muoio, (202) 326–2491, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 601 Pennsylvania Ave., NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On October 20, 1999, the Commission issued its final Rule [1] pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501, *et seq.* The Rule requires certain web site operators to post privacy policies, provide notice, and obtain parental consent prior to collecting, using, or disseminating personal information from children. The Rule contains a ''safe harbor'' provision enabling industry groups or others to submit self-regulatory guidelines that would implement the protections of the Rule to the commission for approval.[2]

Pursuant to Section 312.10 of the Rule, ESRB has submitted proposed self-regulatory guidelines to the Commission for approval. The full text of the proposed guidelines is available on the Commission's website, <*www.ftc.gov*>.

Section B. Questions on the Proposed Guidelines

The Commission is seeking comment on various aspects of the proposed guidelines, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the public and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the numbers and subsection of the questions being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Please provide comment on any or all of the provisions in the proposed guidelines. For each provision commented on please describe (a) the impact of the provision(s) (including any benefits and costs), if any, and (b) what alternatives, if any, ESRB, should consider, as well as the costs and benefits of those alternatives.

2. Do the provisions of the proposed guidelines governing operators' information practices provide ''the same or greater protections for children'' as those contained in Sections 312.2–312.8 of the Rule? [3] Where possible, please cite the relevant sections of both the Rule and the proposed guidelines.

3. Are the mechanisms used to assess operators' compliance with the guidelines effective? [4] If not, please describe (a) how the proposed guidelines could be modified to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

4. Are the incentives for operators' compliance with the guidelines effective? [5] If not, please describe (a) how the proposed guidelines could be modified to satisfy the Rule's requirements, and (b) the costs and benefits of those modifications.

5. Do the guidelines provide adequate means for resolving consumer complaints? If not, please describe (a) how the proposed guidelines could be modified to resolve consumer complaints adequately, and (b) the costs and benefits of those modifications.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 00–16307 Filed 6–27–00; 8:45 am]

BILLING CODE 6750–01–M

[1] 64 FR 59888 (1999).

[2] *See* 16 CFR 312.10; 64 FR 59906–59908, 59915.

[3] *See* 16 CFR 312.10(b)(1); 64 FR 59915.

[4] *See* 16 CFR 312.10(b)(2); 64 FR 59915.

[5] *See* 16 CFR 312.10(b)(3); 64 FR 59915.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 00100]

Community-Based Strategies To Increase HIV Testing of Persons at High Risk in Communities of Color; Notice of Availability of Funds

A. Purpose

Why Are These Funds Being Offered?

For fiscal year 2000, the Centers for Disease Control and Prevention (CDC) is offering funds to community-based organizations (CBOs) to implement innovative strategies to increase the number of high-risk persons who receive HIV prevention counseling, testing, and referral services. These CBOs should be working in communities of color (African Americans, Hispanics, American Indians, Asian and Pacific Islanders) and focus special emphasis on trying to reach those who are HIV positive and do not know their status.

Goals

1. To strengthen HIV prevention services provided by CBOs in communities of color which have very high risk of HIV infection.
2. To increase community-based HIV counseling, testing, and referral services.
3. To increase the number of high-risk persons who are tested for HIV infection and find out the test results.
4. To promote successful partnerships to improve HIV testing and prevention efforts.

B. Eligible Applicants

Who Can Apply?

To Be Able To Apply, You Must

1. Have a current non-profit status under Internal Revenue Service Code Section 501(c)(3).
2. Be located in and provide services to communities of color that are in the 40 metropolitan statistical areas (MSAs) with the highest prevalence of reported AIDS cases in communities of color as of 1998 or in any of the counties or cities that had the most syphilis cases in 1999 (see below for a list of the MSAs and high syphilis counties).
3. Have more than half of your executive board or governing group filled by members of the racial/ethnic population you plan to serve.
4. Have more than half of your key management, supervisory, and administrative positions (for example,

executive, program, fiscal director positions), and more than half of your key service positions (for example, outreach worker, case manager, counselor, group facilitator) filled by members of the racial/ethnic population you plan to serve.

5. Be able to show that your organization has provided HIV prevention or care services to the targeted population for 2 years or more.

6. Have a current letter of support from the health department that shows you have discussed with them the details of your proposed counseling, testing, and referral activities and that you agree to follow the health department's guidelines for these services. If your organization is selected for funding, you will need a formal memorandum of agreement with the health department. (See below for more detailed information on working with the health department.)

7. Not request more than $250,000, including indirect costs.

8. Not be a government or municipal agency (including a health department, school board, or public hospital), a private or public university or college, or a private hospital.

You can apply on your own or with one or more CBOs as a coalition. The term coalition, for this announcement, means a group of organizations working together, where each organization has a clearly defined activity assigned to them from the overall program plan. All groups share program responsibilities, but the organization applying for funds must take the lead and perform a substantial portion of the program activities. The lead organization must meet all of the requirements listed above. Groups that are to be a part of the coalition must meet the requirement in #2 in this section.

For this announcement, only those organizations that are in the following 40 high AIDS prevalence MSAs for 1998 or the 25 high syphilis counties for 1999 are eligible to apply (because there is overlap between the MSAs and syphilis counties, only nine of the syphilis counties are listed separately). In the following list, counties, municipalities, and cities (in parentheses) and contact names, phone numbers, and e-mail addresses are included for each MSA and high syphilis county. The list is separated by state. City names connected with a hyphen indicate one MSA.

MSAs

New York: Nassau-Suffolk (Nassau and Suffolk); New York City (Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, Westchester); Rochester (Genesee, Livingston, Monroe, Ontario, Orleans, Wayne); Contact: Maria Favuzzi, 212–788–4224; e-mail: mfavuzzi@dohlan.cn.ci.nyc.ny.us.

California: Los Angeles-Long Beach (Los Angeles); Oakland (Alemeda, Contra Costa); Orange County (Orange); Riverside-San Bernadino (Riverside, San Bernadino); San Francisco (Marin, San Francisco, San Mateo); San Diego (San Diego); Contacts: California: Mary Geary, 916–327–3243; e-mail: mgeary@dhs.ca.gov; San Francisco: Marise Rodrigues, 415–554–9176; e-mail: marise—rodriguez@dph.sf.ca.us; Los Angeles: Charles L. Henry, 213–351–8001; e-mail: chenry@dhs.co.la.ca.us, fax: 213–387–0912.

Florida: Fort Lauderdale (Broward); Jacksonville (Clay, Duval, Nassau, St. Johns); Miami (Dade); Orlando (Lake, Orange, Osceola, Seminole); Tampa-St. Petersburg-Clearwater (Hernando, Hillsborough, Pasco, Pinellas); West Palm Beach-Boca Raton (Palm Beach); Contact: Marlene Lalota, 850–245–4423; e-mail: marlene_lalota@doh.state.fl.us.

Washington, D.C./Maryland/Virginia/West Virginia: Washington, D.C. (District of Columbia; Calvert, Charles, Frederick, Montgomery, Prince George's, MD; Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudoun, Prince William, Spotsylvania, Stafford, Warren, Alexandria city, Fairfax city, Falls Church city, Fredericksburg city, Manassas city, Manassas Park city, VA; Berkeley, Jefferson, WV); Norfolk-Virginia Beach, Newport-News (Currituck, NC; Gloucester, Isle of Wight, James city, Mathews, York, Chesapeake city, Hampton city, Newport News city, Norfolk city, Poquoson city, Portsmouth city, Suffolk city, Virginia Beach city, Williamsburg city, VA); Richmond-Petersburg (Charles city, Chesterfield, Dinwiddie, Goochland, Haqnover, Henrico, New Kent, Powhatan, Prince George, Colonial Heights city, Hopewell city, Petersburg city, Richmond city, VA); Contacts: District of Columbia: Donald Jones, 202–727–2500; Virginia: Teresa Henry, 804–371–4119; e-mail: thenry@vdh.state.va.us; West Virginia: Loretta Haddy 304–558–5358; e-mail: lorettahaddy@wvdhhr.org; Maryland: Gary Wunderlich, 410–767–5287; e-mail: wunderlichg@dhmh.state.md.us.

New Jersey/Pennsylvania: Bergen-Passaic (Bergen, Passaic); Middlesex-Somerset-Hunterdon (Hunterdon, Middlesex, Somerset); Jersey City (Hudson); Newark (Essex, Morris, Susses, Union, Warren); Philadelphia (Burlington, Camden, Gloucester, Salem, NJ; Bucks, Chester, Delaware, Montgomery, Philadelphia, PA); Contacts: New Jersey: Laurence E. Ganges, 609–984–6125; e-mail: lganges@doh.state.nj.us; Philadelphia: Jeffrey Jenne, 212–685–5639; e-mail: jeffrey.jenne@phila.gov.

Puerto Rico: San Juan (Aguas Buenas, Barceloneta, Bayamon, Canovanas, Carolina, Catano, Ceiba, Comerio, Corozal, Dorado, Fajardo, Florida, Guaynabo, Humacao, Juncos, Las Piedras, Loiza, Luquillo, Manati, Morovis, Naguabo, Naranjito, Rio Grande, San Juan, Toa Alta, Toa Baja, Trujillo Alto, Vega Alta, Vega Baja, Yabucoa); Contact: Orlando Lopez, 787–274–5502; e-mail: olopez@salud.gov.pr.

Maryland: Baltimore (Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Anne's, Baltimore City); Contact: Gary Wunderlich, 410–767–5287; e-mail: wunderlichg@dhmh.state.md.us.

Illinois: Chicago (Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Will); Contacts: Illinois: Sharon Pierce, 217–524–5983; e-mail: spierce@idph.state.il.us.

Chicago: Janice Johnson, 312–747–0120; e-mail: john248w@aol.com.

Georgia: Atlanta (Barrow, Bartow, Carroll, Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Pickens, Rockdale, Spalding, Walton); Contact: Miguel Miranda, 404–657–3100; e-mail: mamiranda@dhr.state.ga.us.

Texas: Austin (Bastrop, Caldwell, Hays, Travis, Williamson); Dallas (Collin, Dallas, Denton, Ellis, Henderson, Hunt, Kaufman, Rockwall); Houston (Chambers, Fort Bend, Harris, Liberty, Montgomery, Waller); San Antonio (Bexar, Comal, Guadalupe, Wilson); Contacts: Texas: Casey Blass or Janna Zumbrun, 512–490–2515; e-mails: casey.blass@tdh.state.tx.us or janna.zumbrun@tdh.state.tx.us. Houston: Lupita Thornton, 713–798–0829; e-mail: lthornton@hlt.ci.houston.tx.us.

Massachusetts/New Hampshire: Boston-Worcester-Lawrence-Lowell-Brockton (Bristol, Essex, Middlesex, Norfolk, Plymouth, Suffolk, Worcester, MA; Hillsborough, Rockingham, Strafford, NH); Contacts: Massachusetts: Jean McGuire, 6171–624–5303; e-mail: jean.mcguire@state.ma.us; New Hampshire: David R. Ayotte, 603–271–4481; e-mail: dayotte@dhhs.state.nh.us.

Connecticut: Hartford (Hartford, Middlesex, Tolland); New Haven-Bridgeport-Stamford-Danbury-Waterbury (Fairfield, New Haven); Contact: Richard Melchreit, 860–509–7800; e-mail: richard.melchreit@po.state.ct.us.

Michigan: Detroit (Lapeer, Macomb, Monroe, Oakland, St. Clair, Wayne); Contact: Loretta Davis-Satterla, 517–335–9673.

Louisiana: New Orleans (Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany); Contact: Daphne LeSage 504–568–7474; e-mail: dlesage@dhhmail.dhhstate.la.us.

Tennessee/Arkansas/Mississippi: Memphis-Arkansas-Mississippi (Crittenden, AR; DeSoto, MS; Fayette, Shelby, Tipton, TN); Contact: Tennessee: Richard E. Cochran, 615–741–7764; e-mail: rcochran@mail.state.tn.us; Arkansas: John Chmielewski, 501–661–2666; e-mail: jchmielewski@mail.doh.state.ar.us; Mississippi: Craig Thompson, 601–576–7711; e-mail: craig.thompson@msdh.state.ms.us.

Missouri/Illinois: St. Louis-Illinois (Clinton, Jersey, Madison, Monroe, St. Clair, IL; Franklin, Jefferson, Lincoln, St. Charles, St. Louis, Warren, St. Louis city, MO); Contact: Missouri: Mary Menges, 573–751–6141; e-mail: mengem@mail.health.state.mo.us; Illinois: Sharon Pierce, 217–524–5983; spierce@idph.state.il.us.

Ohio: Cleveland-Lorain-Elyria (Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina); Contact: Lee Evans, 614–644–1850; e-mail: eevans@gw.odh.state.oh.us

South Carolina: Columbia (Lexington, Richland); Contact: Linda Kettinger, 803–898–0625; e-mail: kettinld@columb60.dhec.state.sc.us.

High Syphilis Counties

Arizona: Maricopa County; Contact: Ann Gardner or Lee Connelly, 602–230–5819; e-mails: agardne@hs.state.az.us; lconnel@hs.state.az.us.

Indiana: Marion County; Contact: Michael Butler, 317–233-7867; e-mail: mbutler@isdh.state.in.us.

Kentucky: Jefferson County; Contact: Gary Kupchinsky, 502–564–6539; e-mail: gary.kupchinsky@mail.state.ky.

Mississippi: Hinds County, Contact: Craig Thompson, 601–576-7711; e-mail: craig.thompson@msdh.state.ms.us.

North Carolina: Guilford and Mecklenburg Counties; Guilford: Harold Gabel, 336–373–3283; e-mail: hgabel@mail.co.guilford.nc.us; Mecklenburg: Peter Safer, 704–336–4700; safir@mindspring.com.

Oklahoma: Oklahoma City; Contact: Bill Pierson, 405–271-4636; e-mail: billp@health.state.ok.us.

Virginia: Danville City; Contact: Teresa Henry, 804–371–4119; e-mail: thenry@vdh.state.va.us.

Washington: King County; Contact: Karen Hartfield, 206–296-4649; e-mail: karen.hartfield@metrokc.gov.

Wisconsin: Milwaukee City, Contact: Kathleen Krchnavek, 608–267–3583; e-mail: krchnka@dhfs.state.wi.us.

Working With the Health Department

HIV prevention counseling, testing, and referral are complicated program activities with important legal, medical, and ethical implications. Health departments have been providing these services since the mid 1980s. During these years, they have developed policies, procedures, guidelines, and performance standards for counseling, testing, and referral that are responsive to the specific laws and other issues in their state. Health departments have a legal responsibility to ensure adherence to these policies, procedures, guidelines, and performance standards. If you receive funding under this announcement, you are required to work with the health department that is located in your area. CDC will help you establish this partnership. The following lists what you must do as an applicant and if you are selected for funding.

Applicant:

1. Talk with the health department about the details of your proposed counseling, testing and referral procedures, and research the health department's policies and guidelines for these services. Your proposed program should be responsive to these requirements.

2. Include in your application a letter of support from the health department showing you have discussed with them the details of your proposed counseling, testing, and referral activities and that you agree to follow the health department's guidelines for all of these services (examples include, but are not limited to informed consent, anonymous versus confidential testing, training of counselors, confidentiality, surveillance reporting, laboratory processing).

If Funded:

1. Obtain an official memorandum of agreement with the health department.

2. Report to the health department on your activities. The health department will have the forms you need. Information you need to gather will generally include the following, but may vary between health departments: state, site type, site number, date of visit, sex, race/ethnicity, age, reason for visit, risk for HIV infection, whether client accepted testing, results of test, whether post-test counseling occurred, date of post-test counseling and state, county, and zip code of client residence.

3. Work with the health department to meet their training standards if your organization's staff needs training in how to do HIV prevention counseling, testing, and referral. You must follow the health department's guidelines.

In those locations where there are Prevention for HIV-Infected Persons (PHIP) Demonstration Projects, funded organizations will be asked to work in collaborative relationship with the health department-funded PHIP project. The jurisdictions funded under the PHIP project include California, Maryland, Wisconsin, the City of San Francisco, and Los Angeles County. CDC will assist you in making contact with these PHIP projects.

Note: You can only submit one application. If you apply alone and as part of a group, your application will not be considered and will be returned to you. Your organization can apply for this funding even if you are currently receiving funding from CDC; however, you must still meet all of the requirements above.

Note: Your application will not be considered for funding if it (1) does not meet any one of the items listed above, (2) asks for funds to support only administrative and not program implementation costs, or (3) asks for more than $250,000, including indirect costs. No organization will receive more than $250,000 for the first year. Also, 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

How Much Money Is Available?

About $8 million is available for awards for fiscal year 2000. Those CBOs who are selected will receive funding in September 2000. The funds are to be used during a budget time frame of 12 months.

Note: Funding estimates may change based on the availability of funds.

Your organization's project may be continued for a total of 4 years (that is to say, 2000, 2001, 2002, 2003) under this agreement. Funding at the same level after the first year is based on the amount of funds available to CDC and your success and/or progress in meeting your goals and objectives. You must keep track of your successes by writing reports and sending them to CDC. Also, CDC staff may visit your organization to learn about your activities. When asking for subsequent funding, you must again show CDC that you still meet the requirements stated under ''Who Can Apply?''

CDC is committed to working with CBOs in these activities and to ensuring

that these funds are distributed in a way that matches the geographic locations and risk behaviors where the epidemic is widespread.

How Is the Money To Be Used?

This funding must be used to help communities of color which have high rates of HIV infection or whose members are at a high risk of infection and do not know their status. These funds are intended to increase the number of high-risk persons who get tested for HIV and, as a result, learn their HIV status. They also are intended to support HIV prevention counseling and referral for these persons and their sex or needle-sharing partners, as needed.

Note: You cannot use these funds to give medical care (for example, substance abuse treatment, medical treatment, or medications).

Part of the funding received through this announcement can be used to hire one or more contractors or to support coalition partners to help with specific activities; however, you, not the contract organization(s) or the coalition partner, must carry out most of the activities (including managing the program and activities) paid for with this funding.

D. Program Requirements

Recipient Activities—What Activities Must My CBO Do?

Prevention Priority Activities

1. Reaching Your Clients.
2. Counseling and Testing.
3. Referral and Linkages With Other Service Providers.
4. Partner Counseling and Referral Services.
5. Training, Quality Assurance, and Program Monitoring and Evaluation.

1. Reaching Your Clients

There are many activities you might implement to reach those persons who are at a high risk of becoming HIV infected or who are already infected but don't know that they are. Services should be provided in a setting that is comfortable and accessible to your clients. Reaching out to promote easy access will help to inform and encourage these persons to use the HIV prevention services that are available. In your proposed program, you will need to include details of how you plan to reach these sometimes hard-to-reach persons and make counseling, testing, and referral services more easily accessible to them.

2. Counseling and Testing

Your proposed activities must meet all local and state legal requirements for HIV prevention counseling, testing, and referral services and should address how you intend to provide these services in areas with a high rate of HIV infection, AIDS cases, or high-risk activities. You may choose to provide services in your facility or make services available in areas where these persons live, work, and gather (for example, street outreach using mobile vans, testing in housing projects, testing in parks). Your proposed activities should include plans on how to train staff to:

a. Give persons client-centered prevention counseling, testing, and referral services as outlined in CDC guidance (see section I. Where Can I Get More Information for a list of helpful publications).

b. Follow up with those who have not returned to find out if they are infected with HIV or to receive post-test counseling.

c. Gather information on your activities to give to the health department and CDC. Your health department will give you the reporting forms you need.

Note: Funds from this cooperative agreement cannot be used for ongoing counseling sessions. Your proposed plans should include a way to refer persons who are HIV infected or at a high risk of infection for extended counseling.

Some of the newest rapid test technologies greatly improve testing efforts. As reported in CDC's Morbidity and Mortality Weekly Report (March 27, 1998/47(11); 211–215), the use of the rapid test with same-day results for HIV screening in clinical-care settings can substantially improve the delivery of counseling and testing services * * * providing preliminary positive results also increases the number of infected persons who ultimately learn their infection status and can be referred for medical treatment and prevention services. These tests can be especially effective in outreach activities and consideration should be given to using them. Discuss your proposed testing methods with your health department. CDC will provide more information on rapid tests to those organizations selected for funding.

3. Referral and Linkages With Other Service Providers

Those persons who are at a high risk of HIV or are infected with the virus will need more services than will be supported by this funding. To meet needs such as ongoing counseling or medical care, you must:

a. Provide referrals for ongoing counseling and other services to meet their needs (for example, sexually transmitted disease [STD] and tuberculosis screening and treatment, prevention services, mental health services, substance abuse treatment).

b. Be able to track and report how many HIV-infected persons acted on the referral you provided and are receiving services as a result of the referral.

c. Keep your referral lists up to date.

Note: Because rates of both HIV and STDs are high, prevention programs that include both of these are better able to meet the needs of the target population(s). If your organization does not do STD testing and treatment, then you must find out who in your area does and work closely with them so you can refer your clients when necessary.

4. Partner Counseling and Referral Services

Sex and needle-sharing partners of HIV infected persons should be told of their risk and be offered HIV prevention counseling, testing, and referral services. Training and experience are necessary to be able to offer this service. If your organization does not have this training or experience, you must work with the health department to determine the best plan for providing partner notification services. Some states require that only the health department provide these services. If you will provide this service, you must obtain and follow the health department's guidelines, protocols, procedures, and performance standards for partner counseling and referral. If you do not follow certain guidelines, you could be breaking state laws concerning privacy. Contact the health department for a complete list of requirements.

5. Training, Quality Assurance, and Program Monitoring and Evaluation

Staff who will provide HIV counseling, testing, partner counseling, and referral services must be appropriately trained. Also, checking to see how good a job you are doing and continuing to learn ways to improve your program are ongoing parts of this cooperative agreement. It is suggested that if selected for funding, you invest approximately five percent of the funds for training, quality assurance, and program monitoring and evaluation.

Your proposed program should address how you would:

a. Keep track of the training your staff receives in pre- and post-test HIV prevention counseling and referral and partner counseling and referral.

b. Check on whether staff are following guidelines on how to provide pre- and post-test HIV prevention counseling and partner counseling and referral (for example, have management sit in on a counseling session).

c. Check on whether staff are following guidelines on testing methods and laboratory processing.

d. Determine if objectives, as defined in your application, are being met.

e. Find out if persons who test positive for HIV infection returned to get their test results.

f. Know if your services are meeting the needs of the target population. Surveys and focus groups are a good way to collect this information from your clients.

g. Gather information required by the health department that covers each episode of HIV prevention counseling and testing you provide. Following is the type of information that should be included: state, site type, site number, date of visit, gender, race/ethnicity, age, reason for visit, risk for HIV infection, whether client accepted testing, results of test, whether post-test HIV prevention counseling occurred, date of post-test HIV prevention counseling and state, county, and zip code of client residence.

CDC Activities—How Will CDC Help?

If you are selected for funding, CDC will support you by:

1. Providing assistance and consultation on program and administrative issues through its partnerships with health departments, national and regional minority organizations, contractors, and other national and local organizations.

2. Meeting with you to find out what your training needs are and working with you to ensure those needs are met.

Note: CDC will work with state and local health departments to provide training either directly or through its network of HIV/STD prevention training centers. This service is available to persons who supervise, manage, and perform partner counseling and referral and other outreach activities and for staff who provide direct patient care.

3. Sharing the most up-to-date scientific information on risk factors for HIV infection and prevention measures, and successful program strategies to help prevent HIV infection.

4. Providing assistance and information if you choose to use the new rapid test technologies.

5. Helping you establish partnerships with state and local health departments, community planning groups, and other groups who receive federal funding to support HIV/AIDS activities.

6. Making sure that successful prevention interventions, program models, and lessons learned are shared between grantees through meetings, workshops, conferences, newsletter development, Internet, and other avenues of communication.

7. Overseeing your success in program and fiscal activities, protection of client privacy, and compliance with other requirements that apply to your organization.

E. Application Content

What Do I Include in My Application and How Should It Look?

Note: Applications that do not follow the instructions and format below will be returned without being reviewed.

Application Instructions

For your application to be considered for funding, you must include all of the following parts of the proposal: (1) Table of Contents; (2) How Do I Show My Eligibility?; (3) What Do I Include in the Abstract?; (4) How Do I Write My Proposal? (Narrative); (5) Justification of Need (20 points; 6 pages); (6) Program Activities (40 points; 15 pages); (7) Training, Quality Assurance, and Program Monitoring and Evaluation (25 points; 8 pages); (8) Organization History and Experiences (15 points; 6 pages); and (9) How Much Will Your Proposed Program Cost (Budget).

Format Guidelines

You must:

1. Include page numbers throughout your application. Begin with the first page and number each page through to the last page of the last attachment.

2. Have a Table of Contents for the whole package you send in.

3. Begin each separate section of your application on a new page.

4. Not staple or bind the original document submission or the two (2) copies.

5. Type all materials in a 12 point type size, single spaced.

6. Use 8½ x 11 paper.

7. Set the margins at a minimum of 1 inch.

8. Use headers and footers, as needed.

9. Type on one side of the paper only.

Content Guidelines

The sections that follow give you the questions you have to answer to correctly prepare your application. There are four sections:

1. How Do I Show My Eligibility?
2. What Do I Include in the Submission Form?
3. How Do I Write My Proposal (Narrative)?
4. How Much Will My Proposed Program Cost and How Many Staff Do I Need?

When answering the questions below, you must:

1. Label each section, as indicated below, using the section title (for example, How Do I Show My Eligibility?) and, when appropriate, the name of the subsection (for example How Do I Write My Proposal [Narrative], Justification of Need).

2. Use the abbreviation N/A (not applicable), if a section does not apply to your application.

3. Include all information that is part of the basic plan (for example, activity timetables, staff program responsibilities, evaluation plans) in the main section of the application.

Note: Your application will be reviewed based on the answers you give to these questions. To be sure you get the best review of your application, follow the format provided below when writing your application. Please answer all questions with complete sentences that provide detailed information about your eligibility and proposed activities. Do not put basic information in attachments.

How Do I Show My Eligibility?

In this section, give us information about your organization. For example, your non-profit, tax exempt status; target population; goals; and location of your office and proposed target area within the 40 MSAs with the highest prevalence of AIDS for 1998 or the high syphilis areas as of 1999 (see B. Who Can Apply for a list of MSAs and high syphilis counties). This will let us know if you are eligible.

You must answer all of the following questions and provide any documents requested. If you do not provide all the materials requested, your application will not be reviewed and will be returned to you. Place the documents at the end of your application answers for this section. Do not place these documents with the attachments that you will include at the end of your application.

1. Is your organization located within and serving one of the MSAs with the highest prevalence of reported AIDS cases as of 1998 or one of the counties or cities with the highest syphilis cases as of 1999? If yes, which one?

2. Does your organization have a current, valid Internal Revenue Service (IRS) 501(c)(3) non-profit status?

Note: If you answer yes, you must attach a copy of the determination letter from the IRS at the end of this section. If your answer is no, you are not eligible to submit an application.

3. Has your organization provided HIV prevention or care services to the population you plan to target for two years or more?

Note: Attach to the end of this section a list of the HIV prevention or care services your organization has provided to the proposed target population and the time period during which each type of service was provided (for example, street outreach, July 1996-present).

4. Does your organization have an executive board or governing body with more than half of its members belonging

to the racial/ethnic minority population(s) you plan to serve?

Note: Attach to the end of this section a list of your board or governing body members, and indicate for each position held, race/ethnicity, profession, and gender.

5. Are more than half of key management, supervisory, and administrative positions (for example, executive director, program director, fiscal director) and more than half of key service provision positions (for example, outreach worker, prevention case manager, counselor, group facilitator) filled by persons belonging to the racial/ethnic minority population(s) you plan to serve?

Note: Attach a list of your current key staff at the end of this section. For each staff person listed, include his/her areas of expertise, role he/she will play in the proposed project, race/ethnicity, and gender. If you think you will need more staff to carry out your proposed plan, please provide a list of staff needed at the end of this section. Include expertise needed, the role they will fill, and race/ethnicity, as it applies.

6. Do you have a letter of support from the health department indicating that you have discussed with them your plans for HIV prevention counseling, testing, and referral services and that you agree to follow the health department's guidelines for these activities.

Note: Attach the letter from the health department to the end of this section. If you are selected for funding, you will have to have a formalized memorandum of agreement with the health department.

7. Is your organization applying alone or with other organizations in a coalition (this means a group of organizations working together, where each organization has a clearly defined activity assigned to them from the overall program plan)?

8. Is your organization currently funded under one of the following CDC Program Announcements: 99091, 99092, 99096, or 00023? If yes, list the amount of your award for each announcement and the cooperative agreement number?

9. Is your organization a government or municipal agency, a private or public university or college, or a private hospital? (If you answer yes, you are not eligible to apply.)

10. Is your organization included in the category described in section 501(c)(4) of the Internal Revenue Code of 1986 that engages in lobbying activities? (If you answer yes to this question, you are not eligible to apply.)

What Do I Include in the Submission Form?

The full application packet is available from The National Prevention Information Network (NPIN) at 1–800–458–5231 (TTY users: 1–800–243–7012) or their web site: www.cdcnpin.org/program. You can also send requests by fax to 1–888–282–7681 or e-mail to application-cbo@cdcnpin.org. This information is also posted on the Division of HIV/AIDS Prevention (DHAP) website at: http://www.cdc.gov/hiv/funding/00100. The application packet includes forms, instructions, guidance, and the submission form. The submission form includes a list of questions and a request for a short description of your target population and your proposed program plan. Your answers will not be scored, but will give us an idea of your overall plan. This will help in the review process. Your short description should be no more than 100 words and should tell us about:

1. The population you plan to target and the geographic area where they live.
2. The goals and the outcomes you expect to have as a result of the services you are going to provide.
3. A brief description/outline of what you plan to do.

How Do I Write My Proposal (Narrative)?

Your narrative should be no more than 35 pages. We have included the number of points attached to each section and a suggested number of pages. Sections can vary in length as long as the total number of pages in this section is no more than 35. The narrative should address the following areas.

Justification of Need

How is this section scored: You will be scored on what information you use and how you use it to demonstrate the need of the target population for your proposed program. Check with the health department for information on the HIV statistics and HIV needs assessment developed for the community planning process. Use this information when writing your answer for this section.

Suggested length: 6 pages.

Points for this section: 20 points.

Answer all of the following questions for this section.

1. How has your proposed target population been affected by the HIV/AIDS epidemic (for example, how many persons are infected with HIV, with AIDS, how many deaths have there been from AIDS, how do socioeconomics affect the population)? (5 points)
2. What are the behaviors and other characteristics of your target population that put them at a high risk of becoming infected with HIV or giving HIV to a needle-or sex-sharing partner (for example, unsafe sexual behaviors as indicated by rates of STDs, teen pregnancy rates, or assessments of risk behaviors; substance use rates; environmental, social, cultural, or language characteristics)? (5 points)
3. What are the barriers to accessing HIV prevention counseling and testing in your target population? How will you address these barriers? (5 points)
4. Which organizations in your area are providing similar services? Please describe their activities and how your proposed activities will further meet the needs of the target population or improve services provided. (2 points)
5. Is your proposed target population a priority population as indicated in the comprehensive HIV prevention plan developed through the community planning process? If not, please tell us why your proposed activities are needed? (3 points)

Program Activities

How is this section scored: We will look at whether or not your goals are likely to be achieved; that is to say, if your activities are sound, doable, creative, specific (how detailed you are in what you want to do), time-phased (have you set a time frame), and measurable (can you show that your activities made a difference). Remember that you will work with the health department and other organizations serving your proposed target population to carry out your program activities. As the applicant, you must describe how all planned services are to be provided either by you or together with another organization.

Suggested length: 15 pages.

Points for this section: 40 points.

Answer all of the following questions for this section.

What are your objectives and activities to accomplish your objectives for the first year (include objectives for each of the program areas: Reaching clients, counseling and testing, referral and linkages, partner counseling and referral services)? You must give objectives that can be measured (that is to say, you can show with numbers that progress is being made and the specific activities done to achieve each objective).

For Example: Objectives

Reaching clients: Reach No. high-risk persons with face-to-face information about the benefits of testing; Counseling and testing: Inform No. persons from the target population of their test results; Referral and linkages: Ensure that No. HIV-positive persons are able to get

medical services; Partner counseling and referral: Successfully notify No. partners of their risk and encourage testing. Refer No. of clients with HIV to the health department for partner counseling and referral services.

Reaching Your Clients (8 points):

1. What will you do to reach persons who have not been tested before and who are at a high risk because of their behaviors?
2. What steps will you take to build trust and credibility with the target population?
3. How will you get the target population to use your services?
4. How will you use the available social networks to help you provide counseling and testing services?

Counseling and Testing (10 points):

1. Will you offer confidential or anonymous testing?
2. What testing methods will you use?
3. How will you ensure that you have approval from a medical doctor for testing activities? (Letter of intent from a physician is required.)
4. How will you get the test specimens to a laboratory for processing (including agreements on transportation of specimens to lab, type of testing, and payment for processing fees)?
5. How will you collect and report testing information (you should follow the procedures outlined by the health department)?
6. How will you follow up with persons who use your services to make sure they receive their test results?
7. How will you implement HIV prevention counseling?

Referral and Linkages (6 points):

1. How will you help persons who are HIV infected or at a high risk of HIV get the treatment and other services they need (for example, medical, mental health, and drug use treatment)?
2. Which of your proposed activities will be carried out by those organizations working with you, whether they are part of an HIV prevention coalition, subcontractors, or non-paid partners? You must provide in your application a memorandum of agreement or letter of intent from all partnering organizations, as applicable.

Partner Counseling and Referral Services (5 points):

How will you ensure that partner counseling and referral services are provided?

Confidentiality (5 points):

What steps will you take to ensure the confidentiality of all records, information, and activities related to your clients?

Management and Staffing of the Program (3 points):

1. How will you manage your program?
2. What will be the roles and responsibilities of the staff?
3. What skills and experience does your staff have?
4. What are the roles and responsibilities of those organizations you want to work with you (staff responsibilities, skills, experience)?

Time Line (3 points):

What are the details of your time line? Include information on the most important steps in your project and the approximate dates for when a step is begun and expected to be completed.

Training, Quality Assurance, and Program Monitoring and Evaluation

How is this section scored: We will look at your overall plan to determine if your objectives are appropriate to your goals, if they are complete, sound in their methods, doable, specific, time phased (have you set a time frame), and measurable (can you show that your activities made a difference).

Suggested length: 8 pages.

Points for this section: 25 points.

In this section, discuss how you will address each of the requirements for training, quality assurance, and program monitoring and evaluation. With each goal and set of objectives, you also need to discuss activities, staffing/resources, data collection, and time line.

Answer all of the following questions for this section.

1. What will you do to make sure your staff gets the training they need? Give an estimate of the number of staff to be trained, which staff will be trained, and who will provide the training. (4 points)
2. How will you routinely monitor your staff's activities to determine if they are following established guidelines and protocols for pre-and post-test HIV prevention counseling and referral and testing methods and laboratory processing and what training they need? (3 points)
3. How will you determine and meet your organization's needs in the areas of capacity-building or technical assistance? (3 points)
4. How will you determine if you are meeting your objectives during the first year of operation? (4 points)
5. How will you measure whether your services are meeting the needs of the target population and if those you refer for services are using the referral? (3 points)
6. How will you monitor your activities and those of organizations working with you as a subcontractor or as collaborators? (4 points)
7. How will you collect information required by the health department on reaching your clients, counseling and testing, referrals and linkages, and partner counseling and referral services, and how will you use this information to improve your program? (4 points)

Organizational History and Experience

How is this section scored: We will look at the overall experience of your organization in working with the target population. This will include how much experience you have related to your proposed project.

Suggested length: 6 pages.

Points for this section: 15 points.

Answer all of the following questions for this section:

1. What are the specific kinds of health-related services, other than HIV prevention services, that you have provided your target population and for how long? (3 points)
2. What are the HIV prevention services (including HIV prevention counseling, testing, and referral services) that you have provided your target population and for how long? (2 points)
3. What other experience does your organization have in providing services to the target population, and for how long? (2 points)
4. What is your organization's experience in linking with other organizations for providing HIV care or prevention services and ongoing care, if needed, for your clients? (3 points)

Note: Please describe the types of services you want to make available and list the activities and materials your organization has that will meet these needs.

5. What experience does your organization have in record keeping of when and how services are provided, evaluating services, and marketing services to the target population? (3 points)
6. What experience does your organization have in improving the way services are delivered by finding and accessing other resources (for example, other organizations, materials, proven strategies)? (2 points)

How Much Will My Proposed Program Cost and How Many Staff Do I Need?

When preparing the budget, use Form 5161, 424A for the correct budget format. You can get this form by requesting a copy of the printed Program Announcement or from the Internet at:

http://www.cdc.gov/od/pgo/funding/funding.htm#HIV.

You must provide details of your budget for each activity you want to do. You must show how the operating costs will support the activities and objectives you propose. Your organization should have the capability to access the Internet and to download documents about HIV from CDC and other sites, as well as have electronic mail available. If you do not have this capability, you must provide a budget for purchasing this equipment. You should also include a budget for the type and number of staff you will need to successfully put into place your proposed activities. The following information and questions will help you in writing this part of the application.

1. What are your budget and staffing needs? This answer should provide the specifics of how you plan to spend funds. For example, how much funding is needed to provide services to the target population, how much is needed to operate your organization (staff, supplies), how much is needed for contracting with other organizations.

Note: CDC may not approve or fund all proposed activities. Give as much detail as possible to support each budget item. List each cost separately when possible.

2. If you are contracting with other organizations or are applying as a coalition, you must include in the budget the type and name (if known) of the organization(s); how you chose the organization(s); what activities they will do; why they are the best ones to do these activities; a detailed list of the funds you think you will need to pay the organization(s); why and how long you will use their services; and how you will keep track of what they are doing for you.

3. Provide a description for each job, including job title, function, general duties, and activities; the rate of pay and whether it is hourly or salary; and the level of effort and how much time will be spent on the activities (give this in a percentage, for example, 50% of time spent on evaluation). Also, if you already know names and titles of persons you will be working with, include this information and a resume, if available. If you don't have names yet, tell us how you plan to recruit these persons. For positions that are voluntary, give a description of the work the volunteers will be doing. Also include the experience and training that is available in relation to the proposed project.

4. If you ask for indirect costs, you must include a copy of your organization's current agreement concerning your negotiated Federal indirect cost rate.

What Other Materials Do I Need to Attach?

Any materials you include as attachments should be printed on one side of 8½ x 11 paper. Do not submit materials that are bound (for example, booklets or pamphlets, three-ring binders, or stapled). You will need to provide 2 copies of these attachments, also on 8½ x 11 paper and not bound. If your materials are bound, they will not be copied for the reviewer. The following is a list of additional materials:

1. A description of funds you receive from any other source to support your HIV/AIDS programs and other similar programs that target the same population included in your proposed plan. You must include: (a) The name of the organization/source of income, the amount of funding they give you, a very brief description of how you use the funds, and the budget and project period and (b) information that tells us that the funds you are requesting through this program announcement will not be used to replace funds received from any other Federal or non-Federal source.

Note: CDC-awarded funds can be used to expand or enhance services supported with other Federal or non-Federal funds.

2. Independent audit statements from a certified public accountant for the past 2 years (1998, 1999). If not audits, please provide completed IRS Form 990s for the last 2 years.

3. If you are part of a national organization, please include an original, signed letter from the chief executive officer of the national organization that states that they understand this program announcement and the responsibilities you will have if you are chosen for funding.

4. If you are working with other organizations (for example, community-based or referral), you must include a memorandum of understanding or agreement or a letter to show that the relationship is accepted by both organizations. This memorandum or letter should give details about the activities you propose to do with the organization. This must be submitted each year to show that you are still working with the organization.

F. Submission and Deadline

How Do I Submit My Application and When Is It Due?

You must send to us the original and two (2) copies of PHS 5161 (OMB Number 0937–0189). Forms are available at the following Internet address:

http://www.cdc.gov/od/pgo/forminfo.htm.

You must also send an original and two (2) copies of your application, including attachments.

Send your application to: Ron Van Duyne, Grants Management Branch, Procurement and Grants Office, Program Announcement 00100 (Belinda Hammond), Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, Georgia 30341–4146.

Application Deadline: August 7, 2000.

Your application will be accepted, if it has a postmark of August 7, 2000 that is from the U.S. Postal Service or a commercial carrier (no private meters will be accepted) and arrives in time to be given to the independent review group.

Late Applications: Applications that are not received on time, that do not have a readable postmark, have a postmark from a private meter machine, or arrive too late to be included in the independent review, will be considered late, will not be reviewed, and will be returned to the applicant.

To help CDC in the review process, we ask that you send to us by July 7, either through electronic mail, fax, or the U.S. Post Office a statement of your intent to apply for funding. Your statement should include your organization's name, address, and telephone and fax numbers. This statement is only to let CDC know of your interest in applying. It is not a commitment. Please send this information to the Project Officer and Grants Management Specialist listed in the Program/Business Assistance section below. Submitting this information is not a requirement, but will help CDC make sure we have enough and the most qualified reviewers for this announcement.

G. Evaluation Criteria

How Will My Application Be Scored?

Your application will not be compared to other applications. It will only be reviewed based on the information contained in section E. What Do I Include in My Application and How Should It Look? This will be done by an independent review group that is chosen by CDC. Before final award decisions are made, CDC may make general site visits to those CBOs who rank high on the initial scoring to look at your program, business management, or fiscal capabilities. CDC may also check with the health department and your organization's board of directors to find out more about

your organizational structure and the availability of needed services and support.

Technical Reporting Requirements

If you are selected for funding, you must let CDC know how you are doing by sending to us an original plus two (2) copies of:

1. Quarterly progress reports, no later than 30 days after the end of each 3-month period;
2. A financial status report, no later than 90 days after the end of each budget period;
3. Final financial report and performance report, no later than 90 days after the end of the project period; and
4. Reports on the numbers of HIV antibody counseling, testing, and referral activities you have done.

Note: Send all reports to the Grants Management Specialist identified in section I. Where Can I Get More Information.

H. Other Requirements

What Else Do I Have to Do?

The following are additional requirements that must be met if awarded a cooperative agreement under this announcement:

AR–4 HIV/AIDS Confidentiality Provisions
AR–5 HIV Program Review Panel Requirements
AR–7 Executive Order 12372 Review
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements

For more details on these requirements, please contact the Grants Management Specialist listed in the contact section of this announcement.

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a) and 317 of the Public Health Service Act, 42 U.S.C. 241(a) and 247(b) as amended. The Catalog of Federal Domestic Assistance Number is 93.939, HIV Prevention Activities—Non-Governmental Organization Based.

J. Where To Obtain Additional Information

Where Can I Get More Information?

CDC strongly suggests that you supplement this program announcement as it appears in the **Federal Register**, with a copy of the program announcement that is in an easy-to-use format, includes the necessary forms, and has additional information to help you through the process. For example, CDC has available a sample application to help guide you in writing your own proposal. Also, the following publications will help you write your application.

CDC Report of the NIH Panel to Define Principles of Therapy of HIV Infection and Guidelines for the Use of Antiretroviral Agents in HIV-Infected Adults and Adolescents. MMWR 1998;47 (No.RR–5)

www.cdc.gov/hiv/pubs/mmwr/mmwr1998.htm

HIV Counseling, Testing and Referral: Standards & Guidelines.

Centers for Disease Control and Prevention. U.S. Department of Health and Human Services. Atlanta, GA; 1994.

www.cdc.gov/hiv/pubs/hivctsrg.pdf

HIV Partner Counseling and Referral Services. Guidance. Centers for Disease Control and Prevention. U.S. Department of Health and Human Services. Atlanta, Georgia; December 1998.

http://www.cdc.gov/hiv/pubs/pcrs.htm

Public Health Service Guidelines for Counseling and Antibody Testing to Prevent HIV Infection and AIDS. Centers for Disease Control and Prevention. MMWR 1987, August 14;36:509–15.

www.cdc.gov/epo/mmwr/preview/mmwrhtml/00015088.htm

Quality Assurance of HIV Prevention Counseling in a Multi-Center Randomized Controlled Trial. Kamb ML, Dillon BA, Fishbein M, Willis KL. Public Health Reports 1996;111(S1):99–107.

Recommendations for HIV Testing Services for Inpatients and Outpatients in Acute-Care Hospital Settings. Centers for Disease Control and Prevention. 1993. MMWR Recommendations and Reports. U.S. Department of Health and Human Services, Atlanta, GA; Vol. 42, No. RR–2, January 15, 1993.

www.cdc.gov/hiv/pubs/mmwr/mmwr1993.htm

To request this easier-to-use version and additional written information, call The National Prevention Information Network (NPIN) at 1–800–458–5231 (TTY users: 1–800–243–7012) or visit their web site: www.cdcnpin.org/program *or* you can send requests by fax to 1–888–282–7681 or e-mail to application-cbo@cdcnpin.org

This information is also posted on the Division of HIV/AIDS Prevention (DHAP) website at:

http://www.cdc.gov/hiv/funding.htm

Forms in both PDF and word processing files are available at the CDC Procurement and Grants Office website:

http://www.cdc.gov/od/pgo/funding/funding.htm#HIV

CDC also maintains a Listserv (HIV-PREV) related to this program announcement. If you decide to subscribe to the HIV-PREV Listserv, you will be able to send questions and receive an answer and information through e-mail, including the latest news about the program announcement. Those questions asked most often will be posted to the DHAP Website. You can subscribe to the Listserv on-line or via e-mail by sending a message to: listserv@listserv.cdc.gov and writing the following in the body of the message: subscribe hiv-prev first name last name (for example, subscribe hiv-prev john smith).

For Program Technical Assistance: Contact: Ted Pestorius, Centers for Disease Control and Prevention, National Center for HIV, STD, and TB Prevention, Division of HIV/AIDS Prevention, Community Assistance, Planning, and National Partnerships Branch, 1600 Clifton Road, MS–E58, Atlanta, Georgia 30333, Telephone (404) 639–5215, E-mail: tpestorius@cdc.gov

For Business Questions: Contact: Belinda Hammond, Centers for Disease Control and Prevention, Procurement and Grants Office, Grants Management Branch, Program Announcement 00100, 2920 Brandywine Road, Room 3000, MS–E15, Atlanta, GA 30341–4146, Telephone (770) 488–2738, E-mail: bhammond@cdc.gov, DHAP Internet address: www.cdc.gov/hiv

Dated: June 22, 2000.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–16280 Filed 6–27–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): NORA Exploratory/Development Grants Program (R21), RFA–OH–00–006

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting.

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): National Occupational Research Agenda Exploratory/Development Grants Program (R21), RFA–OH–00–006.

Times and Dates: Noon–12:30 p.m., July 11, 2000 (Open). 12:30 p.m.–5 p.m., July 11, 2000 (Closed). 8 a.m.–Noon, July 12, 2000 (Closed).

Place: Embassy Suites, 1900 Diagonal Road, Alexandria, Virginia 22314.

Status: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to RFA–OH–00–006.

This notice is published less than 15 days in advance of the meeting due to administrative delays.

Contact person for more Information: Michael J. Galvin, Jr., Ph.D., Health Science Administrator, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, 1600 Clifton Road, N.E., m/s D30 Atlanta, Georgia 30333. Telephone 404/639–3525, e-mail mtg3@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: June 21, 2000.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention CDC.

[FR Doc. 00–16279 Filed 6–27–00; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Ceftiofur Sodium Injection for Goats; Availability of Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of effectiveness, target animal safety, and human food safety data that may be used in support of a new animal drug application (NADA) or supplemental NADA for veterinary prescription use of ceftiofur sodium injection for treatment of bacterial pneumonia in goats. The data, contained in Public Master File (PMF) 5671, were compiled under National Research Support Project-7 (NRSP–7), a national agricultural research program for obtaining clearances for use of new drugs in minor animal species and for special uses.

ADDRESSES: Submit NADA's or supplemental NADA's to the Document Control Unit (HFV–199), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855.

FOR FURTHER INFORMATION CONTACT: Naba K. Das, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7569.

SUPPLEMENTARY INFORMATION: Ceftiofur sodium injection, used for the treatment of goats for bacterial pneumonia, is a new animal drug under section 201(v) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(v)). As a new animal drug, ceftiofur sodium is subject to section 512 of the act (21 U.S.C. 360b), requiring that its uses in goats be the subject of an approved NADA or supplemental NADA. Goats are a minor species under § 514.1(d)(1)(ii) (21 CFR 514.1(d)(1)(ii)).

The NRSP–7 Project, Western Region, University of California, Davis, CA 95616, has provided target animal safety, effectiveness, and human food safety data for veterinary prescription use of ceftiofur sterile powder for reconstitution and injection in goats for treatment of bacterial pneumonia due to *Pasteurella* (*Mannheimia*) *haemolytica* and *P. multocida*. These data are contained in PMF 5671.

Under 21 CFR 25.15(d) and § 25.33(d)(4) (21 CFR 25.33(d)(4)), sponsors of NADA's and supplemental NADA's for drugs in minor species, including wildlife and endangered species, are categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement when the drug has been approved for use in another or the same species where similar animal management practices are used. The categorical exclusion applies unless, as in § 25.21 (21 CFR 25.21), extraordinary circumstances exist which indicate that the proposed action may significantly affect the quality of the human environment. Therefore, based upon information available, FDA agrees that when the application is submitted, the applicant may claim a categorical exclusion under § 25.33(d)(4) provided that the applicant can state that to the best of the applicant's knowledge, as in § 25.21, no extraordinary circumstances exist. It is assumed that the applicant has made a reasonable effort to determine that no extraordinary circumstances exist.

Sponsors of NADA's or supplemental NADA's may, without further authorization, reference the PMF to support approval of an application filed under § 514.1(d). An NADA or supplemental NADA must include, in addition to reference to the PMF, animal drug labeling and other information needed for approval, such as: Data supporting extrapolation from a major species in which the drug is currently approved or authorized reference to such data; data concerning manufacturing methods, facilities, and controls; and information addressing potential environmental impacts of the manufacturing process. Persons desiring more information concerning the PMF or requirements for approval of an NADA or supplement may contact Naba K. Das (address above).

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 19, 2000.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 00–16293 Filed 6–27–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1318]

Draft Guidance for Industry on Chronic Cutaneous Ulcer and Burn Wounds—Developing Products for Treatment; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Chronic Cutaneous Ulcer and Burn Wounds—Developing Products for Treatment.'' This draft document is intended to provide guidance on the development of drug and biological products intended to treat venous stasis ulcers, diabetic foot ulcers, pressure ulcers, and burn wounds. The draft guidance contains recommendations about labeling claims, outcome measures, trial design, and special considerations for preclinical development.

DATES: Submit written comments on the draft guidance by August 28, 2000. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. For information on how to obtain copies, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:
Maryjane Walling, Center for Drug Evaluation and Research (HFD–105), Food and Drug Administration, 9201 Corporate Blvd., Rockville, MD 20850, 301–827–2268;
Bette A. Goldman, Center for Biologics Evaluation and Research (HFM–500), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–5098; or
Charles N. Durfor, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–3090.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Chronic Cutaneous Ulcer and Burn Wounds—Developing Products for Treatment.'' This draft document is intended to provide guidance on the development of drug and biological products intended to treat venous stasis ulcers, diabetic foot ulcers, pressure ulcers, and burn wounds. The draft guidance contains recommendations about labeling claims, outcome measures, trial design, and special considerations for preclinical development.

Extensive discussions were held during two advisory committee meetings in July and November 1997 about the treatment of ulcers and burns. In response to requests from industry, the agency has developed this draft guidance. The comments received from industry, professional societies, and consumer groups represented at those meetings have been taken into consideration in drafting this guidance.

This draft guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). The draft guidance represents the agency's current thinking on clinical development of products for the treatment of chronic cutaneous ulcer and burn wounds. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes, regulations, or both.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. How to Obtain Copies

You may submit written requests for single copies of the draft guidance by sending one self-addressed adhesive label to assist the office in processing your request to:
The Office of Training and Communications,
Division of Communications Management,
Drug Information Branch (HFD–210),
Center for Drug Evaluation and Research,
Food and Drug Administration,
5600 Fishers Lane,
Rockville, MD 20857;
Or
The Office of Communication, Training and Manufacturers Assistance (HFM–40),
Center for Biologics Evaluation and Research,
Food and Drug Administration,
1401 Rockville Pike,
Rockville, MD 20852–1448,
CBER Voice Information System: 1–800–835–4709 or 301–827–1800
Fax: 1–888–CBER–FAX or 301–827–3844;
Or
The Division of Small Manufacturers Assistance (HFZ–220),
Center for Devices and Radiological Health,
Food and Drug Administration,
1350 Piccard Dr.,
Rockville, MD 20850,
Phone: 800–638–2041,
E-mail: DSMA@CDRH.FDA.GOV,
Fax: 1–301–443–8818,
Facts-On-Demand: 800–899–0381.

An electronic version of the draft guidance also is available via the Internet at CDER's Internet site at http://www.fda.gov/cder/guidance/index.htm or at CBER's Internet site at http://www.fda.gov/cber/guidelines.htm.

Dated: June 16, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–16294 Filed 6–27–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1296]

Final Guidance: Importation of Pasteurized Milk Ordinance (PMO) Defined Dairy Products (M–I–00–4); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a final guidance document entitled ''Importation of PMO Defined Dairy Products (M–I–00–4)''. This guidance provides information that States can use to respond to inquiries regarding the importation of ''Grade A'' dairy products from other countries.

DATES: Submit written or electronic comments at any time.

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

Persons who wish to submit electronic comments should go to FDA's home page at www.fda.gov, select ''Dockets,'' and follow the instructions. Submit written requests for single copies of the guidance entitled ''Importation of PMO Defined Dairy Products (M–I–00–4)'' to Charlotte Epps, Milk Safety Branch (HFS–625), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204. Send one self-addressed adhesive label to assist that office in processing your requests. See section III of this document for electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Joseph M. Smucker, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–8178, e-mail: jsmucker@bangate.fda.gov.

SUPPLEMENTARY INFORMATION: FDA is the Federal agency with responsibility under the Federal Food, Drug, and Cosmetic Act for the safety of the United States' dairy products. In the case of those dairy products regulated by the States under the Grade ''A'' milk safety program, one way FDA has chosen to fulfill this charge is by providing technical assistance to State regulators under the authority of various sections of the U.S. Public Health Service Act.

The National Conference on Interstate Milk Shipments (NCIMS) is a voluntary coalition of regulators from U.S. States and one U.S. commonwealth. These regulators have banded together in this organization to ensure the safety of Grade ''A'' milk and milk products shipped in interstate commerce and to minimize duplicate regulatory restrictions on these products if they are produced according to this group's stringent public health standards.

As the need arises, FDA provides information to the States in the NCIMS and others interested in production and processing of Grade ''A'' milk and milk products.

Under the procedures of the NCIMS, administrative and other miscellaneous information is transmitted to FDA regional staff and through them to State agencies in the form of a memorandum of information (M–I). Several M–I's are issued each year; M–I–00–4 is this type of memorandum. It is being provided to transmit an FDA opinion. This opinion clarifies that the food protective measures provided under the NCIMS system are an important part of the U.S.'s appropriate level of protection for Grade ''A'' dairy products. This guidance also describes three options that both FDA and the NCIMS have accepted to ensure that the public health effect of these food protective measures is not circumvented when these dairy products are imported.

This level 2 guidance is being issued consistent with FDA's good guidance practices (62 FR 8961, February 27, 1997). This guidance document represents the agency's current thinking on the subject and it does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulation or both.

What follows is a verbatim copy of this memorandum.

''M–I–00–4''

April 11, 2000

To: All Regional Food and Drug Directors
Attn: Regional Milk Specialists

From: Milk Safety Branch (HFS–626)

Subject: Importation of PMO Defined Dairy Products

This memorandum provides guidance that States can use to respond to inquiries regarding the importation of ''Grade A'' dairy products from other countries. This guidance document represents the agency's current thinking on this subject and it does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulation or both.

I. Background Information

International trade agreements to which the United States is signatory allow countries to establish measures to ensure safety of food within their countries. The measures, however, must be applied in a manner so that they do not arbitrarily discriminate between products from different countries or treat domestic products more favorably than imported products without justification.

The World Trade Organization's (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) also obligates the over 160 member countries to consider the ''equivalence'' of another country's food protection measures if an exporting country requests such consideration. The determination of equivalence is made by the importing country based on whether the exporting country's measures meet the level of protection deemed appropriate by the importing country, as provided by its own measures. Because the WTO agreements only went into effect in 1995, the concept of equivalence is only now beginning to be utilized in international trade. Nevertheless, Article 4. Equivalence of the SPS Agreement exists as an obligation for all WTO Member governments.

The system of controls used to provide the U.S.'s appropriate level of protection for ''Grade A'' dairy products is described in the current edition of the ''Grade A Pasteurized Milk Ordinance'' (PMO) and related documents. Since the early 1950's, States and FDA using a system of ratings and check ratings have verified the level of protection provided by the PMO in domestic (interstate) commerce. The requirements for these ratings and check ratings are specified in the current edition of the ''Procedures Governing the Cooperative State-Public Health Service/ Food and Drug Administration Program of the National Conference on Interstate Milk Shipments'' (Procedures).

In a 1977 Memorandum of Understanding (MOU) with the National Conference on Interstate Milk Shipments (NCIMS), FDA accepted the standards, requirements and procedures of the NCIMS to manage the public health risks associated with ''Grade A'' milk and milk products. FDA considers this NCIMS milk safety program to be adequate for the protection of the health and safety of the consumer.

Current Status

FDA and the NCIMS have identified and mutually accepted three options which are consistent with NCIMS ''Procedures'' and which will allow States to receive PMO defined ''Grade A'' products produced outside of the United States.

These options are:

1. A dairy firm outside of the United States could contract with any current NCIMS member's regulatory/rating agency to provide the ''Grade A'' milk safety program in total. This would include the regulatory licensing, dairy farm and milk plant inspection and sampling, pasteurization equipment testing, laboratory certification and rating/NCIMS listing certification. To use this option the firm would be required to abide by all applicable NCIMS regulatory and rating requirements and the regulatory/rating agency would have to agree to treat the firm as if it were located within its jurisdiction for all purposes, including inspection and enforcement. Ratings of the firm would be check-rated by FDA.

2. The importing country, or a political subdivision thereof, may become a full member of the NCIMS subject to all NCIMS rules and enjoying all privileges of a U.S. State. This would require, among other things, that the milk regulatory agency(ies) of the importing countries adopt and enforce rules and regulations which are the same as those required in the United States and abide by all applicable NCIMS regulatory and rating requirements. Their ratings would be check-rated by FDA in the same way as State ratings. FDA would certify their rating, sampling surveillance and laboratory evaluation officers.

3. FDA can evaluate the importing country's system of assuring the safety of dairy products and compare the effect of that system with the effect of the United States system on the safety of dairy products produced domestically. The NCIMS has adopted a procedure to accept FDA findings of equivalence and to allow NCIMS member States to accept products produced within the scope of such a finding.

Emerging International Issue

As trade barriers are removed and trade between countries increases, there are more frequent requests to allow the importation of ''Grade A'' defined products that originate in

other countries. The most common concern is how an adequate level of safety can be verified.

Under current Federal law and regulation, FDA can only take action on imported food products based on a violation of the Federal Food, Drug, and Cosmetic Act (FFDCA). Importation of milk products without adhering to any of the three options described above, is NOT, in and of itself, a violation of the FFDCA.[1]

Based on the 1977 MOU, milk protection measures in the United States have been set by the combined efforts of FDA and the States under the NCIMS milk safety program.

Under this program the States must adopt as law and enforce the provisions of the PMO as specified in the ''Procedures''. Their collective actions are intended to insure that milk marketed in the United States meets the U.S. appropriate level of protection.

FDA works with the States to verify that the U.S. level of protection is met under authority of the Public Health Service Act (42 U.S.C.). Under this act FDA has a broad mandate to assist States technically and to evaluate their performance under the ''Procedures''. However, current regulations promulgated under this act do not provide an adequate base for direct FDA enforcement of the PMO.

If the U.S. level of protection, as currently met by consistent State enforcement of the PMO, is to continue to be met, it must be accomplished by States continuing to collectively require this level of protection.

Under U.S. trade agreements products imported from another country must be treated by States and by FDA, no less favorably than those products imported from another State.

The three options in this memorandum can be used by States to assure that the same level of safety for ''Grade A'' defined products is achieved for products produced in other countries.

In order for the agency to function within the provisions of the MOU and fulfill its food safety responsibility, FDA will note, in State program evaluations, if a State is not requiring the NCIMS ''Grade A'' level of protection in interstate or international commerce.

If after a reasonable opportunity to correct this situation, a State still does not provide their citizens with this level of protection, FDA may declare that the State is not in substantial compliance under the ''Procedures * * *''

Copies of this memorandum are enclosed for your distribution to District Milk Specialists, State milk regulatory agencies, State Laboratory Evaluation Officers and State Milk Rating Officers in your region. This memorandum is also available on the FDA Prime Connection Computer bulletin board system (Internet address: http://www.cfsan.fda.gov), and should be widely distributed to representatives of the dairy industry and other interested parties. /S/''

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments on the guidance entitled ''Importation of PMO Defined Dairy Products (M–I–00–4)'' at any time. Two copies of written comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and written and electronic comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain copies of the guidance entitled ''Importation of PMO Defined Dairy Products (M–I–00–4)'' at http://www.cfsan.fda.gov.

Dated: June 19, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 00–16292 Filed 6–28–00; 8:45 am]

BILLING CODE 4160–01–F

[1] Milk or cream may also need a permit under the provisions of the Federal Import Milk Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 or other forms of information technology.

Proposed Project: AIDS Drug Assistance Program (ADAP): ADAP Monthly Client Utilization and Program Expenditures Report (OMB No. 0915–0219)—Revision

State AIDS Drug Assistance Programs (ADAPs), funded under Title II of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act Amendments of 1996 [Pub. L. 104–146], are designed to provide low income, uninsured, and underinsured individuals with access to HIV/AIDS medications that prevent serious deterioration of health arising from HIV disease, including the prevention and treatment of opportunistic infections.

During the last several years, there has been an increasing need for pharmaceuticals among uninsured and underinsured low-income individuals who are HIV positive or diagnosed with AIDS. Due to the increasing demand, the Division of Service Systems (DSS), Health Resources and Services Administration (HRSA) recognizes the importance of program planning and budget forecasting in order to maximize resources, and proposes to revise the current data collection form to better collect relevant client utilization data and program expenditure information from State ADAPs. This data collection effort is designed to allow DSS/HRSA (the funding agency) to monitor nationwide trends in program growth, client utilization, expenditures and to assess the capacity of State ADAPs to maintain services for clients throughout the fiscal year. The revised form will improve DSS/HRSA's ability to track the prices of HIV/AIDS drugs in order to ensure that State ADAPs are receiving the best price possible, to identify emerging issues and technical assistance needs, and to share information among State ADAPs. It will also assist Title II grantees, State ADAPs, DSS/HRSA staff, and policymakers at both the Federal and State level to better understand the level of client demand for medications and the resources needed to meet those needs.

The revised report will collect time-specific data for the number of enrolled clients, the number of new clients, the number of utilizing clients, the level of funds expended, and the price of HIV/AIDS drugs. A text box is provided to allow State ADAPs to report significant changes to their program, such as a projected budget shortfall, program restrictions, client waiting lists, a change in eligibility criteria, or formulary changes. On a quarterly basis, State ADAPs will report the purchase price paid on a select number of HIV

pharmaceuticals dispensed by each program. DSS/HRSA will continue to compile summary reports that are distributed back to grantees and State ADAPs on a quarterly basis. HRSA, the Department of Health and Human Services and the Office of Management and Budget also utilize these summary reports. The data collected are used to guide program planning, formulate budget recommendations, and monitor State ADAPs, especially monitoring the balance between an individual State ADAP's available resources against the client demand for medications. The burden estimates are as follows:

HRSA form	Number of respondents	Reponses per respondent	Total responses	Hours per responses	Total burden hours
Title II ADAP Grantees (Clients and Expenditures)	54	12	648	0.75	486
Title II ADAP Grantees (Pricing)	54	4	216	0.75	162
Total	54	16	864	0.75	648

Send comments to Susan G. Queen, HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received on or before August 28, 2000.

Dated: June 21, 2000.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 00–16257 Filed 6–27–00; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

High-Speed Interlaced Spin Echo Magnetic Resonance Imaging

Jeff Duyn (CC)

DHHS Reference No. E–171–99/0 filed 30 Dec 1999

Licensing Contact: Carol Salata; 301/496–7735 ext. 232; e-mail: cs253n@nih.gov

Spin-echo acquisition in magnetic resonance imaging (MRI) facilitates the observation of anatomical abnormalities in pathologies such as brain tumors, stroke and multiple sclerosis. It can also be applied in conjunction with perfusion techniques for the investigation of function, based on susceptibility contrast agents as well as blood oxygen level dependent (BOLD) contrast. Improving the efficiency of spin echo MRI is the subject of the current invention. It provides a method of reducing scan time in multi-slice spin-echo MRI through effective use of the echo delay time between radio frequency (RF) excitation and reception. This technique has been evaluated in examples of brain scans and has indications that a substantial increase in scan speed can be achieved without loss in image signal-to-noise ratio or contrast.

Laparoscopic Sac Holder Assembly

McClellan M. Walther, Frank Harrington (NCI)

Serial No. 09/368,824 filed 05 Aug 1999

Licensing Contact: John Peter Kim; 301/496–7056 ext. 264; e-mail: jk141n@nih.gov

The present application describes a device and method for accessing and retrieving tissue from a body cavity through minimally invasive endoscopic procedures. Specifically, the present invention consists of a sac holding device, having a rotatable hinge joining bowed leaf elements. The bowed leaf elements form a loop which is adapted to open and close the sac by rotation of the bowed leaf elements. With this laparoscopic device, one can easily contain materials that have been targeted for removal from body cavities. Pieces of infected or cancerous tissue and body fluids are easily contained and can be removed without the danger of collateral contamination.

Novel Diagnostic Standards for Virus Detection and Quantification

Richard Y. Wang and James W. Shih (CC)

DHHS Reference Nos. E–228–98/0 filed 20 Apr 1999 and E–228–98/1 filed 20 Apr 2000

Licensing Contact: John Peter Kim; 301/496–7056 ext. 264; e-mail: jk141n@nih.gov

The gene amplification is a tool for the detection of trace amounts of nucleic acids and the clinical applications of this technique in diagnosis of human diseases have been widely demonstrated. There are numerous steps from sample preparation to final product analysis for gene amplification-based molecular diagnosis of clinical specimens. Small variations in each step among different samples can have profound impacts on the final results.

There is a need for stable and well-calibrated internal standards to enable to monitor every step of the amplification process, *e.g.*, sample preparation, gene amplification, and amplicon detection. The subject invention is directed to internal standards as recombinant viral particles. The particles contain modified target sequence and multiple targets can also be packaged. Particles containing RNA target sequence of human hepatitis C virus (HCV) were constructed as example. Thus, this approach in making internal standards has commercial potential in molecular testing for clinical diagnosis, blood screening, and process validation.

Dated: June 15, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00–16325 Filed 6–27–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Gene Profiling Arrays

Ena Wang, Lance Miller, Francesco Marincola (NCI)

DHHS Reference No. E–086–00/0 filed 28 Mar 2000

Licensing Contact: Richard Rodriguez; 301/496–7056 ext. 287; e-mail: rr154z@nih.gov

The invention(s) embodied in this application, provides for ordered arrays of mixtures of nucleic acid molecules, which reflect the gene expression profile of one or more specimens, such as different cell types or tissues. In particular embodiments, complete mRNA mixtures (*i.e.* gene transcripts) or cDNA representatives from specimens are individually arrayed on a substrate. Such mixtures of nucleic acids can be derived from any specimen source, including animal, plant and/or microbial cells and can be assembled in any collection desired. The collections can, for instance, include nucleic acid mixtures from different cell types, different phenotypes, cells grown under different conditions, cells of different ages or developmental stages, and so forth. The nucleic acid arrays are provided in both macro- and micro-formats and are suitable for measuring the relative abundance of particular gene transcripts across a collection of complex nucleic acid mixtures.

Techniques are also disclosed for producing high-fidelity, amplified mixtures of nucleic acid molecules using a combination of RNA (sense or anti-sense) amplification and template-switching synthesis. Amplified mixtures produced using this method can, for instance, be applied to the disclosed arrays. The disclosed arrays allow high throughput analysis of differential gene expression in a specimen, such as a tumor, or a variety of specimens, such as a variety of tumors, and is suitable for automated preparation and analysis.

The Isolation of a New Gene, TRAG, Associated with TGF–Beta

Snorri S. Thorgeirsson, Sean R. Sanders (NCI)

DHHS Ref. No. E–047–00/0 filed 07 Mar 2000 and 60/187,848 filed 08 Mar 2000

Licensing Contact: Susan S. Rucker; 301/406–7056 ext. 245; e-mail: sr156v@nih.gov

A new gene has been isolated from a cell line resistant to a protein, TGF-beta, which can block the proliferation of cancer cells. This resistance endows the cell with cancer forming abilities. The protein encoded by the newly-discovered TRAG gene has been found at much higher levels in these cancer-forming cells than their non-cancerous ancestors. In addition, the TRAG protein is greatly elevated in many other rodent and human cancer cell lines and in primary mouse liver tumors, but not in surrounding non-tumorous tissue. This indicates a strong association between TRAG and cancer-forming potential. TRAG may be involved in the mechanism by which normal cells become cancerous. The TRAG gene could provide an excellent target for cancer or gene therapy. Abrogation of TRAG protein production using anti-sense oligonucleotides or antibodies could conceivably prevent, reduce, or destroy certain types of tumors.

Identification of a Novel Domain in the Tumor Necrosis Factor Receptor Ligand Family that Mediates Pre-Ligand Receptor Assembly and Function

MJ Lenardo, FK Chan, R Siegel (all of NIAID)

Serial No. 60/181,909 filed 11 Feb 2000

Licensing Contact: Susan S. Rucker; 301/496–7056 ext. 245; e-mail: sr156v@nih.gov

This application discloses the identification of a functional domain, which is essential for signaling involving receptors of the Tumor Necrosis Factor Superfamily (TFNR's) including TNFR–1 (p60), TNFR–2 (p80), Fas, TRAIL–R, LTβR, CD40, CD30, CD27, HVEM, OX40 and DR4. The functional domain, denoted the Pre-Ligand Assembly Domain (PLAD), can be isolated as functional polypeptides which can be useful in inhibiting the first step in TNFR mediated signaling, ligand-independent assembly of members of the TNFR Superfamily. The ability to inhibit TNFR signaling suggests that these PLAD polypeptides may be useful in developing new therapeutic molecules or as therapeutic molecules themselves for modulation of immune responses, apoptosis, and inflammation.

In addition to being available for license, the investigators who have developed this technology are also willing to consider entering into a CRADA relationship with companies interested in commercial development of this technology.

Transition Metal Complexes of N,N′,N″-trialkyl-cis,cis-1,3,5-triaminocyclohexane and Related Compositions and Methods

Martin W Brechbiel, Roy P. Planalp, Kim A. Deal (NCI)

DHHS Reference No. E–072–99/0 filed 10 Aug 1999

Licensing Specialist: Girish C. Barua; 301/496–7735 ext. 263; gb18t@nih.gov

The invention is directed to copper complexes of N,N′,N″-trimethyl-cis,cis-1,3,5-triaminocyclohexane and N,N′,N″-triethyl-cis,cis-1,3,5-triaminocyclohexane as well as methods of producing and using said complexes. These complexes are capable of cleaving DNA and RNA *in vitro* and could be used for the treatment of cancer or other disease states that are characterized by abnormal cellular proliferation. The complexes could also be used as delivery agents or as imaging-tracers. These complexes offer advantages over previously described cleaving methodologies, *e.g.*, oxidative or transesterification protocols. The disclosed copper-complexes act via hydrolytic reactions. These advantages could offer significant benefits over related therapeutic approaches to the aforementioned abnormal conditions.

Dated: June 15, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00–16326 Filed 6–27–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing: Novel Multiple Peptide Conjugate System

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

This novel multiple peptide conjugate system is described in DHHS Reference Nos. E–208–99/0, E–280–99/0, and E–114–00/0—all now incorporated under a PCT application, DHHS Reference No. E–208–99/1.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by Carol Salata, Ph.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7735 ext. 232; fax: 301/402–0220; e-mail: SalataC@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Multiple Peptide Conjugate System

I. Pathogenic TAT Peptides

Subhash Dhawan, Robert A. Boykins, Kenneth M. Yamada (FDA)

Infection with HIV, the causative agent of Acquired Immune Deficiency Syndrome (AIDS), is responsible for a large number of deaths annually and represents a significant threat to human health. Accordingly, an extensive effort has been mounted to characterize the HIV virus and to identify potential targets for therapeutics. The present invention relates to the identification of functional domains within the HIV Tat protein which are capable of mediating many of the effects of the full length Tat protein. In particular, this invention describes the use of peptides comprising functional domains to induce an immune response against the HIV Tat protein and the identification of dominant-negative mutants and chimeras of these functional domains which may be used as therapeutics. Another aspect of the present invention relates to the use of these functional domains as reagents for elucidating the biochemical mechanisms of HIV gene expression. This invention is described further in Boykins *et al.* July 1999, J. Immunol. 163:15–20.

II. Multiple Peptide Conjugates

Robert A. Boykins, Manju B. Joshi, Chiang Syin, Subhash Dhawan, Hira Nakhasi (FDA)

This invention describes the design and synthesis of a multi-peptide conjugate (MPC) system containing antigens from the human malaria parasite (Plasmodium falciparium) and the Tat protein of HIV type-1 (HIV–1–Tat) for use as a subunit vaccine. Prior multiple antigen peptides (MAPs) prepared by the classical solid phase synthesis led to heterogeneity, due in part to the aggregation and steric hindrance of the growing peptide chains during synthesis. Aggregation of the peptide chain may be a factor in the formation of intra-chain hydrogen bonding by the peptide backbone, causing the formation of beta sheets or other secondary structures. The current multiple peptide conjugates (MPCs) have distinct advantages over prior MAPs because only two adjacent peptide branches are elongated on the solid phase at either the alpha or epsilon amino groups thereby allowing maximum spacing between the resin bound peptide chains. Cysteine is inserted at the respective position in the sequence thus permitting the thiol groups to be used in the formation of stable thioether bonds with haloacetyl peptides coupled through solution chemistry. A modification to the coupling solvent and key amino acid derivatives are used in the sequence to minimize peptide chain aggregation. Furthermore, the elongation of only two peptide chains at the alpha or epilson groups of opposite lysine residues yields a dimeric or base peptide. These modifications of the solid phase methodology for the traditional MAP plus a coupling solvent modification, and the addition of key amino acid derivatives for amide bond protection allow the synthesis of base peptides on the solid phase greater than 7500kDa. These peptides are then reacted with high performance liquid chromatography purified haloacetyl peptides to generate multiple peptide conjugates with molecular masses of 10 to 13 kDa. This invention is described further in Boykins *et al.,* Peptides Jan 2000;21(1):9–17.

III. HIV–1–Tat-Multiple Peptide Conjugate: A Potential Synthetic AIDS Vaccine Candidate

Subhash Dhawan and Robert A. Boykins (FDA)

The present invention is directed to a novel highly immunogenic synthetic multiple peptide conjugate constituting three Tat functional domains. Vaccination of mice with this HIV–1–Tat multiple peptide conjugate induces an effective immune response to three Tat functional domains. Anti-HIV–1–Tat multiple peptide conjugate antibodies efficiently inhibit Tat-induced viral activation in monocytes infected with HIVBa–L as well as with various clinical HIV–1 isolates, and reduce Tat-mediated cytopathicity in infected cells by greater than 75%. The results indicate that anti-HIV–1–Tat multiple peptide conjugate antibodies inhibit viral pathogenesis, possibly by blocking functional determinants of Tat and disrupting autocrine and paracrine actions of secreted Tat protein. This epitope-specific synthetic Tat construct provides a subunit AIDS vaccine for inducing and effective immunoprophylaxis response to reduce progression of HIV infection.

Dated: June 15, 2000.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 00–16327 Filed 6–27–00; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the following meetings of SAMHSA Special Emphasis Panels I in July, August and September 2000.

A summary of the meetings and a roster of the members may be obtained from: Ms. Coral Sweeney, Review Specialist, SAMHSA, Office of Policy and Program Coordination, Division of Extramural Activities, Policy, and

Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone: 301–443–2998.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

The meetings will include the review, discussion and evaluation of individual grant applications. These discussions could reveal personal information concerning individuals associated with the applications. Accordingly, these meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b©(6) and 5 U.S.C. App. 2, § 10(d).

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Date: July 10, 2000.

Place: Bethesda Marriott 5151 Pooks Hill Road Bethesda, MD 20814.

Closed: July 10, 2000.

Panel: Youth Violence Prevention, SM 00–005; Co-Occurring Disorders, TI 00–002; Criminal Justice Diversion Supplement, SM 00–006; Women/Co-Occurring Violence, Phase II, TI 00–003; Children's Sub-Set Study & Coordinating Center, TI 00–006.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 1789, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: July 24, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: July 24, 2000.

Panel: Targeted Capacity Expansion, PA 00–001; Practice Research Collaboration, TI 00–004.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: July 31, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: July 31, 2000.

Panel: Family Strengthening, SP 00–002.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA, Special Emphasis Panel I (SEP I).

Meeting Dates: August 7, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: August 7, 2000.

Panel: Family Strengthening, SP 00–002; Targeted Capacity Expansion/HIV, TI 00–005.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: August 14, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: August 14, 2000.

Panel: Coalitions for Prevention, SM 00–004.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: August 28, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: August 28, 2000.

Panel: HIV Integration Planning, TI 00–008.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: September 18, 2000.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Closed: September 18, 2000.

Panel: Conference Grants, PA 98–090.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: July or August, 2000.

Place: Substance Abuse and Mental Health Administration, Division of Extramural Activities, Policy and Review, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed: Entire Meeting.

Panel: Supplement to Aging, Mental Health/Substance Abuse Primary Care Coordinating Center, SM 00–009; Coal Miners, SM 00–008; Minority Fellowships, SM 00–003.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I).

Meeting Dates: July or August, 2000.

Place: Substance Abuse and Mental Health Administration, Division of Extramural Activities, Policy and Review, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed: Entire Meeting.

Panel: Chicago Homeless Services Integration, SM 00–010; Florida Children Services, SM 00–007.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I)

Meeting Dates: July or August, 2000.

Place: Substance Abuse and Mental Health Administration, Division of Extramural Activities, Policy and Review, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed: Entire Meeting.

Panel: Connecticut Urban Health Initiative, SM 00–012, Violence Prevention Coordinating Center, SM 00–007.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Committee Name: SAMHSA Special Emphasis Panel I (SEP I);

Meeting Dates: July or August, 2000.

Place: Substance Abuse and Mental Health Administration, Division of Extramural Activities, Policy and Review, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857.

Closed: Entire Meeting.

Panel: Four State Consortium Prevention Studies of Fetal Alcohol Syndrome, SP 00–003; Co-Occurring and Justice Center, TI 00–007.

Contact: Diane McMenamin, Director, Division of Extramural Activities, Policy and Review, Parklawn Building, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857.

Dated: June 21, 2000.

Coral Sweeney,

Review Specialist, Substance Abuse and Mental Health Services Administration.

[FR Doc. 00–16256 Filed 6–27–00; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Incidental Take Permit Application and Availability of an Environmental Assessment Associated With the Habitat Management Plan for Natural Communities in the City of Carlsbad, California

AGENCY: Fish and Wildlife Service.

ACTION: Notice.

SUMMARY: The City of Carlsbad, California, has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed 50-year permit would authorize incidental take of 9 federally threatened and endangered wildlife species, 8 threatened and endangered plants should take authorization be necessary, and 30 unlisted species of concern in the event that these species become listed during the term of the permit. Take would occur incidental to urban development of up to 3,051 acres of non-federal land in the City of Carlsbad, northwestern San Diego County, California. The permit application includes the Habitat Management Plan for Natural Communities in the City of Carlsbad (Habitat Management Plan) and an Implementation Agreement that serves as a legal contract.

An Environmental Assessment for our proposed action of issuing a permit to the City of Carlsbad is available for public review. We request comments on this Assessment and the permit application. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: We must receive your written comments on or before July 28, 2000.

ADDRESSES: Send comments to Mr. Ken Berg, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. You also may submit comments by facsimile to (760) 431–9618.

FOR FURTHER INFORMATION CONTACT: Ms. Julie Vanderwier, Fish and Wildlife Biologist, at the above address; telephone (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

You may request copies of the documents by contacting the office listed above. You also may view the documents, by appointment, during normal business hours (8 a.m. to 5 p.m.), Monday through Friday at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Alternatively, you may view the documents at the City of Carlsbad Planning Department, 1635 Faraday Avenue, Carlsbad; at the Georgina Cole Library, 1250 Carlsbad Village Drive, Carlsbad; and at the La Costa Library, 1775 Dove Lane, Carlsbad.

Background

Section 9 of the Act and Federal regulation prohibit the ''take'' of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). ''Harm'' is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Service may issue permits to authorize ''incidental'' take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for threatened and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

The City of Carlsbad has submitted an application for a 50-year incidental take permit to the Service, proposing the take of 47 species now or in the future, on approximately 3,051 acres of habitat within the 24,570-acre planning area (15,812 acres of which are already developed). The proposed permit would authorize incidental take of the following listed animals: Riverside fairy shrimp (*Streptocephalus woottoni*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), California brown pelican (*Pelecanus occidentalis californicus*), California least tern (*Sterna antillarum browni*), coastal California gnatcatcher (*Polioptila californica californica*), least Bell's vireo (*Vireo bellii pusillus*), light-footed clapper rail (*Rallus longirostrus levipes*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western snowy plover (*Charadrius alexandrinus nivosus*). For 30 other unlisted species (16 plants, 3 invertebrates, 1 reptile, and 10 birds), should they become listed during the term of the permit, the permit would become effective at the time of listing.

Five endangered plants and three threatened plants would be named on the permit, should take authorization be necessary: California orcutt grass (*Orcuttia californica*), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*), Encinitas baccharis (*Baccharis vanessae*), Orcutt's spineflower (*Chorizanthe orcuttiana*), spreading navaretia (*Navarretia fossalis*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), San Diego thornmint (*Acanthomintha ilicifolia*), and thread-leaved brodiaea (*Brodiaea filifolia*). The take prohibitions of the Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. Nevertheless, the City of Carlsbad has considered plants in its Habitat Management Plan and requests a permit for them to the extent that State law applies.

The permit application from the City of Carlsbad includes a Habitat Management Plan that qualifies both as a Habitat Conservation Plan pursuant to Federal law and as a Natural Community Conservation Plan pursuant to State law. On December 10, 1993, the Service issued a final special rule for the coastal California gnatcatcher pursuant to section 4(d) of the Act (58 FR 65088). The rule allows incidental take of the gnatcatcher if such take results from activities conducted under a plan prepared pursuant to the state of California's Natural Community Conservation Planning Act of 1991, its associated Process Guidelines, and the Southern California Coastal Sage Scrub Conservation Guidelines. Consistent with the Conservation Guidelines, while planning for natural communities is underway, the special rule allows interim loss of no more than 5 percent of the coastal sage scrub habitat in specified areas (subregions).

To mitigate the impact of urban development over a 50-year period, the City of Carlsbad would require project-level impact avoidance and minimization measures, and would assemble a preserve of approximately 6,757 acres. This preserve would be comprised of existing open space (3,946 acres), proposed hardline open space (1,206 acres), planned open space derived from specific criteria applied to standards areas (553 acres), passive restoration of disturbed habitat (744 acres), and acquisition of core coastal California gnatcatcher habitat outside of the City (308 acres). The preserve would contain the following habitats, at a minimum: coastal sage scrub (3,315 acres), southern mixed/chamise chaparral (968 acres), southern maritime chaparral (392 acres), oak woodland (29 acres), riparian (574 acres), coastal salt/

freshwater marsh (1,366 acres), and grassland (1,856 acres).

Should the Service approve the Habitat Management Plan and issue an incidental take permit to the City of Carlsbad, the 5 percent limit on interim loss of coastal sage scrub, imposed as part of the Natural Community Conservation Planning Program and the special rule for the gnatcatcher, would be replaced by the conditions of the permit and the Implementation Agreement. Carlsbad would then exercise its land-use review and approval powers in accordance with the Implementation Agreement to implement the Habitat Management Plan and assemble its preserve. The City would amend its zoning regulations to reflect the preserve boundaries and to achieve consistency with the Plan. In addition, the Habitat Management Plan includes guidelines for compatible land uses in and adjacent to the preserve. The City would incorporate these guidelines into its General Plan, zoning regulations, and approval process for projects, including adoption of appropriate mitigation guidelines.

Our Environmental Assessment considers the proposed action and three alternatives: the Habitat Management Plan as proposed; an Expanded Preserve System Alternative; an Offsite Regional Conservation Alternative; and a No Action Alternative. Under the Expanded Preserve System Alternative, the Service would issue a permit that would authorize incidental take of 47 species in the plan area. The City of Carlsbad would require project-level impact avoidance and minimization measures. The expanded preserve of 7,310 acres would conserve all extant natural habitats in biological core and linkage areas identified during the preserve planning process. The acquisition of lands within the core gnatcatcher areas would be limited to the 240 acres required as part of the approval of the Fieldstone-La Costa Habitat Conservation Plan. The conserved habitat would include, at a minimum, the following habitat types: coastal sage scrub (2,991 acres), southern mixed/chamise chaparral (887 acres), southern maritime chaparral (431 acres), oak woodland (29 acres), riparian (518 acres), coastal salt/freshwater marsh (1,183 acres), and grassland (1,271 acres).

Under the Offsite Regional Conservation Alternative, the Service also would issue a permit for incidental take of 47 species. The City of Carlsbad would preserve 7,901 to 9,928 acres of habitat through the management of already preserved lands within the City, implementation of project-level impact avoidance and minimization measures, and habitat conservation outside of the City (with the exception of wetland, riparian, and vernal pool resources) in accordance with established mitigation ratios. The majority of the preserve could be outside of the City of Carlsbad in portions of northern San Diego County that are less developed than Carlsbad. The preserve would include, at a minimum, the following upland habitat types: coastal sage scrub (3,315 to 5,342 acres), southern mixed/chamise chaparral (968 acres), southern maritime chaparral (666 acres), oak woodland (79 acres), and grassland (1,127 acres).

Under the No Action Alternative, the Service would not issue a permit and the City of Carlsbad would not implement its Habitat Management Plan. Projects would either be designed to avoid take of listed species or project proponents would apply for individual permits under section 10(a)(1)(B) of the Act. Existing hardline open space would remain protected and approved habitat conservation plans would be implemented. Under this alternative, we estimate that 3,850 acres of habitat would be conserved.

This notice is provided pursuant to section 10(a) of the Endangered Species Act and regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). We will evaluate the permit application, Environmental Assessment, associated documents, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If we determine that the requirements are met, we will issue a permit for the incidental take of the 47 species covered by the Habitat Management Plan. We will make a decision on permit issuance no sooner than 30 days from the date of this notice.

Dated: June 20, 2000.

Elizabeth H. Stevens,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 00–16281 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Preparation of an Environmental Impact Statement/ Environmental Impact Report for Federal and State Actions Associated With the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan

AGENCY: Fish and Wildlife Service, Interior (Lead Agency).

COOPERATING AGENCIES: Bureau of Land Management, Interior; National Park Service, Interior; Forest Service, Agriculture; California Resources Agency; California Department of Fish and Game; California Department of Parks and Recreation; and Coachella Valley Association of Governments.

ACTION: Notice of intent; notice of public meeting.

SUMMARY: The Fish and Wildlife Service and cooperating agencies are gathering information necessary for the preparation of an Environmental Impact Statement/Environmental Impact Report (Impact Statement/Report). This Impact Statement/Report will consider the actions of Federal, State, and local agencies, as well as private interests, associated with implementation of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan(Multispecies Plan) and the issuance of incidental take permits pursuant to section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended, and section 2081 of the California Endangered Species Act. The Impact Statement/Report also will consider the Bureau of Land Management's proposed amendment of the California Desert Conservation Plan to conform with the Multispecies Plan. In addition, the Impact Statement/ Report will consider any other actions by other Federal or State agencies that are necessary or appropriate to implement the Multispecies Plan.

We encourage interested persons to attend public meetings to identify and discuss the scope of issues and alternatives that should be addressed in the Multispecies Plan and in the Impact Statement/Report. We provide this notice pursuant to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act (40 CFR 1501.7 and 1508.22).

DATES: We must receive your written comments by July 28, 2000. See **SUPPLEMENTARY INFORMATION** section for meeting dates and locations.

ADDRESSES: Send comments regarding the scope of the Impact Statement/Report as it relates to the proposed Multispecies Plan to the Field Supervisor, Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008; facsimile 760/431–9624. Send comments regarding the scope of the Impact Statement/Report as it relates to the proposed amendment of the Desert Conservation Plan to the Field Manager, Bureau of Land Management, Palm Springs-South Coast Field Office, P.O. Box 1260, North Palm Springs, California 92258–1260; facsimile 760/251–4899.

FOR FURTHER INFORMATION CONTACT: Mr. Pete Sorensen, Supervisory Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, Carlsbad, California; telephone 760/431–9440; or Ms. Elena Misquez, Planning and Environmental Coordinator, Bureau of Land Management, Palm Springs-South Coast Field Office, North Palm Springs, California; telephone 760/251–4810.

SUPPLEMENTARY INFORMATION: All comments that we receive will become part of the administrative record and may be released to the public. You may view these comments during normal business hours (8 a.m. to 5 p.m., Monday through Friday) at the above offices (see **ADDRESSES**). Please call for an appointment.

In addition, you may obtain specific information regarding the location of lands proposed for conservation from Mr. Steve Nagle, Coachella Valley Association of Governments, 73–710 Fred Waring Drive, Suite 200, Palm Desert, California 92260; telephone 760/346–1127; facsimile 760/340–5949.

Meetings

We will hold public meetings as follows:

July 10, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 68–700 Avenida Lalo Guerrero, Cathedral City, California.

July 11, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 68–700 Avenida Lalo Guerrero, Cathedral City, California.

July 12, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 78–495 Calle Tampico, La Quinta, California.

The meetings on July 10 and 12 broadly focus on the scope and content of the Impact Statement/Report as it relates to the proposed Multispecies Plan and to the proposed amendment of the California Desert Conservation Plan. The meeting on July 11 specifically focuses on the trail component of these plans.

Background

Section 9 of the Federal Endangered Species Act and regulations prohibit the ''take'' of animal species listed as endangered or threatened. That is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 USC 1538). ''Harm'' is defined by regulation to include significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under certain circumstances, the Fish and Wildlife Service may issue permits to authorize ''incidental'' take of listed animal species (defined by the Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity). Regulations governing permits for federally-listed threatened and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22. The California Department of Fish and Game has similar provisions for incidental take of species listed under the California Endangered Species Act.

The Coachella Valley Association of Governments and its member jurisdictions (Riverside County and 9 municipalities) intend to apply for incidental take permits from the Fish and Wildlife Service and the California Department of Fish and Game. As part of the application process, the Association is developing the Multispecies Plan for an anticipated 31 target species and 24 habitat types currently within their jurisdiction. We anticipate that the permit applications for incidental take will include 20 unlisted species and the following 11 federally-listed species: Peninsular bighorn sheep (*Ovis canadensis*), desert tortoise (*Gopherus agassizii*), Southwest arroyo toad (*Bufo microscaphus californicus*), desert slender salamander (*Batrachoseps aridus*), Coachella Valley fringe-toed lizard (*Uma inornata*), desert pupfish (*Cyprinodon macularius*), Yuma clapper rail (*Rallus longirostris yumanensis*), least Bell's vireo (*Vireo bellii pusillus*), Southwestern willow flycatcher (*Empidonax trailii extimus*), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*), and triple-ribbed milk-vetch (*Astragalus tricarinatus*).

The take prohibitions of the Federal Endangered Species Act do not apply to listed plants on private land unless their destruction on private land is in violation of State law. Nevertheless, we expect that the Coachella Valley Council of Governments and its member jurisdictions will consider plants in the Multispecies Plan and request permits for them to the extent that State law applies.

The 1,206,578-acre (1,885 square-mile) planning area for the Multispecies Plan is located in the central portion of Riverside County, California. It generally is defined by the ridgelines of the San Jacinto, Santa Rosa, and Little San Bernardino Mountains, extending to the Imperial and San Diego County lines from the Cabazon/San Gorgonio Pass area in the northwest to, and including, portions of the Salton Sea in the southeast.

Approximately 45 percent of the planning area consists of lands under the ownership and management of the Bureau of Land Management, while private lands total about 43 percent. The remaining 12 percent includes native American, State, and other public and quasi-public lands.

The Multispecies Plan is being designed to assure the conservation of adequate habitat and ecological processes for the protection and long-term viability of populations of the target species that are either listed as threatened or endangered, are proposed for listing, or are believed to have a high probability of being proposed for listing in the future if they are not protected by the Multispecies Plan. A critical consideration of the Plan is allowing key ecological processes, such as sand movement by wind and water, to support a shifting network of sand dunes essential to the well being of the target species. Plan developers are considering conservation of core habitat areas and linkages primarily through protection and management of existing public and quasi-public lands, and through acquisition of additional lands by cooperating Federal, State, and local governments from willing sellers throughout the planning area. The linkage areas connecting core habitat areas are intended to assure the long-term protection of movement or migratory corridors through which wildlife populations can mix and perpetuate a healthy gene pool.

Project Alternatives

A range and mix of public and private lands are under consideration and will be analyzed as project alternatives in the Impact Statement/Report, including a ''No Project'' alternative that assesses the efficacy of species and habitat protections, as well as associated impacts. Each alternative is summarized below.

No Project Alternative: Under this alternative, an area-wide Multispecies

Plan would not be adopted. Hence Federal and State incidental take permits would be issued incrementally for individual projects. Assemblage of an effective preserve system would be unlikely. Over time, additional species would likely become listed, further complicating continued urban development. The land development permit process would continue to be lengthy, costly, and uncertain.

Existing Conservation Lands Alternative: Only existing reserves and other public and private conservation lands with habitat for target species would be included in this alternative. The type, amount and location of lands conserved under this alternative would be insufficient to obtain incidental take permit coverage for most, if not all, of the target species. This alternative would not streamline development permit processing.

Core Habitat, Ecological Processes and Linkages Alternative: Developed by the Scientific Advisory Committee for the Multispecies Plan, this alternative focuses on protecting core habitat areas of sufficient size and long-term viability for the protection of target species and natural communities. This alternative also includes protection of essential ecological processes and wildlife movement corridors.

Expanded Core Habitat, Ecological Processes and Linkages Alternative: Based upon the previous alternative, this enhanced conservation alternative would include additional habitat, ecological processes and wildlife corridors to further ensure functionality.

Avoid or Minimize Incidental Take Alternative: Under this alternative, most remaining viable habitat for target species, and associated ecological process and wildlife corridor lands in the planning area would be incorporated into the preserve system. Conservation would focus on all large habitat blocks within the composite range of target species and would allow development of all isolated habitat fragments. Little economic incentive for private land-owner participation would be available and immediate land acquisition would likely be required to address the resulting take of private lands.

Alternative Funding and Implementation Mechanisms

Estimates of the costs associated with the dedication, acquisition, and management of lands to be protected in perpetuity under the Multispecies Plan have not yet been completed. Substantial Federal and State assets are currently proposed for inclusion in the Plan, as are county, local, and private lands. Several alternative approaches are under consideration.

Tool Box Approach: This implementation mechanism may take the form of zoning overlays, General Plan policies, ordinances, development fees, and mitigation ratios. Tools that may be used include: (a) Conservation easements, (b) density transfer and cluster development, (c) conservation banks, (d) donation of lands for tax benefits, and (e) inclusion of land in a habitat transaction system with pre-assigned habitat values or credits.

Immediate Purchase of All At-Risk Lands: This alternative represents the optimum implementation mechanism but would require the immediate or short-term availability of substantial funding for purchase of land and conservation easements. Potential funding sources may include biological resource impact-fees assessed to future development, State and Federal grants, government loan guarantees, landfill tipping fees, and local sales tax.

Combined Public Funds/Mitigation Fee for Land Acquisition and Management: This approach includes the combined use of State and Federal grants, as well as the payment of a standardized impact mitigation fees for development of lands outside conservation areas. Revenues from existing or new tax streams, bond issues, landfill tipping fees, and other sources are also being explored. Continued private contributions are expected to be available for habitat acquisition.

In addition, the Forest Service, pursuant to the National Forest Management Act of 1976, and the Bureau of Land Management, pursuant to the Federal Land Policy and Management Act of 1976, have authority to acquire, excess, exchange and transfer Federal lands, and will be the agencies primarily responsible for furthering the Federal realty actions. The State of California also acquires lands for conservation purposes through the Wildlife Conservation Board, the Department of Parks and Recreation, and the Coachella Valley Mountains Conservancy.

Proposed Amendment of the California Desert Conservation Plan

The Bureau of Land Management is participating as a responsible agency in the planning process. To ensure that its land use decisions are in conformance with the Multispecies Plan, the Bureau proposes to amend the California Desert Conservation Area Plan in compliance with the National Environmental Policy Act, the Federal Land Policy Management Act of 1976, and the Code of Federal Regulations (40 CFR part 1500 and 43 CFR part 1610).

The Bureau will use the Impact Statement/Report prepared for the Multispecies Plan as the Environmental Impact Statement for its proposed amendment to the Desert Conservation Plan. The Bureau will prepare a Record of Decision separate from that of the Fish and Wildlife Service. The proposed plan amendment will address changes in Bureau land use classifications, identify public lands for exchange to augment the multi-species reserve system, and designate new Areas of Critical Environmental Concern. The proposed plan amendment will take into consideration biological, botanical, cultural, wilderness, mineral and other natural resources, as well as use of the public lands for recreation, mineral extraction, utility corridors and other uses. Nothing in this proposed plan amendment shall have the effect of terminating any validly issued rights-of-way or customary operation, maintenance, repair, and replacement activities in such rights-of-ways in accordance with Sections 509(a) and 701(a) of the Federal Land Policy Management Act of 1976.

Dated: June 21, 2000.

Elizabeth H. Stevens,

Deputy Manager, California/Nevada Operations Office, Region 1, Sacramento, California.

[FR Doc. 00–16383 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–680–99–2822–00–D889]

Closure and Restriction Orders

AGENCY: Bureau of Land Management, (BLM), Interior.

ACTION: Amend emergency closure of certain public lands in the Juniper Flats area, San Bernardino County, California.

SUMMARY: In previous **Federal Register** Notice, Public lands in the Juniper Flats area were closed to human entry. Approximately 16,000 acres burned in the Willow fire were closed from October 17, 1999 to July 1, 2000. You are not to enter the closed area by any means of access. This amendment exempts human access on the trail leading from the southern most portion of the Bowen Ranch property (across BLM land referred to as the ''upper parking lot'' to the Forest Service ''lower parking lot'') and trail known as the ''Goat Trail'' leading to the Deep Creek Springs.

DATES: This amendment goes into effect at 11:59 p.m. on Friday, May 26, 2000 and shall remain in effect until 11:59 p.m. on Saturday, July 1, 2000.

FOR FURTHER INFORMATION CONTACT: Tim Read, Barstow Field Office Manager, Bureau of Land Management, 2601 Barstow Road, Barstow, CA 92311; or call (760) 252–6000.

SUPPLEMENTARY INFORMATION: On Saturday August 28th, the Willow Fire started on U.S. Forest Service lands adjacent to BLM lands in the Juniper Flats area. The fire burned 63,486 acres, including approximately 16,000 acres of BLM land.

Natural resources comprising the local ecosystems were extensively damaged by the fire. The affected public land has been closed to human entry since the fire. Over the winter the vegetation began growing back. This indicates the natural systems are beginning to recover. The closure is now amended to exempt human access on the trail leading to the Deep Creek Hot Springs. The trail is well marked and is located in T.3N. R. 3W. Section 11.

In general, the closed pubic lands are east of Deep Creek Road, south of the Atchison Topeka and Sante Fe rail lines, west of Highway 18, and north of Deep Creek. The authority for this closure is 43 CFR 8364.1, 18 U.S.C. 3571. This closure only applies to those portions of the following sections burned during the Willow Fire: San Bernardino Base and Meridian, T.3N. R.1W. sections 2, 3, 4, 5 and 6; T.3N. R.2W. sections 1, 2, 3, 4, 5, 6, 7 and 8: T.3N. R.3W. sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12; T.4N. R.1W. sections 31 and 32; T.4N. R.2W. sections 26, 27, 28, 29, 31, 32, 33, 34 and 35: T.4N. R.3W. sections 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34 and 35. If you fail to comply with this closure order you may be fined up to $100,000.00 or be imprisoned for up to 12 months, or both.

You are exempt from this closure if you are engaged in one of these activities: law enforcement, emergency services, government business, or work to maintain utilities and infrastructure. You may be exempt if permitted by a BLM Authorizing Officer. You and your guests are exempt to access your residence or property if it is within the closed area. This closure only affects public lands. County roads and segments of roads through private lands are unaffected. You are exempt to use the portion of Bowen Ranch Road that is a County road. The exempt portion crosses public lands in section 31 of T.4N. R.2W., and sections 1, 11 and 12 of T.3N. R.3W., ending at the boundary of the Bowen Ranch.

Tim Read,

BLM, Barstow Field Office Manager.

[FR Doc. 00–16267 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY070–00–EJ]

Notice of Intent To Prepare an Environmental Impact Statement; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of dates in Notice of Intent (NOI) to Prepare an Environmental Impact Statement for Oil and Gas Development in the Powder River Basin, Wyoming, published on June 21, 2000.

SUMMARY: This notice provides a correction of the dates included in the ''Dates'' Section of the above referenced NOI. The revised section is included below.

DATES: Comments to be considered in the draft EIS from the scoping period should be submitted by July 31, 2000. The draft EIS should be available for public review by April 15, of 2001.

ADDRESSES: Questions or concerns should be addressed to Paul Beels in the BLM Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834.

FOR FURTHER INFORMATION CONTACT: Paul Beels, phone 307–684–1100.

Dated: June 22, 2000.

Alan L. Kesterke,

Associate State Director.

[FR Doc. 00–16284 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–22–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–910–0777–26–241A]

State of Arizona Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Arizona Resource Advisory Council meeting notice.

SUMMARY: This notice announces a meeting of the Arizona Resource Advisory Council (RAC). The meeting will be held on August 4, 2000, in Phoenix, Arizona. The RAC meeting will begin at 9 a.m and will conclude at approximately 4 p.m. The agenda items to be covered include the review of the March 31 and May 11, 2000, meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; National Off-Highway Vehicle Use Strategy Presentation/RAC Discussion; Sonoran Desert Conservation Plan Presentation; Arizona Trails System; Update Proposed Field Office Rangeland Resource Teams; Reports from BLM Field Office Managers; Reports by the Standards and Guidelines, Recreation and Public Relations, Wild Horse and Burro Working Groups; Reports from RAC members; and Discussion of future meetings. A public comment period will be provided at 11 a.m. on August 4, 2000, for any interested publics who wish to address the Council.

FOR FURTHER INFORMATION CONTACT: Deborah Stevens, Bureau of Land Management, Arizona State Office, 222 North Central Avenue, Phoenix, Arizona 85004–2203, (602) 417–9215.

Denise P. Meridith,

Arizona State Director.

[FR Doc. 00–16283 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–680–00–1220–HQ]

Supplemental Rule Restricting Recreational Shooting to Protect Human Health and Safety in a Portion of Wonder Valley, California

AGENCY: Bureau of Land Management, Department of the Interior, Barstow Field Office, Desert District, California.

ACTION: On those public lands administered by the BLM and located within T.1 N., R.10 E., Sec 5 S½ and Sec 8 N½, San Bernardino Meridian, it is prohibited to fire any firearm. This supplemental rule does not affect the legitimate and legal pursuit of game or the discharge of a firearm for purposes of personal protection.

SUMMARY: In accordance with Title 43, Code of Federal Regulations Section 8365.1–6 the State Director may establish supplementary rules in order to provide for the protection of persons, property and public lands and resources. This authority was delegated to the District Managers and Field Managers pursuant to BLM Manual 1203, California Supplement.

Penalties: Failure to comply with this supplementary rule is punishable by a

fine not to exceed $100,000 and/or imprisonment not to exceed twelve months.

DATES: The supplemental rule will take effect at midnight, August 1, 2000.

SUPPLEMENTARY INFORMATION: This supplemental rule was proposed to create a safer environment for residents living in northwestern Wonder Valley. Residents have complained that rounds from gunfire originating on public land has either caused property damage or nearly caused human injury. During a sixty-day comment period and an open house, many legitimate concerns regarding shooting in Wonder Valley surfaced. Comments received spanned the gamut between closing all of Wonder Valley to all shooting and taking no action. Consensus was, that by closing the 640-acres surrounding the Valle Vista uncontrolled shooting area in northwest Wonder Valley to shooting, the safety concerns of nearby citizens could be met while allowing recreational shooting to continue in other portions of Wonder Valley. The user group for the Valle Vista site will be redirected to controlled ranges or dispersed to contiguous blocks of public land on the fringes of Wonder Valley. This supplemental rule will not infringe upon Constitutional rights of an individual to own or possess a lawful firearm. The environmental effects of the suppelemntal rule have been analyzed separately by Environmental Assessment CA–680–00–29.

FOR ADDITIONAL INFORMATION CONTACT: BLM Barstow Field Office, 2601 Barstow Road, Barstow, CA 92231, telephone (760) 252–6000

Tim Read,

Field Manager.

[FR Doc. 00–16145 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF THE INTERIOR

Trinity River Basin Fish and Wildlife Task Force

AGENCY: Bureau of Reclamation (Reclamation), Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of a meeting of the Trinity River Basin Fish and Wildlife Task Force.

DATES: The meeting will be held on Thursday, July 20, 2000, 1:00 p.m. to 5:00 p.m. and Friday, July 21, 8:00 a.m. to 12:00 p.m.

ADDRESSES: The meeting will be at the Radisson Hotel, 500 Leisure Lane, Sacramento, California 95815. Telephone 916/922–2020 (FAX 916/920–7312).

FOR FURTHER INFORMATION CONTACT: Mr. Russell P. Smith, Chief, Environmental and Natural Resource Division, Northern California Area Office, 1639 Shasta Dam Boulevard, Shasta Lake, California 96019. Telephone: 530/275–1554 (TDD 530/450–6000).

SUPPLEMENTARY INFORMATION: The Trinity River Basin Fish and Wildlife Task Force will meet to formulate and implement the ongoing Trinity River watershed ecosystem management program for fish and wildlife. This program considers the needs of multiple species and their interactions with physical habitats in restoring the natural function, structure, and species composition of the ecosystem, recognizing that all components are interrelated.

Dated: June 19, 2000.

Lester A. Snow,

Regional Director.

[FR Doc. 00–16285 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–MN–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collection of information for the general provisions at 30 CFR Part 700.

DATES: Comments on the proposed information collection must be received by August 28, 2000, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 210–SIB, Washington, DC 20240. Comments may also be submitted electronically to jtreleas@smre.gov.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in 30 CFR 700, General.

OSM has revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: General, 30 CFR Part 700.

OMB Control Number: 1029–0094.

Summary: This Part establishes procedures and requirements for terminating jurisdiction of surface coal mining and reclamation operations, petitions for rulemaking, and citizen suits filed under the Surface Mining Control and Reclamation Act of 1977.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: State and tribal regulatory authorities, private citizens and citizen groups, and surface coal mining companies.

Total Annual Responses: 6.

Total Annual Burden Hours: 12.

Dated: June 22, 2000.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 00–16286 Filed 6–27–00; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. AA–1921–143, 731–TA–341, 731–TA–343–345, 731–TA–391–397, and 731–TA–399 (Review)]

Certain Bearings From China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom

Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission determines, [2] 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 the following types of bearings from China, France, Germany, Italy, Japan, Singapore, and the United Kingdom would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Product	Country	Investigation No.
Tapered roller bearings	China [3]	731–TA–344
Ball bearings	France	731–TA–392
Ball bearings	Germany [3]	731–TA–391
Ball bearings	Italy [3]	731–TA–393
Ball bearings	Japan [3]	731–TA–394
Ball bearings	Singapore [4]	731–TA–396
Ball bearings	United Kingdom [3]	731–TA–399
Spherical plain bearings	France [4]	731–TA–392

The Commission also determines that revocation of the antidumping finding and antidumping duty orders on the following types of bearings from France, Germany, Hungary, Italy, Japan, Romania, Sweden, and the United Kingdom 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.

Product	Country	Investigation No.
Tapered roller bearings	Hungary	731–TA–341
Tapered roller bearings	Japan [5]	AA–1921–143
Tapered roller bearings	Japan [5]	731–TA–343
Tapered roller bearings	Romania [6]	731–TA–345
Ball bearings	Romania [6]	731–TA–395
Ball bearings	Sweden [7]	731–TA–397
Cylindrical roller bearings	France [6]	731–TA–392
Cylindrical roller bearings	Germany [6]	731–TA–391
Cylindrical roller bearings	Italy [6]	731–TA–393
Cylindrical roller bearings	Japan [6]	731–TA–394
Cylindrical roller bearings	Sweden	731–TA–397
Cylindrical roller bearings	United Kingdom [5]	731–TA–399
Spherical plain bearings	Germany [6]	731–TA–391
Spherical plain bearings	Japan [6]	731–TA–394

Background

The Commission instituted these reviews on April 1, 1999 (64 FR 15783) and determined on July 2, 1999 that it would conduct full reviews (64 FR 38471, July 16, 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 August 27, 1999 (64 FR 46949). The hearing was held in Washington, DC, on March 21, 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 June 26, 2000. The views of the Commission are contained in USITC Publication 3309 (June 2000), entitled Certain Bearings from China, France, Germany, Hungary, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom: Investigations Nos. AA1921–143, 731–TA–341, 731–TA–343–345, 731–TA–391–397, and 731–TA–399 (Review).

Issued: June 22, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–16343 Filed 6–27–00; 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] Vice Chairman Deanna Tanner Okun not participating.

[3] Commissioner Thelma J. Askey dissenting.

[4] Commissioners Jennifer A. Hillman and Thelma J. Askey dissenting.

[5] Commissioner Marcia E. Miller dissenting.

[6] Commissioners Lynn M. Bragg and Marcia E. Miller dissenting.

[7] Commissioner Lynn M. Bragg dissenting.

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 7, 2000 at 11 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: None.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 701–TA–178 and 731–TA–636–638 (Review) (Stainless Steel Wire Rod from Brazil, France, India, and Spain)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 18, 2000.)
5. Inv. Nos. 731–TA–457–A–D (Review) (Heavy Forged Handtools from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on July 18, 2000.)
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: June 26, 2000.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–16491 Filed 6–26–00; 2:10 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; application for naturalization.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995.

The INS published a **Federal Register** notice on October 16, 1998 at 63 FR 55643 to solicit public comments for a 60-day period regarding an initial draft revision of this collection (Form N–400). In order to encourage more comments, the INS published a second **Federal Register** notice on January 8, 1999 at 64 FR 1219, exhibiting a draft of the revised form and soliciting public comments for an additional 60 days. During the two comment periods a total of 20 organizations and individuals submitted comments concerning the proposed revisions to the Form N–400. The comments were reviewed and reconciled by the responsible program office and this proposed form as now published in the **Federal Register** for information purposes only, incorporates the additional suggestions and changes recommended by interested parties.

The public is reminded that the current Form N–400 dated January 15, 1999, must be used until OMB approves the revision of this form and INS announces the implementation date for use of the revised Form N–400.

The purpose of this notice is to allow an additional 60 days for public comments on the proposed revised form to ensure compliance with the Paperwork Reduction Act. Comments are encouraged and will be accepted until August 28, 2000. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items 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: Lauren Wittenberg, Department of Justice Desk Officer, Room 10235, Washington, DC 20530; 202–395–4718.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: Revision of a currently approved collection.

(2) Title of the Form/Collection: Application for Naturalization.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring this collection: Form N–400, Immigration Services Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. The information collected is used by the INS to determine eligibility for naturalization.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 700,000 responses at 6 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 4,200,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: June 22, 2000.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

DRAFT

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-0009

Application for Naturalization

Instructions

What Is This Form?

This form, the N-400, is an application for United States citizenship (naturalization). For more information about the naturalization process and eligibility requirements, please read *A Guide to Naturalization* (Form M-476.). If you do not already have a copy of the *Guide*, you can get a copy from:

- the INS Web Site (www.ins.usdoj.gov);
- the National Customer Service Center (NCSC) telephone line at 1-800-375-5283 (TTY: 1-800-767-1833); or
- your local INS office.

Who Should Use This Form?

To use this form you must be at least 18 years old. You must also be **ONE** of the following:

(1) A Lawful Permanent Resident for at least 5 years;

(2) A Lawful Permanent Resident for at least 3 years
AND
- you have been married to and living with the same U.S. citizen for the last 3 years,

AND

- your spouse has been a U.S. citizen for the last 3 years;

(3) A person who has served in the U.S. Armed Forces
AND
- you are a Lawful Permanent Resident with at least 3 years of U.S. Armed Forces service **and** you are either on active duty or filing within 6 months of honorable discharge

OR

- you served during a period of recognized hostilities and enlisted or re-enlisted in the United States (you do not need to be a Lawful Permanent Resident);

(4) A member of one of several other groups who are eligible to apply for naturalization (for example, persons who are nationals but not citizens of the United States). For more information about these groups, please see the *Guide*.

Who Should NOT Use This Form?

In certain cases, person who was born outside of the United States to U.S. citizen parents is already a citizen and does not need to apply for naturalization. To find out more information about this type of citizenship and whether you should file a Form N-600, "Application for Certificate of Citizenship," read the *Guide*.

Other permanent residents under 18 years of age may be eligible for U.S. citizenship if their U.S. citizen parent or parents file a Form N-600 application in their behalf. For more information, see "Frequently Asked Questions" in the *Guide*.

When Am I Eligible To Apply?

You may apply for naturalization when you meet **all** the requirements to become a U.S. citizen. The section of the *Guide* called "Who is Eligible for Naturalization" and the Eligibility Worksheet found in the back of the *Guide* are tools to help you determine whether you are eligible to apply for naturalization. You should complete the Worksheet before filling out this N-400 application.

If you are applying based on 5 years as a Lawful Permanent Resident or based on 3 years as a Lawful Permanent Resident married to a U.S. citizen, you may apply for naturalization up to 90 days before you meet the "continuous residence" requirement. You must meet all other requirements at the time that you send us your application.

Certain applicants have different English and civics testing requirements based on their age and length of lawful permanent residence at the time of filing. If you are over 50 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years or if you are over 55 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 15 years, you do not have to take the English test but you do have to take the civics test in the language of your choice.

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If you are over 65 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, you do not have to take the English test but you do have to take a simpler version of the civics test in the language of your choice.

What Does It Cost To Apply For Naturalization and How Do I Pay?

For information on fees and form of payment, see the *Guide* insert titled "Current Naturalization Fees." Your fee is not refundable, even if you withdraw your application or it is denied.

If you are unable to pay the naturalization application fee, you may apply in writing for a fee waiver. For information about the fee waiver process, call the NCSC telephone line at 1-800-375-5283 (TTY: 1-800-767- 1833) or see the INS Web Site (www.ins.usdoj.gov) section called "Forms and Fees."

What Do I Send With My Application?

All applicants must send certain documents with their application. For information on the documents and other information you must send with your application, see the Document Checklist in the *Guide.*

Where Do I Send My Application?

You must send your N-400 application and supporting documents to an Immigration and Naturalization Service (INS) Service Center. To find the Service Center address you should use, read the section in the *Guide* called "Completing Your Application and Getting Photographed."

Applicants outside the United States who are applying on the basis of their military service should follow the instructions of their designated point of contact at a U.S. military installation.

How Do I Complete This Application?

- Please print clearly or type your answers using CAPITAL letters in each box.
- Use black or blue ink.
- **Write your INS "A"- number on the top right hand corner of each page.** Use your INS "A"- number on your Permanent Resident Card (formerly known as the Alien Registration or "Green" Card). To locate your "A"- number, see the sample Permanent Resident Cards in the *Guide.* The "A" number on your card consists of 7 to 9 numbers, depending on when your record was created. If the "A"- number on your card has fewer than 9 numbers, place enough zeros before the first number to make a *total of 9 numbers* on the application. For example, write card number A1234567 as A001234567, but write card number A12345678 as A012345678.
- If a question does not apply to you, write **N/A** (meaning "Not Applicable") in the space provided.
- If you need extra space to answer any item:
  - Attach a separate sheet of paper (or more sheets if needed);
  - Write your name, your "A"- number, and "N-400" on the top right comer of the sheet; and
  - Write the number of each question for which you are providing additional information.

Step-by-Step Instructions

This form is divided into 14 parts. The information below will help you fill out the form.

Part 1. Your Name *(the Person Applying for Naturalization)*

A. **Your current legal name-** Your current legal name is the name on your birth certificate unless it has been changed after birth by a legal action such as a marriage or court order.

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B. **Your name exactly as it appears on your Permanent Resident Card** *(if different from above)*-- Write your name exactly as it appears on your card, even if it is misspelled.

C. **Other names you have used** - If you have used any other names in your life, write them in this section. If you need more space, use a separate sheet of paper.

If you have NEVER used a different name, write "N/A" in the space for "Family Name *(Last Name)."*

D. **Name change *(optional)*** - A court can allow a change in your name when you are being naturalized. A name change does not become final until a court naturalizes you. For more information regarding a name change, see the *Guide.*

If you want a court to change your name at a naturalization oath ceremony, check "Yes" and complete this section. If you do not want to change your name, check "No" and go to Part 2.

Part 2. Information About Your Eligibility

Check the box that shows why you are eligible to apply for naturalization. If the basis for your eligibility is not described in one of the first three boxes, check "Other" and briefly write the basis for your application on the lines provided.

Part 3. Information About You

A. **Social Security Number** - Print your Social Security number. If you do not have one, write "N/A" in the space provided.

B. **Date of Birth** - Always use eight numbers to show your date of birth. Write the date in this order: Month, Day, Year. For example, write May 1, 1958 as 05/01/1958.

C. **Date You Became a Permanent Resident** - Write the official date when your lawful permanent residence began, as shown on your Permanent Resident Card. To help locate the date on your card, see the sample Permanent Resident Cards in the *Guide.* Write the date in this order: Month, Day, Year. For example, write August 9, 1988 as 08/09/1988.

D. **Country of Birth** - Write the name of the country where you were born. Write the name of the country even if it no longer exists.

E. **Country of Nationality** - Write the name of the country where you are currently a citizen or national. Write the name of the country even if it no longer exists.

- If you are stateless, write the name of the country where you were last a citizen or national.
- If you are a citizen or national of more than one country, write the name of the foreign country that issued your last passport.

F. **Citizenship of Parents** - Check "Yes" if either of your parents is a U.S. citizen. If you answer "Yes," you may already be a citizen. For more information, see "Frequently Asked Questions" in the *Guide.*

G. **Current Marital Status** - Check the marital status you have on the date you are filing this application. If you are currently not married, but had a prior marriage that was annulled (declared by a court to be invalid) check "Other" and explain it.

H. **Request for Disability Waiver** - If you have a medical disability or impairment that you believe qualifies you for a waiver of the tests of English and/or U.S. government and history, check "Yes" and attach a properly completed Form N-648. If you ask for this waiver it does not guarantee that you will be excused from the testing requirements. For more information about this waiver, see the *Guide.*

I. **Request for Disability Accommodations** - We will make every reasonable effort to help applicants with disabilities complete the naturalization process. For example, if you use a wheelchair, we will make sure that you can be fingerprinted and interviewed, and can attend a naturalization ceremony at a location that is wheelchair accessible. If you are deaf or hearing impaired and need a sign language interpreter, we will make arrangements with you to have one at your interview.

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If you believe you will need us to modify or change the naturalization process for you, check the box, or write in the space the kind of accommodation you need. If you need more space, use a separate sheet of paper. Unless you are asking for a full waiver of the tests of English and/or civics, you do not need to send us a Form N-648.

We consider requests for accommodations on a case by case basis. Asking for an accommodation will not affect your eligibility for citizenship.

Part 4. Addresses and Telephone Numbers

A. **Home Address** - Give the address where you now live. Do NOT put post office (P.O.) box numbers here.

B. **Mailing Address** - If your mailing address is the same as your home address, write "same." If your mailing address is different from your home address, write it in this part.

C. **Telephone Numbers (optional)** - If you give us your telephone numbers and e-mail address, we can contact you about your application more quickly.

Part 5. Information for Criminal Records Search

The Federal Bureau of Investigation (FBI) will use the information in this section, together with your fingerprints, to search for criminal records. Although the results of this search may affect your eligibility, we do NOT make naturalization decisions based on your gender, race, or physical description.

For each item, check the box that best describes you. The categories are those used by the FBI.

Part 6. Information About Your Residence and Employment

A. Write every address where you have lived during the last 5 years (including in other countries). Begin with were you live now. Also, write the dates you lived in these places. For example, write May 1998 to June 1999 as 05/1998 to 06/1999.

If you need separate sheets of paper to complete section A or B or any other questions on this application, be sure to follow the Instructions in **"How Do I Complete This Application?"** above.

B. List where you have worked (or, if you were a student, the schools you have attended) during the last 5 years. Include military service. If you worked for yourself, write "self employed." Begin with your most recent job. Also, write the dates when you worked or studied in each place.

Part 7. Time Outside the United States *(Including Trips to Canada and Mexico and the Caribbean)*

A. Write the total number of days you spent outside of the United States (including on military service) during the last 5 years. Count the days of every trip that lasted 24 hours or longer.

B. Write the number of trips you have taken outside the United States during the last 5 years. Count every trip that lasted 24 hours or longer.

C. Provide the requested information for every trip that you have taken outside the United States since you became a Lawful Permanent Resident. Begin with your most recent trip.

Part 8. Information About Your Marital History

A. Write the number of times you have been married. Include any annulled marriages. If you were married to the same spouse more than one time, count each time as a separate marriage.

B. If you are now married, provide information about your current spouse.

C. Check the box to indicate whether your current spouse is a U.S. citizen.

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D. If your spouse is a citizen through naturalization, give the date and place of naturalization. If your spouse regained U.S. citizenship, write the date and place the citizenship was regained.

E. If your spouse is not a U.S. citizen, complete this section.

F. If you were married before, give information about your former spouse or spouses. In question F.2, check the box showing the immigration status your former spouse had during your marriage. If the spouse was not a U.S. citizen or a Lawful Permanent Resident at that time check "Other" and explain. For question F.5, if your marriage was annulled, check "Other" and explain. If you were married to the same spouse more than one time, write about each marriage separately.

Note: If you or your present spouse had more than one prior marriage, provide the same information from section F and section G about every additional marriage on a separate sheet of paper.

G. For any prior marriages of your current spouse, follow the instructions in section F above.

Part 9. Information About Your Children

A. Write the total number of sons and daughters you have had. Count **all** of your children, regardless of whether they are:
- alive, missing, or dead;
- born in other countries or in the United States;
- under 18 years old or adults;
- married or unmarried;
- living with you or elsewhere;
- stepsons or stepdaughters or legally adopted; or
- born when you were not married.

B. Write information about all your sons and daughters. In the last column ("Location"), write:
- "with me" - if the son or daughter is currently living with you;
- the street address and state or country where the son or daughter lives - if the son or daughter is NOT currently living with you; or
- "missing" or "dead" - if that son or daughter is missing or dead.

If you need space to list information about additional sons and daughters, attach a separate sheet of paper.

Part 10. Additional Questions

Answer each question by checking "Yes" or "No." If ANY part of a question applies to you, you must answer "Yes." For example, if you were never arrested but *were* once detained by a police officer, check "Yes" to the question "Have you ever been arrested or detained by a law enforcement officer?" and attach a written explanation.

We will use this information to determine your eligibility for citizenship. Answer every question honestly and accurately. If you do not, we may deny your application for lack of good moral character. For more information on eligibility, please see the *Guide.*

Part 11. Your Signature

After reading the statement in Part 11, you must sign and date it. You should sign your full name without abbreviating it or using initials. The signature must be legible. Your application may be returned to you if it is not signed.

If you cannot sign your name in English, sign in your native language. If you are unable to write in any language, sign your name with an "X." If you are physically unable to sign your name, your legal representative may sign on your behalf.

Part 12. Signature of Person Who Prepared This Application for You

If someone filled out this form for you, he or she must complete this section.

Part 13. Signature at Interview

Do NOT complete this part. You will he asked to complete this part at your interview.

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Part 14. Oath of Allegiance

Do NOT complete this part. You will be asked to complete this part at your interview.

If we approve your application, you must take this Oath of Allegiance to become a citizen. In limited cases you can take a modified Oath. For more information, see the *Guide.*

Penalties

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny your application for naturalization and may deny any other immigration benefit. In addition, you will face severe penalties provided by law and may be subject to a removal proceeding or criminal prosecution.

If we grant you citizenship after you falsify or conceal a material fact or submit a false document with this request, your naturalization may be revoked.

Privacy Act Notice

We ask for the information on this form and for other documents to determine your eligibility for naturalization. Form N-400 processes are generally covered in 8 U.S.C. 1439, 1440, 1443, 1445, 1446, and 1452. We may provide information from your application to other government agencies.

Paperwork Reduction Act Notice

A person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood and which impose the least possible burden on you to provide us with the information. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this form is computed as follows: (1) 2 hours to learn about and complete the form; (2) 4 hours to assemble and file the information - for a total estimated average of 6 hours per application. If you have comments about the accuracy of this estimate or suggestions to make this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4307r, Washington, DC 20536; OMB No. 1115-0009. **DO NOT MAIL YOUR COMPLETED APPLICATION TO THIS ADDRESS.**

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U.S. Department of Justice
Immigration and Naturalization Service

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OMB No. 1115-0009

Application for Naturalization

Print clearly or type your answers using CAPITAL letters. Failure to print clearly may delay your application. Use black or blue ink.

Part 1. Your Name *(The Person Applying for Naturalization)*

Write your INS "A"- number here:
A ___ ___ ___ ___ ___ ___ ___ ___ ___

A. Your current legal name.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name *(if applicable)*

B. Your name exactly as it appears on your Permanent Resident Card.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name *(if applicable)*

C. If you have ever used other names, provide them below.

Family Name *(Last Name)*	Given Name *(First Name)*	Middle Name

D. Name change *(optional)*

Please read the Instructions before you decide whether to change your name.

1. Would you like to legally change your name? ☐ Yes ☐ No
2. If "Yes," print the new name you would like to use. Do not use initials or abbreviations when writing your new name.

Family Name *(Last Name)*

Given Name *(First Name)* | Full Middle Name

FOR INS USE ONLY

Bar Code	Date Stamp

Remarks

Action

Part 2. Information About Your Eligibility *(Check Only One)*

I am at least 18 years old **AND**

A. ☐ I have been a Lawful Permanent Resident of the United States for at least 5 years.

B. ☐ I have been a Lawful Permanent Resident of the United States for at least 3 years, AND I have been married to and living with the same U.S. citizen for the last 3 years, AND my spouse has been a U.S. citizen for the last 3 years.

C. ☐ I am applying on the basis of qualifying military service.

D. ☐ Other (please explain) _____

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Write your INS "A"- number
A__ __ __ __ __ __ __ __ __

Part 3. Information About You

A. Social Security Number __ __ __-__ __-__ __ __ __

B. Date of Birth *(Month/Day/Year)* __ __/__ __/__ __ __ __

C. Date You Became a Permanent Resident *(Month/Day/Year)* __ __/__ __/__ __ __ __

D. Country of Birth

E. Country of Nationality

F. Are either of your parents U.S. citizens? *(if yes, see Instructions)* ☐ Yes ☐ No

G. What is your current marital status? ☐ Single, Never Married ☐ Married ☐ Divorced ☐ Widowed

☐ Marriage Annulled or Other (explain)_____

H. Did you attach a Form N-648 to request a waiver of the English and/or U.S. History and Government requirements based on a disability or impairment? ☐ Yes ☐ No

I. Are you requesting an accommodation to the naturalization process because of a disability or impairment? (See Instructions for some examples of accommodations.) ☐ Yes ☐ No

If you answered "Yes", check the box below that applies:

☐ I am deaf or hearing impaired and need a sign language interpreter who uses the following language_____

☐ I use a wheelchair.

☐ I am blind or sight impaired.

☐ I will need another type of accommodation. Please explain: _____

_____

_____

Part 4. Addresses and Telephone Numbers

A. Home Address - Street Number and Name *(do NOT write a P.O. Box in this space)* Apartment Number

City County State ZIP Code

B. Mailing Address - Street Number and Name *(if different from home address)* Apartment Number

City State ZIP Code Country

C. Daytime Phone Number *(if any)* ( ) Evening Phone Number *(if any)* ( ) E-mail Address *(if any)*

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Part 5. Information for Criminal Records Search

Write your INS "A"- number here:
A __ __ __ __ __ __ __ __ __

Note: The categories below are those required by the FBI. See Instructions for more information.

A. Gender

☐ Male ☐ Female

B. Height

Feet Inches

C. Weight

Pounds

D. Race

☐ White ☐ Asian or Pacific Islander ☐ Black ☐ Native American or Alaskan Native ☐ Other

E. Hair color

☐ Black ☐ Brown ☐ Blonde ☐ Gray ☐ White ☐ Red ☐ Sandy ☐ Bald (No Hair)

F. Eye color

☐ Brown ☐ Blue ☐ Green ☐ Hazel ☐ Gray ☐ Black ☐ Pink ☐ Maroon ☐ Other

Part 6. Information About Your Residence and Employment

A. Where have you lived during the last 5 years? Begin with where you live now and then list every place you lived for the last 5 years. If you need more space, use a separate sheet of paper.

Street Number and Name, Apartment Number, City, State, Zip Code and Country	Dates *(Month/Year)*	
	From	To
Current Home Address - Same as Part 4.A	__ __/__ __ __ __	Present
	__ __/__ __ __ __	__ __/__ __ __ __
	__ __/__ __ __ __	__ __/__ __ __ __
	__ __/__ __ __ __	__ __/__ __ __ __
	__ __/__ __ __ __	__ __/__ __ __ __

B. Where have you worked (or, if you were a student, what schools did you attend) during the last 5 years? Include military service. Begin with your current or latest employer and then list every place you have worked or studied for the last 5 years. If you need more space, use a separate sheet of paper.

Employer or School Name	Employer or School Address *(Street, City and State)*	Dates *(Month/Year)*		Your Occupation
		From	To	
		__ __/__ __ __ __	__ __/__ __ __ __	
		__ __/__ __ __ __	__ __/__ __ __ __	
		__ __/__ __ __ __	__ __/__ __ __ __	
		__ __/__ __ __ __	__ __/__ __ __ __	
		__ __/__ __ __ __	__ __/__ __ __ __	

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Part 7. Time Outside the United States
(Including Trips to Canada, Mexico, and the Caribbean Islands)

Write your INS "A"- number here:
A ___ ___ ___ ___ ___ ___ ___ ___ ___

A. How many total days did you spend outside of the United States during the past 5 years (Count days on all trips that lasted 24 hours or more). ☐ days

B. How many trips of 24 hours or more have you taken outside of the United States during the past 5 years? ☐ trips

C. List below all the trips of 24 hours or more that you have taken outside of the United States since becoming a Lawful Permanent Resident. Begin with your most recent trip. If you need more space, use a separate sheet of paper.

Date You Left the United States *(Month/Day/Year)*	Date You Returned to the United States *(Month/Day/Year)*	Did Trip Last 6 Months or More?		Countries to Which You Traveled	Total Days Out of the United States
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		
__/__/____	__/__/____	☐ Yes	☐ No		

Part 8. Information About Your Marital History

A. How many times have you been married (including annulled marriages)? ☐ If you have NEVER been married, go to Part 9.

B. If you are now married, give the following information about your spouse:

1. Spouse's Family Name *(Last Name)* Given Name *(First Name)* Full Middle Name *(if applicable)*

2. Date of Birth *(Month/Day/Year)* __/__/____

3. Date of Marriage *(Month/Day/Year)* __/__/____

4. Spouse's Social Security Number ___-__-____

5. Home Address - Street Number and Name Apartment Number

City State ZIP Code

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Part 8. Information About Your Marital History *(Continued)*

Write your INS "A"- number here:
A __ __ __ __ __ __ __ __ __

C. Is your spouse a U.S. citizen? ☐ Yes ☐ No

D. If your spouse is a U.S. citizen, give the following information:

1. When did your spouse become a U.S. citizen? ☐ At Birth ☐ Other

If "Other," give the following information:

2. Date your spouse became a U.S. citizen
__/__/____

3. Place your spouse became a U.S. citizen *(please see Instructions)*

City and State

E. If your spouse is NOT a U.S. citizen, give the following information :

1. Spouse's Country of Citizenship

2. Spouse's INS "A"- Number *(If applicable)*
A__ __ __ __ __ __ __ __ __

3. Spouse's Immigration Status
☐ Lawful Permanent Resident ☐ Other _____

F. If you were married before, provide the following information about your prior spouse. If you have more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1-5 below.

1. Prior Spouse's Family Name *(Last Name)* Given Name *(First Name)* Full Middle Name *(if applicable)*

2. Prior Spouse's Immigration Status
☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other _____

3. Date of Marriage *(Month/Day/Year)*
__/__/____

4. Date Marriage Ended *(Month/Day/Year)*
__/__/____

5. How Marriage Ended
☐ Divorce ☐ Spouse Died ☐ Other _____

G. How many times has your current spouse been married (including annulled marriages)? ☐

If your spouse has EVER been married before, give the following information about your spouse's prior marriage.
If your spouse has more than one previous marriage, use a separate sheet of paper to provide the information requested in questions 1 - 5 below.

1. Prior Spouse's Family Name *(Last Name)* Given Name *(First Name)* Full Middle Name *(if applicable)*

2. Prior Spouse's Immigration Status
☐ U.S. Citizen
☐ Lawful Permanent Resident
☐ Other _____

3. Date of Marriage *(Month/Day/Year)*
__/__/____

4. Date Marriage Ended *(Month/Day/Year)*
__/__/____

5. How Marriage Ended
☐ Divorce ☐ Spouse Died ☐ Other _____

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Part 9. Information About Your Children

Write your INS "A"- number here:
A _ _ _ _ _ _ _ _ _

A. How many sons and daughters have you had? For more information on which sons and daughters you should include and how to complete this section, see the Instructions. ☐

B. Provide the following information about all of your sons and daughters. If you need more space, use a separate sheet of paper.

Full Name of Son or Daughter	Date of Birth *(Month/Day/Year)*	INS "A"- number *(if child has one)*	Country of Birth	Current Address *(Street, City, State & Country)*
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		
	__/__/____	A_____		

Part 10. Additional Questions

Please answer questions 1 through 14. If you answer "Yes" to any of these questions, include a written explanation with this form. Your written explanation should (1) explain why your answer was "Yes," and (2) provide any additional information that helps to explain your answer.

A. General Questions

1. Have you **EVER** claimed to be a U.S. citizen *(in writing or any other way)?* ☐ Yes ☐ No
2. Have you **EVER** registered to vote in any Federal, state, or local election in the United States? ☐ Yes ☐ No
3. Have you **EVER** voted in any Federal, state, or local election in the United States? ☐ Yes ☐ No
4. Since becoming a Lawful Permanent Resident, have you **EVER** failed to file a required Federal, state, or local tax return? ☐ Yes ☐ No
5. Do you owe any Federal, state, or local taxes that are overdue? ☐ Yes ☐ No
6. Do you have any title of nobility in any foreign country? ☐ Yes ☐ No
7. Have you ever been declared legally incompetent or been confined to a mental institution? ☐ Yes ☐ No

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Write your INS "A"- number here:
A __ __ __ __ __ __ __ __ __

Part 10. Additional Questions *(Continued)*

B. Affiliations

8. a. Have you **EVER** been a member of or associated with any organization, association, fund, foundation, party, club, society, or similar group in the United States or in any other place? ☐ Yes ☐ No

b. If you answered "Yes," list the name of each group below. If you need more space, attach the names of the other group(s) on a separate sheet of paper.

Name of Group	Name of Group
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

9. Have you **EVER** been a member of or in any way associated *(either directly or indirectly)* with:

a. The Communist Party? ☐ Yes ☐ No

b. Any other totalitarian party? ☐ Yes ☐ No

c. A terrorist organization? ☐ Yes ☐ No

10. Have you **EVER** advocated *(either directly or indirectly)* the overthrow of any government by force or violence? ☐ Yes ☐ No

11. Have you **EVER** persecuted *(either directly or indirectly)* any person because of race, religion, national origin, membership in a particular social group, or political opinion? ☐ Yes ☐ No

12. Between March 23, 1933, and May 8, 1945, did you work for or associate in any way *(either directly or indirectly)* with:

a. The Nazi government of Germany? ☐ Yes ☐ No

b. Any government in any area (1) occupied by, (2) allied with, or (3) established with the help of the Nazi government of Germany? ☐ Yes ☐ No

c. Any German, Nazi, or S.S. military unit, paramilitary unit, self-defense unit, vigilante un citizen unit, extermination camp, concentration camp, prisoner of war camp, prison, labor camp, or transit camp? ☐ Yes ☐ No

C. Continuous Residence

Since becoming a Lawful Permanent Resident of the United States:

13. Have you **EVER** called yourself a "nonresident" on a Federal, state, or local tax return? ☐ Yes ☐ No

14. Have you **EVER** failed to file a Federal, state, or local tax return because you considered yourself to be a "nonresident"? ☐ Yes ☐ No

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Part 10. Additional Questions (Continued)

Write your INS "A"- number here:
A __ __ __ __ __ __ __ __ __

D. Good Moral Character

For the purposes of this application, you must answer "Yes" to the following questions, if applicable, even if your records were sealed or otherwise cleared or if anyone, including a judge, law enforcement officer, or attorney, told you that you no longer have a record.

15. Have you **EVER** committed a crime or offense for which you were NOT arrested? ☐Yes ☐No
16. Have you **EVER** been arrested, cited, or detained by any law enforcement officer (including INS and military officers) for any reason, including traffic violations? ☐Yes ☐No
17. Have you **EVER** been charged with committing any crime or offense? ☐Yes ☐No
18. Have you **EVER** been convicted of a crime or offense? ☐Yes ☐No
19. Have you **EVER** been placed in an alternative sentencing or a rehabilitative program (for example: diversion, deferred prosecution, withheld adjudication, deferred adjudication?) ☐Yes ☐No
20. Have you **EVER** received a suspended sentence, been placed on probation, or been paroled? ☐Yes ☐No
21. Have you **EVER** been in jail or prison? ☐Yes ☐No

If you answered "Yes" to any of questions 15 through 21, complete the following table. If you need more space, use a separate sheet of paper to give the same information.

Why were you arrested, cited, detained, or charged?	Date arrested, cited, detained, or charged *(Month/Day/Year)*	Where were you arrested, cited, detained or charged? *(City, State, Country)*	Outcome or disposition of the arrest, citation, detention or charge *(no charges filed, charges dismissed, jail, probation, etc)*

Answer questions 22 through 33. If you answer "Yes" to any of these questions, attach (1) your written explanation why your answer was "Yes," and (2) any additional information or documentation that helps explain your answer.

22. Have you **EVER:**
    a. been a habitual drunkard? ☐Yes ☐No
    b. been a prostitute, or procured anyone for prostitution? ☐Yes ☐No
    c. sold or smuggled controlled substances, illegal drugs or narcotics? ☐Yes ☐No
    d. been married to more than one person at the same time? ☐Yes ☐No
    e. helped anyone enter or try to enter the United States illegally? ☐Yes ☐No
    f. gambled illegally or received income from illegal gambling? ☐Yes ☐No
    g. failed to support your dependents or to pay alimony? ☐Yes ☐No
23. Have you **EVER** given false or misleading information to any U.S. government official while applying for any immigration benefit or to prevent deportation, exclusion, or removal? ☐Yes ☐No
24. Have you **EVER** lied to any U.S. government official to gain entry or admission into the United States? ☐Yes ☐No

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Part 10. Additional Questions *(Continued)*

Write your INS "A"- number here:
A _ _ _ _ _ _ _ _ _

E. Removal, Exclusion, and Deportation Proceedings

25. Are removal, exclusion, rescission or deportation proceedings pending against you? ☐Yes ☐No

26. Have you **EVER** been removed, excluded, or deported from the United States? ☐Yes ☐No

27. Have you **EVER** been ordered to be removed, excluded, or deported from the United States? ☐Yes ☐No

28. Have you **EVER** applied for any kind of relief from removal, exclusion, or deportation? ☐Yes ☐No

F. Military Service

29. Have you **EVER** served in the U.S. Armed Forces? ☐Yes ☐No

30. Have you **EVER** left the United States to avoid being drafted into the U.S. Armed Forces? ☐Yes ☐No

31. Have you **EVER** applied for any kind of exemption from military service in the U.S. Armed Forces? ☐Yes ☐No

32. Have you **EVER** deserted from the U.S. Armed Forces? ☐Yes ☐No

G. Selective Service Registration

33. Are you a male who lived in the United States at any time between your 18th and 26th birthdays in any status except as a lawful nonimmigrant? ☐Yes ☐No

If you answered "NO", go on to question 34.

If you answered "YES", provide the information below.

If you answered "YES", but you did NOT register with the Selective Service System and are still under the age of 26, you must register before you apply for naturalization, so that you can complete the information below:

Date Registered (Month/Day/Year) _____ Selective Service Number __/___/____

If you answered "YES", but you did NOT register with the Selective Service and you are now 26 years old or older, attach a statement explaining why you did not register.

H. Oath Requirements *(See Part 14 for the text of the oath)*

Answer questions 34 through 39. If you answer "No" to any of these questions, attach (1) your written explanation why the answer was "No" and (2) any additional information or documentation that helps to explain your answer.

34. Do you support the Constitution and form of government of the United States? ☐Yes ☐No

35. Do you understand the full Oath of Allegiance to the United States? ☐Yes ☐No

36. Are you willing to take the full Oath of Allegiance to the United States? ☐Yes ☐No

37. If the law requires it, are you willing to bear arms on behalf of the United States? ☐Yes ☐No

38. If the law requires it, are you willing to perform noncombatant services in the U.S. Armed Forces? ☐Yes ☐No

39. If the law requires it, are you willing to perform work of national importance under civilian direction? ☐Yes ☐No

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Write your INS "A"- number here:
A __ __ __ __ __ __ __ __ __

Part 11. Your Signature

I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct. I authorize the release of any information which INS needs to determine my eligibility for naturalization.

Your Signature

Date *(Month/Day/Year)* __/__/____

Part 12. Signature of Person Who Prepared This Application for You *(if applicable)*

I declare under penalty of perjury that I prepared this application at the request of the above person. The answers provided are based on information of which I have personal knowledge and/or were provided to me by the above named person in response to the *exact questions* contained on this form.

Preparer's Printed Name

Preparer's Signature

Date *(Month/Day/Year)* __/__/____

Preparer's Firm or Organization Name *(if applicable)*

Preparer's Daytime Phone Number ( )

Preparer's Address - Street Number and Name

City

State

ZIP Code

Do Not Complete Parts 13 and 14 Until an INS Officer Instructs You To Do So

Part 13. Signature at Interview

I swear (affirm) and certify under penalty of perjury under the laws of the United States of America that I know that the contents of this application for naturalization subscribed by me, including corrections numbered 1 through ____ and the evidence submitted by me numbered pages 1 through ____, are true and correct to the best of my knowledge and belief.

Subscribed to and sworn to (affirmed) before me

Complete Signature of Applicant

Officer's Signature

Officer's Printed Name or Stamp

Date *(Month/Day/Year)*

Part 14. Oath of Allegiance

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen;
that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic;
that I will bear true faith and allegiance to the same;
that I will bear arms on behalf of the United States when required by the law;
that I will perform noncombatant service in the Armed Forces of the United States when required by the law;
that I will perform work of national importance under civilian direction when required by the law; and
that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

Printed Name of Applicant

Complete Signature of Applicant

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[FR Doc. 00–16258 Filed 6–27–00; 8:45 am]
BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of Preshift and Onshift Inspections of Slope and Shaft Areas

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

DATES: Submit comments on or before August 28, 2000.

ADDRESSES: Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203–1984. Commenters are encouraged to send their comments on a computer disk, or via E-mail to bcteaster@msha.gov, along with an original printed copy. Ms. Teaster can be reached at (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

FOR FURTHER INFORMATION CONTACT: Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203–1984. Ms Teaster can be reached at bcteaster@msha.gov (Internet E-mail), (703) 235–1470 (voice), or (703) 235–1563 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The sinking of slopes and shafts is a particularly hazardous operation where conditions change drastically in short periods of time. Explosive methane and other harmful gases can be expected to infiltrate the work environment at any time. The working environment is typically a confined area in close proximity to moving equipment. Mandatory safety standard 30 CFR 77.1901 requires coal mine operators to conduct examinations of slope and shaft areas for hazardous conditions, including tests for methane and oxygen deficiency, within 90 minutes before each shift and once during each shift, and before and after blasting. The surface area surrounding each slope and shaft is also required to be inspected for hazards.

The standard also requires that a record be kept of the results of the inspections. The record consists of a description of any hazardous condition found and the corrective action taken to abate it. The record is necessary to ensure that the inspections and tests are conducted in a timely fashion and that corrective action is taken when hazardous conditions are identified. The record is maintained at the mine site for the duration of the operation.

II. Desired Focus of Comments

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Records of Preshift and Onshift Inspections of Slope and Shaft Areas. (Pertains to slope and shaft sinking operations at coal mines.) MSHA 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.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (http://www.msha.gov) and selecting ''Statutory and Regulatory Information'' then ''Paperwork Reduction Act submission (*http://www.msha.gov/regspwork.htm*)'', or by contacting the employee listed above in the *For Further Information Contact* section of this notice for a hard copy.

III. Current Actions

MSHA proposes to continue the information collection requirement related to records of preshift and onshift inspections of slope and shaft areas for an additional 3 years. MSHA believes that eliminating this requirement would expose miners to unnecessary risk of injury or death.

The records are used by slope and shaft supervisors and employees, State mine inspectors, and Federal mine inspectors. The records show that the examinations and tests were conducted and give insight into the hazardous conditions that have been encountered and those that may be encountered. The records of inspections greatly assist those who use them in making decisions that will ultimately affect the safety and health of slope and shaft sinking employees.

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Records of Preshift and Onshift Inspections of Slope and Shaft Areas.

OMB Number: 1219–0082.

Recordkeeping: Records are required to be kept for the duration of the operation.

Affected Public: Business or other for-profit institutions.

Cite/Reference/Form/etc: 30 CFR 77.1901.

Total Respondents: 35.

Frequency: Twice per shift.

Total Responses: 11,858.

Average Time per Response: 1.25 hours.

Estimated Total Burden Hours: 14,823 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $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 will also become a matter of public record.

Dated: June 22, 2000.

Brenda C. Teaster,

Acting Chief, Records Management Division.

[FR Doc. 00–16321 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0209 2000]

Proposed Information Collection Request Submitted for Public Comment and Recommendations; OSHA Data Initiative (1218–0209)

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 with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection request for the OSHA Data Collection System. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before August 28, 2000.

The Department of Labor 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.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 1218–0209 2000, U.S. Department of Labor, Room N–2625, 200 Constitution Ave., NW, Washington, D.C. 20210, telephone (202) 693–2350. Written comments limited to 10 pages or less in length may be transmitted by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION CONTACT: Dave Schmidt, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3644, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693–1886. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Dave Schmidt at (202) 693–1886 or Todd Owen at (202) 693–2444. For electronic copies of the OSHA Data Initiative information collection request, contact OSHA's WebPage on the Internet at http://www.osha-slc.gov/OCIS/Infor_coll.html.

SUPPLEMENTARY INFORMATION:

I. Background

To meet many of OSHA's program needs, OSHA is proposing to continue its data initiative to collect occupational injury and illness data and information on number of workers employed and number of hours worked from establishments in portions of the private sector and from some state and local government agencies. OSHA will collect calendar year 2000 data from up to 136,000 employers already required to create and maintain records pursuant to 29 CFR Part 1904. These data will allow OSHA to calculate occupational injury and illness rates and to focus its efforts on individual workplaces with ongoing serious safety and health problems. Successful implementation of the data collection initiative is critical to OSHA's reinvention efforts and the data requirements tied to the Government Performance and Results Act (GPRA).

II. Current Actions

This notice requests public comment on an extension of the current OMB approval of the paperwork requirements for the OSHA Data Collection System.

Type of Review: Extension of currently approved collection.

Agency: Occupational Safety and Health Administration.

Title: OSHA Data Initiative.

OMB Number: 1218–0209.

Agency Number: ICR 1218–0209 2000.

Affected Public: Business or other for-profit, farms, and State, Local or Tribal Government.

Cite/Reference/Form/etc: OSHA Form 196A and OSHA Form 196B.

Total Respondents: 136,000.

Frequency: Annually.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 63,000 hours.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 22, 2000.

Charles N. Jeffress,

Assistant Secretary for Occupational Safety and Health.

[FR Doc. 00–16345 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–2–98]

NSF International, Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of NSF International (NSF) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition becomes effective on June 28, 2000 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while NSF remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of NSF International (NSF) as a Nationally

Recognized Testing Laboratory (NRTL). NSF's expansion request covers the use of additional test standards.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products ''properly certified'' by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

NSF submitted a request, dated December 17, 1998 (see Exhibit 6A), to expand its recognition as an NRTL for 6 additional test standards. NSF also submitted a similar request, dated March 1, 1999 (see Exhibit 6B), for 4 other test standards. The NRTL Program staff determined that two of the standards listed in the December 17 request were not ''appropriate test standards,'' within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA approved 8 test standards for the expansion. The staff temporarily withheld its consideration of NSF's requests pending notification by the NRTL of the certification of its first products under the NRTL Program. The Agency imposed a condition requiring such a notification when it recognized NSF. However, NSF informed OSHA that it had not yet had an opportunity to perform such a certification. OSHA decided to grant NSF's requests, but continues to impose the condition for notification as restated in this notice.

OSHA published the required notice in the **Federal Register** (65 FR 11344, 03/02/2000) to announce the NSF expansion request. The notice included a preliminary finding that NSF could meet the requirements for expansion of its recognition, subject to the condition mentioned above, and OSHA invited public comment on the application by May 1, 2000. OSHA received no comments concerning this application.

In processing these requests, OSHA did not perform an on-site review of NSF's NRTL testing facilities. However, NRTL Program assessment staff reviewed information pertinent to the request and, in a memo dated October 21, 1999 (see Exhibit 7), recommended the expansion of NSF's recognition to include the additional test standards.

The most recent notices published by OSHA for the NSF recognition covered its initial recognition, which OSHA announced on August 8, 1998 (63 FR 46082) and granted on December 10, 1998 (63 FR 68309).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, D.C. 20210, telephone: (202) 693–2350. You should refer to Docket No. NRTL–2–98, the permanent records of public information on the NSF recognition.

The current address of the NSF facility (site) recognized by OSHA is: NSF International, 789 Dixboro, Ann Arbor, Michigan 48105.

Condition

As previously mentioned, OSHA included a condition in the **Federal Register** notice for the recognition of NSF, published on December 10, 1998 (63 FR 68309). The condition requires NSF to contact the NRTL Program after NSF has certified its first products under the program. The condition continues to apply as part of this expansion. We have included it below.

The condition applies solely to the NSF operations as an NRTL and solely to those products that it certifies for purposes of enabling employers to meet OSHA product approval requirements. The condition is in addition to the other conditions listed below, which OSHA normally imposes in its recognition of an organization as an NRTL. The NRTL Program staff includes these types of additional conditions on OSHA's informational web page for the NRTL. When the staff determines that a particular condition has been satisfied, not only for NSF but for any NRTL, they will remove the condition from the web page and notify the NRTL accordingly. OSHA has no requirement to publish a public notice to remove conditions it imposes as part of its NRTL recognition activities.

Final Decision and Order

The NRTL Program staff has examined the application and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that NSF International has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standards, listed below, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of NSF, subject to these limitations and conditions.

Limitations

OSHA hereby expands the recognition of NSF for testing and certification of products to demonstrate conformance to the 8 additional test standards listed below. OSHA has determined that each test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

The Agency's recognition of NSF, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances
UL 621 Ice Cream Makers
UL 651 Schedule 40 and 80 PVC Conduit
UL 651A Type EB and A Rigid PVC Conduit and HDPE Conduit
UL 749 Household [Electric] Dishwashers
UL 763 Motor-Operated Commercial Food Preparing Machines
UL 1081 Swimming Pool Pumps, Filters, and Chlorinators
UL 1821 Thermoplastic Sprinkler Pipe and Fittings for Fire Protection

Some standards listed above are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, the above list shows the designation of the standard developing organization (*e.g.,* UL 22) for the standard, as opposed to the ANSI designation (*e.g.,* ANSI/UL 22). Under our procedures, an NRTL that is approved for a particular test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

None of the above standards had been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

Conditions

NSF International must also abide by the following conditions of the

recognition, in addition to those already required by 29 CFR 1910.7:

Within 30 days of certifying its first products under the NRTL Program, NSF will notify the OSHA NRTL Program Director so that OSHA may review NSF's implementation of procedures for testing and follow-up inspections of products covered within the scope of the above-listed test standards.

OSHA must be allowed access to the NSF facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If NSF has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

NSF must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, NSF agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

NSF must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

NSF will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

NSF will continue to meet the requirements for recognition in all areas where it has been recognized; and

NSF will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, D.C. this 20th day of June, 2000.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 00–16319 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–3–92]

TUV Rheinland of North America, Inc., Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of TUV Rheinland of North America, Inc., (TUV) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7. Four standards are granted interim approval subject to review.

EFFECTIVE DATE: This recognition becomes effective on June 28, 2000. And, unless modified in accordance with 29 CFR 1910.7, continues in effect while TUV remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of TUV Rheinland of North America, Inc., (TUV) , as a Nationally Recognized Testing Laboratory (NRTL). TUV's expansion request covers the use of the additional test standards listed below.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products ''properly certified'' by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

TUV submitted a request, dated May 5, 1999 (see Exhibit 19A), to expand its recognition as an NRTL for 139 additional test standards. TUV also submitted information in support of its request with a letter, dated July 6, 1999 (see Exhibit 19B). In this submission, TUV also requested recognition for an additional 5 standards, bringing the total requested for the expansion to 144. The NRTL Program staff determined that 29 of the 144 standards were not ''appropriate test standards,'' within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA approved 115 test standards for the expansion. The staff temporarily withheld its consideration of TUV's expansion request due to findings noted during a review of TUV's site. TUV has provided documentation to OSHA to resolve the issues raised by the review. Although the NRTL Program staff has accepted the NRTL's resolution, we include a condition below related to this resolution. We also include a condition related to the documentation TUV submitted in support of its expansion request.

OSHA published the required notice in the **Federal Register** (65 FR 11345, 03/02/2000) to announce the TUV expansion request. The notice included a preliminary finding that TUV could meet the requirements for expansion of its recognition, subject to certain conditions, and OSHA invited public comment on the application by May 1, 2000. OSHA received no comments concerning this application.

The preliminary notice listed 119 test standards, four of which TUV had not requested and OSHA had not approved for TUV: UL 443, UL 444, UL 448, and UL 452. We exclude these standards from this final notice. However, as explained below, we include four other test standards in the list, bringing the total number of standards approved for the expansion to 119.

In processing TUV's request, OSHA performed an on-site assessment (review) of TUV's facility in Newtown, Connecticut, on July 12–14, 1999. In the final report of the on-site review (see Exhibit 20), the assessor recommended the expansion for the additional test standards.

The most recent notices published by OSHA for the TUV recognition covered an expansion of recognition, which OSHA announced on January 8, 1998 (63 FR 1127) and granted on April 2, 1998 (63 FR 16280).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW,

Room N2625, Washington, D.C. 20210, telephone: (202) 693–2350. You should refer to Docket No. NRTL–3–92, the permanent records of public information on the TUV recognition.

The current address of the TUV facility (site) recognized by OSHA is: TUV Rheinland of North America, Inc., 12 Commerce Road, Newtown, Connecticut 06470.

Interim Approval Subject To Review

Some of the standards requested by TUV were not ''appropriate'' because the standards developing organization (SDO) had withdrawn the standard. Under our procedures for the NRTL Program, when an SDO withdraws a test standard, an NRTL may request recognition for a comparable standard, and OSHA will note the substitution if it determines the standard is appropriate and comparable. However, through no fault of TUV, it made such a request after publication of the preliminary notice (see Exh. 19C). OSHA has included in the list below UL 2157, UL 2158, and UL 3121–1, as replacement for UL 1092, UL 560, UL 1555, and UL 1556, all of which TUV included in its original request of May 5. Also, in its May 5 request, TUV had applied for ''UL 335–1 General Appliances, IEC based,'' which the NRTL staff did not find listed in UL's on-line catalog of standards. Therefore, the staff excluded this standard from the preliminary notice. After the publication of the notice, the staff learned that TUV had intended to apply for UL 60335–1 Safety of Household and Similar Electrical Appliances, Part 1; General Requirements. OSHA would have included this standard in the preliminary notice if the staff had known and reviewed the correct standard. OSHA is expanding the recognition of TUV to include the above four standards, which require the same type of capabilities as many other test standards approved for the expansion. However, since these standards were not included in the preliminary notice, the Agency will provide interested parties an opportunity to comment. Comments submitted by interested parties must be received no later than August 28, 2000. If we receive comments, OSHA will determine whether additional procedures are necessary.

Additional Conditions

TUV has demonstrated its general capability for testing to the above standards. The testing capabilities required under these standards are very similar to those standards for which it is already recognized. TUV has general ''procedures'' that it can adapt for each specific test standard covered by this notice, and it will develop more specific testing procedures for each test standard. However, it must have these procedures in-place before it can undertake any testing, and therefore before any certification, of products covered by the particular test standard. If these procedures are not in place, TUV would not meet the requirements for continued recognition of the particular test standard(s). As a result, OSHA recognizes TUV for the additional standards listed above subject to a later assessment of the relevant documentation and procedures for testing to these standards. During future on-site visits of the NRTL, the NRTL Program staff would audit for compliance to the condition. The Agency would commence the process to revoke recognition for any test standards for which TUV does not properly meet the condition.

As mentioned above, TUV submitted documentation to OSHA to resolve certain findings noted during a review of TUV's site. The NRTL Program staff withheld its consideration of TUV's expansion request until the NRTL submitted its resolution. Although the staff has accepted the resolution, it will take some time to implement. However, since the staff believes that TUV will make full implementation, OSHA has decided to proceed with the expansion but includes a condition to comply with our approval procedures. The condition provides the Agency with added assurance that TUV will properly implement its resolution. The Agency does not reveal the specific findings of its on-site reviews because they often contain specific details that may be confidential or privileged to the NRTL. For purposes of this notice, OSHA proposes the condition in terms that the Agency believes are fair to the NRTL and provide appropriate information to the public.

Therefore, OSHA includes appropriate conditions below to address these matters. These conditions apply solely to the TUV operations as an NRTL and solely to those products that it certifies for purposes of enabling employers to meet OSHA product approval requirements. The conditions are in addition to the other conditions listed below, which OSHA normally imposes in its recognition of an organization as an NRTL. The NRTL Program staff includes these types of additional conditions on OSHA's informational web page for the NRTL. When the staff determines that a particular condition has been satisfied, not only for TUV but for any NRTL, they will remove the condition from the web page and notify the NRTL accordingly. OSHA has no requirement to publish a public notice to remove conditions it imposes as part of its NRTL recognition activities.

Final Decision and Order

The NRTL Program staff has examined the application, the on-site review report, and other pertinent information. Based upon this examination and the staff's recommendation, OSHA finds that TUV Rheinland of North America, Inc., has met the requirements of 29 CFR 1910.7 for expansion of its recognition to include the additional test standards, listed below, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of TUV, subject to these limitations and conditions.

Limitations

OSHA hereby expands the recognition of TUV for testing and certification of products to demonstrate conformance to the 119 additional test standards listed below. OSHA has determined that each test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

The Agency's recognition of TUV, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 22 Amusement and Gaming Machines
UL 48 Electric Signs
UL 67 Panelboards
UL 73 Motor-Operated Appliances
UL 82 Electric Gardening Appliances
UL 122 Photographic Equipment
UL 130 Electric Heating Pads
UL 136 Pressure Cookers
UL 141 Garment Finishing Appliances
UL 153 Portable Electric Lamps
UL 174 Household Electric Storage Tank Water Heaters
UL 197 Commercial Electric Cooking Appliances
UL 250 Household Refrigerators and Freezers
UL 298 Portable Electric Hand Lamps
UL 430 Waste Disposers
UL 469 Musical Instruments and Accessories
UL 471 Commercial Refrigerators and Freezers

UL 474 Dehumidifiers
UL 482 Portable Sun/Heat Lamps
UL 499 Electric Heating Appliances
UL 506 Specialty Transformers
UL 507 Electric Fans
UL 508 Industrial Control Equipment
UL 508C Power Conversion Equipment
UL 541 Refrigerated Vending Machines
UL 561 Floor Finishing Machines
UL 583 Electric-Battery-Powered Industrial Trucks
UL 621 Ice Cream Makers
UL 696 Electric Toys
UL 697 Toy Transformers
UL 745–1 Portable Electric Tools
UL 745–2–1 Particular Requirements of Drills
UL 745–2–2 Particular Requirements for Screwdrivers and Impact Wrenches
UL 745–2–3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders
UL 745–2–4 Particular Requirements for Sanders
UL 745–2–5 Particular Requirements for Circular Saws and Circular Knives
UL 745–2–6 Particular Requirements for Hammers
UL 745–2–8 Particular Requirements for Shears and Nibblers
UL 745–2–9 Particular Requirements for Tappers
UL 745–2–11 Particular Requirements for Reciprocating Saws
UL 745–2–12 Particular Requirements for Concrete Vibrators
UL 745–2–14 Particular Requirements for Planers
UL 745–2–17 Particular Requirements for Routers and Trimmers
UL 745–2–30 Particular Requirements for Staplers
UL 745–2–31 Particular Requirements for Diamond Core Drills
UL 745–2–32 Particular Requirements for Magnetic Drill Presses
UL 745–2–33 Particular Requirements for Portable Bandsaws
UL 745–2–34 Particular Requirements for Strapping Tools
UL 745–2–35 Particular Requirements for Drain Cleaners
UL 745–2–36 Particular Requirements for Hand Motor Tools
UL 745–2–37 Particular Requirements for Plate Jointers
UL 749 Household Dishwashers
UL 751 Vending Machines
UL 763 Motor-Operated Commercial Food Preparing Machines
UL 775 Graphic Arts Equipment
UL 778 Motor Operated Water Pumps
UL 826 Household Electric Clocks
UL 858 Household Electric Ranges
UL 859 Household Electric Personal Grooming Appliance
UL 867 Electrostatic Air Cleaners
UL 875 Electric Dry Bath Heaters
UL 921 Commercial Electric Dishwashers
UL 923 Microwave Cooking Appliances
UL 935 Fluorescent-Lamp Ballasts
UL 961 Electric Hobby and Sports Equipment
UL 982 Motor-Operated Household Food Preparing Machines
UL 984 Hermetic Refrigerant Motor-Compressors
UL 987 Stationary and Fixed Electric Tools
UL 1004 Electric Motors
UL 1005 Electric Flatirons
UL 1012 Power Units Other than Class Two
UL 1017 Vacuum Cleaning Machines and Blower Cleaners
UL 1018 Electric Aquarium Equipment
UL 1026 Electric Household Cooking and Food-Serving Appliances
UL 1028 Hair Clipping and Shaving Appliances
UL 1042 Electric Baseboard Heating Equipment
UL 1081 Swimming Pool Pumps, Filters and Chlorinators
UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances
UL 1083 Household Electric Skillets and Frying-Type Appliances
UL 1230 Amateur Movie Lights
UL 1236 Battery Chargers for Charging Engine-Starter Batteries
UL 1240 Electric Commercial Clothes-Drying Equipment
UL 1278 Movable and Wall- or Ceiling-Hung Electric Room Heaters
UL 1310 Class 2 Power Units
UL 1409 Low-Voltage Video Products Without Cathode-Ray-Tube Displays
UL 1411 Transformers and Motor Transformers for Use In Audio-, Radio-, and Television-Type Appliances
UL 1418 Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
UL 1419 Professional Video and Audio Equipment
UL 1431 Personal Hygiene and Health Care Appliances
UL 1445 Electric Water Bed Heaters
UL 1459 Telephone Equipment
UL 1559 Insect-Control Equipment, Electrocution Type
UL 1561 Dry Type General Purpose and Power Transformers
UL 1563 Electric Spas, Equipment Assemblies, and Associated Equipment
UL 1564 Industrial Battery Chargers
UL 1570 Fluorescent Lighting Fixtures
UL 1571 Incandescent Lighting Fixtures
UL 1572 High Intensity Discharge Lighting Fixtures
UL 1573 Stage and Studio Lighting Units
UL 1574 Track Lighting Systems
UL 1585 Class 2 and Class 3 Transformers
UL 1594 Sewing and Cutting Machines
UL 1647 Motor-Operated Massage and Exercise Machines
UL 1693 Electric Radiant Heating Panels and Heating Panel Sets
UL 1727 Commercial Electric Personal Grooming Appliances
UL 1776 High-Pressure Cleaning Machines
UL 1786 Nightlights
UL 1795 Hydromassage Bathtubs
UL 1838 Low Voltage Landscape Lighting Systems
UL 1995 Heating and Cooling Equipment
UL 2021 Fixed and Location-Dedicated Electric Room Heaters
UL 2157 Electric Clothes Washing Machines and Extractors
UL 2158 Electric Clothes Dryers
UL 3121–1 Process Control Equipment
UL 60335–1 Safety of Household and Similar Electrical Appliances, Part 1; General Requirements
UL 8730–1 Electrical Controls for Household and Similar Use; Part 1: General Requirements
UL 8730–2–3 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Ballasts for Tubular Fluorescent Lamps
UL 8730–2–4 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Motor Compressors or Hermetic and Semi-Hermetic Type
UL 8730–2–8 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Water Valves

Many of the standards listed above are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, the above list shows the designation of the standard developing organization (*e.g.,* UL 22) for the standard, as opposed to the ANSI designation (*e.g.,* ANSI/UL 22). Under our procedures, an NRTL that is approved for a particular test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

None of the above standards had been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

Conditions

TUV Rheinland of North America, Inc., must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

TUV must have specific written testing procedures in place before testing products covered by any test standard for which it is recognized and must use these procedures in testing and certifying those products;

TUV must restrict the certification and qualification activities that it performs in its capacity as an NRTL only to its Newtown facility. TUV must perform these activities in accordance with OSHA's relevant policies and criteria for these activities and, in accordance with its response, to the applicable on-site review that OSHA has accepted;

OSHA must be allowed access to the TUV facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If TUV has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

TUV must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, TUV agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

TUV must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

TUV will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

TUV will continue to meet the requirements for recognition in all areas where it has been recognized; and

TUV will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, DC this 20th day of June, 2000.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 00–16320 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–1–93]

Wyle Laboratories, Inc.; Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of Wyle Laboratories, Inc. (Wyle), for renewal of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition becomes effective on June 28, 2000 and will be valid until June 28, 2005, unless terminated or modified prior to that date, in accordance with 29 CFR 1910.7.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the renewal of recognition of Wyle Laboratories, Inc. (Wyle), as a Nationally Recognized Testing Laboratory (NRTL). Wyle's renewal covers its existing scope of recognition.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products ''properly certified'' by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of its final decision on an application.

When Wyle received recognition as an NRTL, it was part of Wyle Laboratories, a publicly-held corporation first established in 1949. In 1995, Wyle informed OSHA (see Exhibit 13) that it had become a ''privately held company incorporated in the State of Delaware.'' The ''new'' company name was also ''Wyle Laboratories.'' In 1997, the NRTL informed OSHA of the sale of its ''Electronic Enclosures Division'' and requested that OSHA remove a condition that the Agency had imposed in the notice of Wyle's initial recognition. The condition had excluded from the recognition any testing and certification of an ''enclosure cabinet manufactured or distributed by Wyle.'' OSHA granted this request on January 16, 1998 (63 FR 2700).

Wyle received its recognition as an NRTL on July 22, 1994 (59 FR 37509), for a period of five years ending July 24, 1999. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. Wyle applied for a renewal of its recognition on August 19, 1998 (see Exhibit 15), within the time allotted, and retains its recognition pending OSHA's final decision in this renewal process.

In its letter of August 19, Wyle requested renewal for its existing scope of recognition, which includes the facility listed below, 122 test standards, and 8 supplemental programs. However, some of the test standards for which Wyle is currently recognized have been withdrawn by the standards developing organization. These standards are UL 465, UL 547, UL 1025, UL 1096, and UL 1624. As appropriate, OSHA has eliminated or replaced these test standards in the list included in the preliminary notice and in the list shown below.

OSHA published the required notice in the **Federal Register** (65 FR 11804, 03/06/2000) to announce Wyle's renewal request. The notice included a preliminary finding that Wyle could meet the requirements for expansion of its recognition, subject to the condition mentioned above, and OSHA invited public comment on the application by May 5, 2000. OSHA received no comments concerning this application.

In processing Wyle's request, OSHA performed an on-site assessment (review) of Wyle's facility in Huntsville, Alabama, on August 3–5, 1999. In the

final report of the on-site review (see Exhibit 16), the assessor recommended the renewal of Wyle's recognition.

The most recent notice that OSHA published for Wyle's recognition concerned the removal of the condition mentioned above. A chronology of the previous notices that OSHA published for Wyle is as follows: an expansion of recognition for additional test standards and programs, which OSHA announced on July 12, 1996 (61 FR 36764) and granted on November 20, 1996 (61 FR 59115); and Wyle's initial recognition, which OSHA announced on January 6, 1994 (59 FR 783) and granted as specified above. The renewal would incorporate all recognitions granted to Wyle through the date of publication of the March 6 notice of preliminary finding.

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, D.C. 20210, telephone: (202) 693–2350. You should refer to Docket No. NRTL–1–93, the permanent records of public information on the Wyle recognition.

The current address of the Wyle facility recognized by OSHA is: Wyle Laboratories, 7800 Highway 20 West, P.O. Box 077777, Huntsville, Alabama 35807.

Final Decision and Order

The NRTL Program staff has examined Wyle's request, the on-site review report, and other pertinent information. Based upon this examination, OSHA finds that Wyle Laboratories, Inc., has met the requirements of 29 CFR 1910.7 for renewal of its recognition, listed below, subject to the limitations and conditions. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby renews the recognition of Wyle, subject to these limitations and conditions.

Limitations

OSHA hereby renews the recognition of Wyle for testing and certification of products to demonstrate conformance to the 139 additional test standards listed below. The NRTL Program staff has determined that each test standard meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing applications requests from any NRTL.

The Agency's recognition of Wyle, or any NRTL, for a particular test standard is always limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 8 Foam Fire Extinguishers
UL 20 General-Use Snap Switches
UL 22 Amusement and Gaming Machines
UL 44 Rubber-Insulated Wires and Cables
UL 45 Portable Electric Tools
UL 48 Electric Signs
UL 62 Flexible Cord and Fixture Wire
UL 65 Wired Cabinets
UL 67 Panelboards
UL 73 Motor-Operated Appliances
UL 83 Thermoplastic-Insulated Wires and Cables
UL 92 Fire Extinguisher and Booster Hose
UL 98 Enclosed and Dead-Front Switches
UL 153 Portable Electric Lamps
UL 154 Carbon-Dioxide Fire Extinguishers
UL 187 X-Ray Equipment
UL 198B Class H Fuses
UL 198C High-Interrupting-Capacity Fuses, Current-Limiting Types
UL 198D Class K Fuses
UL 198E Class R Fuses
UL 198F Plug Fuses
UL 198G Fuse for Supplementary Overcurrent Protection
UL 198H Class T Fuses
UL 198L DC Fuses for Industrial Use
UL 244A Solid-State Controls for Appliances
UL 299 Dry Chemical Fire Extinguishers
UL 363 Knife Switches
UL 393 Indicating Pressure Gauges for Fire-Protection Service
UL 429 Electrically Operated Valves
UL 444 Communications Cables
UL 466 Electric Scales
UL 467 Grounding and Bonding Equipment
UL 484 Room Air Conditioners
UL 486B Wire Connectors for Use With Aluminum Conductors
UL 486C Splicing Wire Connectors
UL 486D Insulated Wire Connectors for Use With Underground Conductors
UL 489 Molded-Case Circuit Breakers and Circuit-Breaker Enclosures
UL 497A Secondary Protectors for Communication Circuits
UL 498 Attachment Plugs and Receptacles
UL 499 Electric Heating Appliances
UL 506 Specialty Transformers
UL 507 Electric Fans
UL 508 Industrial Control Equipment
UL 510 Insulating Tape
UL 512 Fuseholders
UL 539 Single and Multiple Station Heat Detectors
UL 541 Refrigerated Vending Machines
UL 544 Electric Medical and Dental Equipment
UL 626 2½ Gallon Stored-Pressure Water-Type Fire Extinguishers
UL 698 Industrial Control Equipment for Use in Hazardous (Classified) Locations
UL 711 Rating and Fire Testing of Fire Extinguishers
UL 745–1 Portable Electric Tools
UL 745–2–1 Particular Requirements of Drills
UL 745–2–2 Particular Requirements for Screwdrivers and Impact Wrenches
UL 745–2–3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders
UL 745–2–4 Particular Requirements for Sanders
UL 745–2–5 Particular Requirements for Circular Saws and Circular Knives
UL 745–2–6 Particular Requirements for Hammers
UL 745–2–8 Particular Requirements for Shears and Nibblers
UL 745–2–9 Particular Requirements for Tappers
UL 745–2–11 Particular Requirements for Reciprocating Saws
UL 745–2–12 Particular Requirements for Concrete Vibrators
UL 745–2–14 Particular Requirements for Planers
UL 745–2–17 Particular Requirements for Routers and Trimmers
UL 745–2–30 Particular Requirements for Staplers
UL 745–2–31 Particular Requirements for Diamond Core Drills
UL 745–2–32 Particular Requirements for Magnetic Drill Presses
UL 745–2–33 Particular Requirements for Portable Bandsaws
UL 745–2–34 Particular Requirements for Strapping Tools
UL 745–2–35 Particular Requirements for Drain Cleaners
UL 745–2–36 Particular Requirements for Hand Motor Tools
UL 745–2–37 Particular Requirements for Plate Jointers
UL 796 Printed-Wiring Boards
UL 813 Commercial Audio Equipment
UL 817 Cord Sets and Power-Supply Cords
UL 845 Motor Control Centers
UL 854 Service-Entrance Cables
UL 863 Time-Indicating and -Recording Appliances
UL 877 Circuit Breakers and Circuit-Breaker Enclosure for Use in Hazardous (Classified) Locations
UL 894 Switches for Use in Hazardous (Classified) Locations

UL 916 Energy Management Equipment
UL 917 Clock-Operated Switches
UL 924 Emergency Lighting and Power Equipment
UL 943 Ground-Fault Circuit-Interrupters
UL 961 Electric Hobby and Sports Equipment
UL 977 Fused Power-Circuit Devices
UL 998 Humidifiers
UL 1004 Electric Motors
UL 1008 Automatic Transfer Switches
UL 1012 Power Supplies
UL 1018 Electric Aquarium Equipment
UL 1022 Line Isolation Monitors
UL 1028 Hair Clipping and Shaving Appliances
UL 1047 Isolated Power Systems Equipment
UL 1053 Ground-Fault Sensing and Relaying Equipment
UL 1054 Special-Use Switches
UL 1058 Halogenated Agent Extinguishing System Units
UL 1059 Terminal Blocks
UL 1066 Low-Voltage AC and DC Power Circuit Breakers Used in Enclosures
UL 1069 Hospital Signaling and Nurse-Call Equipment
UL 1077 Supplementary Protectors for Use in Electrical Equipment
UL 1087 Molded-Case Switches
UL 1091 Butterfly Valves for Fire-Protection Service
UL 1093 Halogenated Agent Fire Extinguishers
UL 1097 Double Insulation Systems for Use in Electrical Equipment
UL 1236 Battery Chargers
UL 1244 Electrical and Electronic Measuring and Testing Equipment
UL 1254 Pre-Engineered Dry Chemical Extinguishing Systems Units
UL 1262 Laboratory Equipment
UL 1283 Electromagnetic Interference Filters
UL 1310 Class 2 Power Units
UL 1411 Transformers and Motor Transformer for Use in Audio-, Radio-, and Television-Type Appliances
UL 1412 Fusing Resistors and Temperature-Limited Resistors for Radio-and Television-Type Appliances
UL 1416 Overcurrent and Overtemperature Protectors for Radio- and Television-Type Appliances
UL 1424 Cables for Power-Limited Fire-Alarm Circuits
UL 1429 Pullout Switches
UL 1437 Electrical Analog Instruments-Panel Board Types
UL 1449 Transient Voltage Surge Suppressors
UL 1459 Telephone Equipment
UL 1474 Adjustable Drop Nipples for Sprinkler Systems
UL 1481 Power Supplies for Fire-Protective Signaling Systems
UL 1486 Quick Opening Devices for Dry Pipe Valves for Fire-Protection Service
UL 1557 Electrically Isolated Semiconductor Devices
UL 1564 Industrial Battery Chargers
UL 1570 Fluorescent Lighting Fixtures
UL 1571 Incandescent Lighting Fixtures
UL 1577 Optical Isolators
UL 1585 Class 2 and Class 3 Transformers
UL 1604 Electrical Equipment for Use in Class I and II, Division 2, and Class III Hazardous (Classified) Locations
UL 1664 Immersion-Detection Circuit-Interrupters
UL 1673 Electric Space Heating Cables
UL 1682 Plugs, Receptacles, and Cable Connectors, of the Pin and Sleeve Type
UL 1778 Uninterruptible Power Supply Equipment
UL 1863 Communication Circuit Accessories
UL 1876 Isolating Signal and Feedback Transformers for Use in Electronic Equipment
UL 1950 Information Technology Equipment, Including Electrical Business Equipment
UL 1995 Heating and Cooling Equipment
UL 2006 Halon 1211 Recovery/Recharge Equipment
UL 2111 Overheating Protection for Motors

For convenience in compiling the list, we generally show the name (i.e., designation and title) used by the standards developing organization (SDO), although many of these standards have been approved as American National Standards by the American National Standards Institute (ANSI). For example, the ANSI designation for UL 22 is ANSI/UL 22. Under our procedures, an NRTL that OSHA has approved for a particular test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or visit the ANSI web site to find out whether or not a standard is currently ANSI approved.

None of the above standards had been withdrawn by the standards developing organization (SDO) at the time of the preparation of the notice of preliminary finding.

Programs and Procedures

Wyle also requested continued use of the supplemental programs listed below, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. OSHA previously granted Wyle recognition to use these programs, which are listed in OSHA's informational web page on the Wyle recognition.

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.
Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.
Program 4: Acceptance of witnessed testing data.
Program 5: Acceptance of testing data from non-independent organizations.
Program 6: Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).
Program 7: Acceptance of continued certification following minor modifications by the client.
Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC–CB) Scheme.
Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to accept the activities covered under a program only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

Conditions

Wyle Laboratories, Inc., must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to the Wyle facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If Wyle has reason to doubt the efficacy of any test standard it is using

under this program, it must promptly inform the organization that developed the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

Wyle must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, Wyle agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

Wyle must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

Wyle will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

Wyle will continue to meet the requirements for recognition in all areas where it has been recognized; and

Wyle will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, D.C. this 20th day of June, 2000.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 00–16318 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Pension and Welfare Benefits Administration (PWBA) is announcing that collections of information included in its Interim Rules for the Health Insurance Portability for Group Health Plans, the guidance on implementation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA interim rules), specifically, the Notice of Enrollment Rights, the Notice of Pre-Existing Condition Exclusion, and Establishing Prior Creditable Coverage, have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This notice announces the OMB approval numbers and expiration dates.

FOR FURTHER INFORMATION CONTACT: Address requests for copies of the information collection requests (ICRs) to Gerald B. Lindrew, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW. Room N–5647, Washington, DC, 20210. Telephone: (202) 219–4782. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 28, 1999 (64 FR 72696), the Agency announced its intent to request renewal of its current OMB approval for the Notice of Enrollment Rights, an information collection request (ICR) included in the HIPAA interim rules. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA 95), OMB has renewed its approval for the information collection request (ICR) under OMB control number 1210–0101. The approval expires 06/30/2003.

In the **Federal Register** of December 28, 1999 (64 FR 72697), the Agency announced its intent to request renewal of its current OMB approval for the Notice of Pre-Existing Condition Exclusion, an ICR included in the HIPAA interim rules. In accordance with PRA 95, OMB has renewed it approval for the ICR under OMB control number 1210–0101. The approval expires 06/30/2003.

In the **Federal Register** of December 28, 1999 (64 FR 72698), the Agency announced its intent to request renewal of its current OMB approval for Establishing Creditable Coverage, an ICR included in the HIPAA interim rules. In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0103. The approval expires 06/30/2003.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

Dated: June 21, 2000.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 00–16322 Filed 6–29–00; 8:45 am]

BILLING CODE 4510–29–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Pension and Welfare Benefits Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Pension and Welfare Benefits Administration (PWBA) is announcing that collections of information included in its Regulation-Definition of ''Plan Assets''—Participant Contributions and its Prohibited Transaction Exemptions 78–6, 91–38, 76–1 and 77–10, 90–1, and 94–20 have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This notice announces the OMB approval numbers and expiration dates.

FOR FURTHER INFORMATION CONTACT: Address requests for copies of the information collection requests (ICRs) to Gerald B. Lindrew, U.S. Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW. Room N–5647, Washington, DC, 20210. Telephone: (202) 219–4782. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 18, 2000 (65 FR 2647), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of the Regulation-Definition of ''Plan Assets''—Participant Contributions (29 CFR 2510.3–102). In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA 95), OMB has renewed its approval for the information collection request (ICR) under OMB control number 1210–0100. The approval expires 05/31/2003.

In the **Federal Register** of January 24, 2000 (65 FR 3741), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 78–6 (Transactions Involving Collectively Bargained Multiple Employer Apprenticeship and Training Plans). In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0080. the approval expires 06/30/2003.

In the **Federal Register** of January 27, 2000 (65 FR 4442), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of

Prohibited Transaction Class Exemption 91–38 (Bank Collective Investment Funds). In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0082. The approval expires 06/30/2003.

In the **Federal Register** of January 26, 2000 (65 FR 4264), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 76–1 (Transactions Involving Multiemployer or Multiple Employer Plans) with a revision to incorporate the information collection provisions of Prohibited Transaction Class Exemption 77–10 (Transaction Involving Multiple Employer Plans) into the same request. In accordance with PRA 95, OMB has renewed its approval for the revised ICR under OMB control number 1210–0058. The approval expires 06/30/2003.

In the **Federal Register** of January 26, 2000 (65 FR 4262), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 90–1 (Pooled Separate Accounts). In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0083. The approval expires 06/30/2003.

In the **Federal Register** of January 26, 2000 (65 FR 4263), the Agency announced its intent to request renewal of its current OMB approval for the information collection provisions of Prohibited Transaction Class Exemption 94–20 (Purchases and Sales of Foreign Currencies). In accordance with PRA 95, OMB has renewed its approval for the ICR under OMB control number 1210–0085. The approval expires 06/30/2003.

Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

Dated: June 21, 2000.

Gerald B. Lindrew,

Deputy Director, Office of Policy and Research, Pension and Welfare Benefits Administration.

[FR Doc. 00–16323 Filed 6–27–00; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL COUNCIL ON DISABILITY

Advisory Committee Meeting

AGENCY: National Council on Disability (NCD).

SUMMARY: This notice sets forth the schedule of the forthcoming meeting for NCD's Youth Advisory Committee. Notice of this meeting is required under Section 10(a)(1)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

YOUTH ADVISORY COMMITTEE: The purpose of NCD's Youth Advisory Committee is to provide input into NCD activities consistent with the values and goals of the Americans with Disabilities Act.

DATES: July 25, 2000, 2:45 p.m.–5:00 p.m. EDT.

Location: 1331 F. Street, NW, 3rd Floor Conference Room, Washington, DC.

For Youth Advisory Committee Information, Contact: Gerrie Drake Hawkins, Ph.D., Program Specialist, National Council on Disability, 1331 F Street NW, Suite 1050, Washington, DC 20004; 202–272–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax), ghawkins @ncd.gov (e-mail).

Agency Mission: The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

This committee is necessary to provide advice and recommendations to NCD on disability issues.

We currently have a membership reflecting our nation's diversity and representing a variety of disabling conditions from across the United States.

Open Meeting: This advisory committee meeting of the National Council on Disability will be open to the public. Those interested in joining the meeting should contact the appropriate staff member listed above. Space is limited.

Records will be kept of all Youth Advisory Committee meetings calls and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on June 23, 2000.

Ethel D. Briggs,

Executive Director.

[FR Doc. 00–16348 Filed 6–27–00; 8:45 am]

BILLING CODE 6820–MA–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–333]

The Power Authority of the State of New York, James A. Fitzpatrick Nuclear Power Plant; Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DPR–59 for the James A. FitzPatrick Nuclear Power Plant (FitzPatrick) currently held by the Power Authority of the State of New York (PASNY), as owner and operator of FitzPatrick. The transfer would be to Entergy Nuclear FitzPatrick, LLC (Entergy Nuclear FitzPatrick), the proposed owner of FitzPatrick, and to Entergy Nuclear Operations, Inc. (ENO), the proposed operator of FitzPatrick. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to applications for approval filed by PASNY, the current license holder, and Entergy Nuclear FitzPatrick and ENO, Entergy Nuclear FitzPatrick would assume title to the facility following approval of the proposed license transfer, and ENO would become responsible for the operation and maintenance of FitzPatrick . The application states that the regulatory responsibility for decommissioning the plant will transfer to Entergy Nuclear FitzPatrick upon transfer of the license and closing of transactions. Pursuant to the Decommissioning Agreements and subject to the monetary limits of those Agreements, PASNY will have a contractual obligation to Entergy Nuclear FitzPatrick to decommission FitzPatrick. PASNY will have the option, upon occurrence of certain events specified in the Decommissioning Agreements, to terminate this contractual obligation. Upon such termination, PASNY would have no further contractual responsibility to Entergy Nuclear FitzPatrick to decommission the plant and no further involvement with the decommissioning process; also, the Decommissioning Funds must be transferred to Entergy Nuclear FitzPatrick. If PASNY does not terminate its contractual responsibility before the dismantling of FitzPatrick begins, PASNY's contractual responsibility would be carried out

pursuant to the Decommissioning Agreements. Under those Agreements, PASNY and Entergy Nuclear, Inc. (ENI) are required to enter into an agreement whereby ENI would decommission the plant in accordance with the Decommissioning Agreements. Entergy Nuclear FitzPatrick, through its authorized agent, ENO, would at all times retain ultimate control over the decommissioning activities of ENI and its contractors.

Upon closing, all employees within the PASNY's Nuclear Generation Department, and certain other employees supporting the Nuclear Generation Department, will become employees of ENO. No physical changes to the FitzPatrick facility or operational changes are being proposed in the application.

Entergy Nuclear FitzPatrick, a Delaware Corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a wholly owned indirect subsidiary of Entergy Nuclear Holding Company #1. ENO, a Delaware Corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a direct wholly owned subsidiary of Entergy Nuclear Holding Company #2.

The proposed amendment would replace references to PASNY in the license with references to Entergy Nuclear FitzPatrick and/or ENO, and make other necessary administrative changes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 18, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Mr. Douglas Levanway, Wise, Carter, Child and Caraway, P.O. Box 651, Jackson, MS 39205, Phone: 601–968–5524, Fax: 601–968–5519, E-mail: del@wisecarter.com; Mr. Gerald Goldstein, Asst. General Counsel, New York Power Authority, 1633 Broadway, New York, NY 10019–6756, Phone: 212–468–6131, Fax: 212–468–6206, E-mail: goldstein.g@nypa.gov; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 28, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the applications dated May 11, 2000, and May 12, 2000, as supplemented by letters dated June 13, 2000, and June 16, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland this 23rd day of June, 2000.

For The Nuclear Regulatory Commission.

Guy S. Vissing,

Senior Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–16295 Filed 6–27–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Power Authority of the State of New York Indian Point Nuclear Generating Unit No. 3; Notice of Consideration of Approval of Transfer of Facility Operating License and Conforming Amendment, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of Facility Operating License No. DRP–64 for the Indian Point Nuclear Generating Unit No. 3 (IP3) currently held by the Power Authority of the State of New York (PASNY), as owner and operator of IP3. The transfer would be to Entergy Nuclear Indian Point 3 (Entergy Nuclear IP3), the

proposed owner of IP3, and to Entergy Nuclear Operations, Inc. (ENO), the proposed operator of IP3. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to applications for approval filed by PASNY, Entergy Nuclear IP3, and ENO, Entergy Nuclear IP3 would assume title to the facility following approval of the proposed license transfer, and ENO would become responsible for the operation, and maintenance of IP3. The application states that regulatory responsibility for decommissioning the plant will transfer to Entergy Nuclear IP3 upon transfer of the license and closing of transactions. Pursuant to the Decommissioning Agreements and subject to the monetary limits in those Agreements, PASNY will have a contractual obligation to Entergy Nuclear IP3 to decommission the plant. PASNY will have the option, upon occurrence of certain events specified in the Decommissioning Agreements, to terminate this contractual obligation. Upon such termination, PASNY would have no further contractual responsibility to Entergy Nuclear IP3 to decommission the plant and no further involvement with the decommissioning process; also, the Decommissioning Funds must be transferred to Entergy Nuclear IP3. If PASNY does not terminate its contractual responsibility before the dismantling of IP3 begins, PASNY's contractual responsibility would be carried out pursuant to the Decommissioning Agreements. Under these Agreements, PASNY and Entergy Nuclear, Inc. (ENI) are required to enter into an agreement whereby ENI would decommission the plant in accordance with the Decommissioning Agreements. Entergy Nuclear IP3, through its authorized agent, ENO, would, at all times, retain ultimate control over the decommissioning activities of ENI and its contractors.

No physical changes to the IP3 facility or operational changes are being proposed in the application. Upon closing, all employees within PASNY's Nuclear Generation Department, and certain other employees supporting the Nuclear Generation Department, will become employees of ENO.

Entergy Nuclear IP3, a Delaware Corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a wholly owned indirect subsidiary of Entergy Nuclear Holding Company #1.

ENO, a Delaware Corporation, is an indirect wholly owned subsidiary of Entergy Corporation, and a direct wholly owned subsidiary of Entergy Nuclear Holding Company #2.

The proposed amendment would replace references to PASNY in the license with references to Entergy Nuclear IP3 and/or ENO, and make other necessary administrative changes to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 18, 2000, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, ''Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)–(2).

Requests for a hearing and petitions for leave to intervene should be served upon Mr. Douglas Levanway, Wise, Carter, Child and Caraway, P.O. Box 651, Jackson, MS 39205, Phone: 601–968–5524, Fax: 601–968–5519, E-mail: del@wisecarter.com; Mr. Gerald Goldstein, Asst. General Counsel, New York Power Authority, 1633 Broadway, New York, NY 10019–6756, Phone: 212–468–6131, Fax: 212–468–6206, E-mail: goldstein.g@nypa.gov; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (email address for filings regarding license transfer cases only: OGCLT@NRC.GOV); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by July 28, 2000, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the applications dated May 11, 2000, and May 12, 2000, and the responses to the Commission's June 14, 2000, request for additional information dated June 13, 2000, and June 16, 2000, available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street,

NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland this 23rd day of June 2000.

For the Nuclear Regulatory Commission.

George F. Wunder,

Project Manager, Section 1, Project Directorate 1, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–16296 Filed 6–27–00; 8:45 am]

BILLING CODE 7590–01–P

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 June 3, 2000, through June 16, 2000. The last biweekly notice was published on June 14, 2000 (65 FR 37420).

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; or (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 July 28, 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).

Carolina Power & Light Company, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: June 14, 2000.

Description of amendment request: The requested amendment proposes to revise Technical Specification (TS) 5.6.5 to incorporate analytical methodologies that are used for core operating limits that have been accepted by NRC for referencing in licensing applications.

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:

Carolina Power & Light (CP&L) Company has evaluated the proposed TS change and has concluded that it does not involve a significant hazards consideration. The conclusion is in accordance with the criteria set forth in 10 CFR 50.92. The bases for the conclusion that the proposed change does not involve a significant hazards consideration are discussed below.

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes in a methodology have been previously generically reviewed and approved for use by the NRC for determining core operating limits. Analyzed events are assumed to be initiated by the failure of plant structures, systems, or components. The core operating limits developed in accordance with the new methodologies are bounded by the limitations in the NRC acceptance in its safety evaluations of the new methodologies. The topical reports associated with the new methodologies demonstrate that the integrity of the fuel will be maintained during normal operations and that design requirements will continue to be met. The proposed change does not have a detrimental impact on the integrity of any plant structure, system, or component. The proposed change will not alter the operation of any plant equipment, or otherwise increase its failure probability. Therefore, the probability of occurrence for a previously analyzed accident is not significantly increased.

The consequences of a previously analyzed accident are dependent on the initial conditions assumed for the analysis, the behavior of the fuel during the analyzed accident, the availability and successful functioning of the equipment assumed to operate in response to the analyzed event, and the setpoints at which these actions are initiated. The proposed change to methodology continues to meet applicable design and safety analyses acceptance criteria. The topical reports associated with the new methodologies demonstrate that the integrity of the fuel will be maintained as is assumed or is bounded initially in accident analyses. The proposed change does not affect the performance of any equipment used to mitigate the consequences of an analyzed accident. As a result, no analyses assumptions are violated and there are no adverse effects on the factors that contribute to offsite or onsite dose as the result of an accident. The proposed change does not affect setpoints that initiate protective or mitigative actions. The proposed change ensures that plant structures, systems, or components are maintained consistent with the safety analysis and licensing bases. Based on this evaluation, there is no significant increase in the consequences of a previously analyzed event.

Therefore, the proposed change does not involve any increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed change does not involve any physical alteration of plant systems, structures, or components. The proposed changes in methodology continue to meet applicable criteria for MSLB [main steamline break] and LBLOCA [large break loss-of-coolant accident] analysis and assure that appropriate criteria are used in future safety analyses to establish the acceptability of reload batch fuel with regard to mechanical properties. The proposed change does not involve a physical alteration of the plant other than allowing for fuel design in accordance with NRC approved methodologies. No new or different equipment is being installed. No installed equipment is being operated in a different manner. There is no alteration to the parameters within which the plant is normally operated or in the setpoints that initiate protective or mitigative actions. As a result no new failure modes are being introduced. There are no changes in the methods governing normal plant operation, nor are the methods utilized to respond to plant transients altered. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does this change involve a significant reduction in a margin of safety?

The margin of safety is established through the design of the plant structures, systems, and components, through the parameters within which the plant is operated, through the establishment of the setpoints for the actuation of equipment relied upon to respond to an event, and through margins contained within the safety analyses. The

proposed change in the methodologies used for MSLB and LBLOCA analyses and the use of the generic design criteria for PWR [pressurized-water reactor] fuel designs does not impact the condition or performance of structures, systems, setpoints, and components relied upon for accident mitigation. The proposed change does not significantly, impact any safety analysis assumptions or results. Therefore, the proposed change does not result in 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: 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.

Commonwealth Edison Company, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of amendment request: April 26, 2000.

Description of amendment request: The proposed amendments would revise Technical Specification Sections 3/4.3.7.1, ''Radiation Monitoring Instrumentation,'' 3/4.7.2, ''Control Room and Auxiliary Electric Equipment Room Emergency Filtration System,'' and 6.2.F.8, ''Ventilation Filter Testing Program,'' to eliminate habitability system requirements associated with the Auxiliary Electric Equipment Room habitability systems.

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:

Do the changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The elimination of Auxiliary Electric Equipment Room (AEER) habitability system requirements does not affect the precursors or initiators of any accidents previously evaluated.

The current analysis assumes an operator will maintain continuous occupancy of the AEER for 30 days following a design basis loss-of-coolant-accident (LOCA). This analysis credits operation of the AEER habitability system. The resultant dose to the operator is within the limits of 10 CFR 50, Appendix A, ''General Design Criteria for Nuclear Power Plants,'' General Design Criterion (GDC) 19, ''Control Room.'' We have performed an evaluation that determined an operator has more than sufficient time to perform all required actions in the AEER following a design basis LOCA, when directed by the station's emergency operating procedures (EOPs), without taking credit for the AEER habitability system and still maintain the resultant dose within the limits of GDC 19.

Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Do the changes create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not effect the operation or configuration of plant systems, structures, or components. These proposed changes do not affect currently analyzed failure modes and do not introduce new failure modes.

Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any previously evaluated.

Do the changes involve a significant reduction in a margin of safety?

The proposed changes will require an operator to be present in the AEER in a post-LOCA environment only when necessary to perform required actions as directed by the station's EOPs. A time/motion study of required AEER actions has determined that the maximum cumulative time spent in the AEER is approximately 300 minutes. The dose to operators performing the required AEER actions, without credit for the AEER filtration system, will continue to be within the limits of GDC 19, during and following all design basis accidents.

Therefore, the proposed changes 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 requested amendments involve no significant hazards consideration.

Attorney for licensee: Ms. Pamela B. Stroebel, Senior Vice President and General Counsel, Commonwealth Edison Company, P.O. Box 767, Chicago, Illinois 60690–0767.

NRC Section Chief: Anthony J. Mendiola.

GPU Nuclear, Inc. and Saxton Nuclear Experimental Corporation, Docket No. 50–146, Saxton Nuclear Experimental Facility (SNEF), Bedford County, Pennsylvania

Date of amendment request: April 10, 2000.

Description of amendment request: The proposed amendment would make changes to the organizational and administrative controls for the SNEF to reflect changes in GPU Nuclear, Inc. following the sale of the Oyster Creek Nuclear Generating Station. The proposed changes to the technical specifications (TSs) would (1) replace reference to the President of GPU Nuclear and division Vice Presidents with a GPU Nuclear Cognizant Officer, (2) replace reference to ''other GPU Nuclear personnel'' with ''other GPU Inc, personnel,'' (3) replace reference to the ''Radiation Safety Committee'' with the ''TMI2/SNEC Oversight Committee,'' (4) replace ''GPU Nuclear audit program procedures'' with ''approved Quality Assurance Plan procedures,'' and (5) make changes to the TSs to reflect changes to NRC organization.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensees have provided their analysis of the issue of no significant hazards consideration, which is presented below:

GPUN has determined that Technical Specifications Change request No. 60 involves no significant hazards consideration as defined in 10 CFR 50.92.

1. The proposed changes to the SNEC Technical Specifications do not involve a significant increase in the probability of occurrence or consequences of an accident or malfunction of equipment important to safety previously analyzed in the safety analysis report. The changes have no impact on plant operations or the release of radioactive materials.

2. The proposed changes to the SNEC Technical Specifications will not create the possibility for an accident or malfunction of a different type than any previously evaluated in the safety analysis report because no plant configuration or operational changes are involved.

3. The changes will not involve a significant reduction in the margin of safety as defined in the basis for any technical specification for SNEC because no change to operational limits will be made.

The NRC staff has reviewed the analysis of the licensees 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 the Licensee: Ernest L. Blake, Jr., Shaw, Pittman, Potts, and Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Branch Director: Ledyard B. Marsh.

Northeast Nuclear Energy Company (NNECO), et al., Docket No. 50–423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: February 3, 2000.

Description of amendment request: NNECO's proposed license amendment

request of February 3, 2000, would add a note to the Millstone 3 Final Safety Analysis Report (FSAR) to indicate that the configuration of relief valve 3CHS*V62 and isolation valve 3CHS*V61 takes exception to American Society of Mechanical Engineers (ASME) Section III code requirements for class 2 components. The change does not affect existing plant design but rather changes licensing basis information in the FSAR to accurately reflect plant configuration.

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 reviewed the licensee's analysis against the standards of 10 CFR 50.92(c). The NRC staff's review is presented below:

1. Involve a significant increase in the probability or consequence of an accident previously evaluated.

The revision to the Final Safety Analysis Report (FSAR) to correctly reflect the current valve configuration to the Chemical Volume and Control System (CVCS) will not affect the ability of the CVCS to perform its intended safety function. Therefore, this 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.

Since there are no changes in components, component operation, or system operation, this change does not create the possibility of an accident of a different type.

3. Involve a significant reduction in a margin of safety.

Since the FSAR revision does not have anything to do with affecting the ability of the CVCS to perform its intended safety function, it will not involve a significant reduction in a margin of safety.

Based on the staff's analysis, 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: Lillian M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, Connecticut.

NRC Section Chief: James W. Clifford.

Northern States Power Company, Docket No. 50–263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: May 12, 2000.

Description of amendment request: The proposed amendment would revise the Technical Specification Section 4.6.E.1.d safety/relief valve (SRV) bellows monitoring system test frequency from quarterly to once per operating 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. The proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment will have no impact on the probability or consequences of an accident. The BLDS [bellows leak detection system] performs a monitoring function only and is not part of the reactor pressure boundary.

The reduced testing frequency for the leak detection monitoring function will have no impact on the ability of the pressure switch to detect a bellows failure or on the likelihood of bellows failure. Experience has shown the pressure switch to be reliable and capable of performing its function.

Reduction in test frequency to once per cycle will still provide periodic verification of pressure switch capability. Reduction in test frequency to once per cycle will reduce the number of times per cycle that SRV operability is impacted by the testing process. This will increase the probability that SRV's [sic] would be available to mitigate consequences of an accident.

2. The proposed amendment will not create the possibility of a new or different kind of accident from any accident previously analyzed.

The proposed amendment has the potential to improve reliability of the BLDS by removing a requirement which will allow removal of a failure path. A reduction in BLDS surveillance test frequency will not result in creation of a new or different kind of accident. The BLDS performs a monitoring function only. It cannot cause an accident as it is not part of the reactor pressure boundary.

3. The proposed amendment will not involve a significant reduction in the margin of safety.

Revising the requirement to test this system from quarterly to once per cycle will not reduce the margin of safety. The pressure switch and pressure boundary components of the BLDS are reliable and stable. Therefore, the proposed Technical Specification change 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: Jay E. Silberg, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Claudia M. Craig.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Units Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: March 2, 2000.

Description of amendment request: The proposed amendment would revise Technical Specification (TS) 3/4.6.3, ''Containment Isolation Valves.'' The proposed change deletes the asterisk (*) modifying the word OPERABLE in the Limiting Condition for Operation and relocates its associated footnote at the bottom of the page to immediately following the Action Statement. The new note would be reworded to be consistent with the wording of NUREG–1431, ''Standard Technical Specifications, Westinghouse Plants.'' The Bases associated with this TS would also be revised to address the proposed change.

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 current Salem Technical Specifications allows the use of administrative means to unisolate a containment isolation valve on an intermittent basis. The proposed change eliminates the potential for varying interpretations of the TS footnote by relocating it to the ACTION section of the Technical Specifications in accordance with the guidance of NUREG 1431, Rev 1 (April 1995) ''Standard Technical Specifications Westinghouse Plants (NUREG–1431).'' PSE&G [PSE&G] views the proposed change as a change that is editorial in nature.

The proposed change does not delete any existing surveillance requirements or delete any requirements from the Limiting Condition for Operations (LCOs) or Action Statements, and therefore does not reduce the actions that are currently taken in the TS to demonstrate operability of plant structures, systems, or components (SSCs). The proposed change continues to ensure the operability of the containment isolation valves, therefore ensuring that the containment atmosphere will be isolated from the outside environment in the event of a release of radioactive material to the containment atmosphere or pressurization of the containment.

Since these changes do not modify any SSCs or reduce the current requirements for demonstrating operability of these SSCs, the proposed changes to the TS do not involve a significant increase in the probability or consequences of an accident previously evaluated in the Safety Analysis Report (SAR).

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment eliminates the potential for varying interpretations of the TS footnote by relocating it to the ACTION section of the Technical Specifications in accordance with the guidance of NUREG 1431, Rev 1 (April 1995) ''Standard Technical Specifications Westinghouse Plants (NUREG–1431).''

The proposed change does not alter the physical configuration of the plant. The proposed change does not affect any systems, structures or components assumed to function in the accident analysis, or creates a new or different accident scenario. The proposed change to the TS does not affect the ability of the plant systems to meet their current TS requirements or design basis functions. Therefore, the proposed change does not increase the consequences of a malfunction of equipment important to safety previously evaluated in the SAR or 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 proposed amendment eliminates the potential for varying interpretations of the TS footnote by relocating it to the ACTION section of the Technical Specifications in accordance with the guidance of NUREG 1431, Rev 1 (April 1995) ''Standard Technical Specifications Westinghouse Plants.'' The proposed amendment does not change any testing acceptance criteria or modify any protective trip setpoint. The proposed change will continue to ensure that the containment atmosphere will be isolated from the outside environment in the event of a release of radioactive material to the containment atmosphere or pressurization of the containment.

There is no reduction in the current surveillance requirements required to demonstrate the operability of plant SSCs. Therefore, the proposed changes do 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 request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Public Service Electric & Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Units Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: April 13, 2000.

Description of amendment request: The proposed amendments would delete Technical Specification (TS) 3/4.1.3.2.2 which is related to shutdown and control rod group demand position indication in modes 3, 4, and 5.

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 changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS change does not involve any physical changes to plant structures, systems or components (SSC). Shutdown margin will continue to be maintained as required by plant Technical Specifications to ensure the reactor will be maintained sufficiently subcritical to preclude inadvertent criticality in the shutdown condition. Shutdown and control rod group demand position indication is not required to ensure adequate shutdown margin in modes 3, 4 and 5 and therefore cannot contribute to the initiation of any accident. The proposed changes do not change or alter the design assumptions for the systems or components used to mitigate the consequences of an accident, and the initial conditions and methodologies used in the accident analyses remain unchanged. Therefore, accident analyses results are not impacted. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an 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 proposed changes do not involve any physical changes to plant structures, systems or components. The safety functions of the related structures, systems, or components are not changed in any manner, nor is the reliability of any structures, systems, or components reduced. No new or different type of equipment will be installed by this requested change. Therefore, no new failure modes or potential accident initiators are introduced. Therefore, the proposed amendments do 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.

Shutdown margin will continue to be maintained in accordance with the requirements of TS 3/4.1.1. The reactor will be maintained sufficiently subcritical to preclude inadvertent criticality in the shutdown condition. Therefore, the proposed amendments do 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: Jeffrie J. Keenan, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: June 1, 2000.

Description of amendment request: The proposed amendments would revise the vessel pressure and temperature limit curves that are in the Technical Specifications.

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. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The changes to the calculational methodology for the pressure and temperature (P/T) limits based upon Code Cases N–640 and N–588 continue to provide adequate margin in the prevention of a non-ductile type fracture of the reactor pressure vessel (RPV). The code cases were developed based upon the knowledge gained through years of industry experience. P/T curves developed using the allowances of Code Cases N–640 and N–588 indeed yield more operating margin. However, the experience gained in the areas of fracture toughness of materials and pre-existing undetected defects show that some of the existing assumptions used for the calculation of P/T limits are unnecessarily conservative and unrealistic. Therefore, providing the allowances of the subject code cases in developing the P/T limit curves will continue to provide adequate protection against nonductile-type fractures of the RPV.

The evaluation for extending the Unit 1 and Unit 2 P/T limit curves to 54 EFPYs was performed using the approved methodologies of 10 CFR 50, Appendix G, and with the allowances of code cases N–588 and N–640. The curves generated from these methods ensure the P/T limits will not be exceeded during any phase of reactor operation. Therefore, the probability of occurrence and the consequences of a previously analyzed event are not significantly increased. Finally, the proposed changes will not affect any other system or piece of equipment designed for the prevention or mitigation of previously analyzed events.

Thus, the probability of occurrence and the consequences of any previously analyzed event are not significantly increased as the result of the proposed changes.

2. Do the proposed changes create the possibility of a new or different type of accident from any previously evaluated.

The proposed changes provide more operating margin in the P/T limit curves for inservice leakage and hydrostatic pressure testing, non-nuclear heatup and cooldown, and criticality, with the benefits being primarily realizable during the pressure tests. The revised curves also extend the P/T limit curves to 54 EFPYs. However, operation in the ''new'' regions of the curves have been analyzed with the new P/T curves providing adequate protection against a nonductile-type fracture of the RPV. Otherwise, the proposed changes do not result in any new or unanalyzed operation of any system or piece of equipment important to safety, and as a result, the possibility of a new type event is not created.

3. Do the proposed changes involve a significant reduction in the margin of safety?

As mentioned previously, the revised P/T curves provide more operating margin and thus, more operational flexibility than the current P/T curves. With the increased operational margin, a reduction in the safety margin results with respect to the existing curves. However, the industry experience since the inception of the P/T limits in 1974 confirms that some of the existing methodologies used to develop P/T curves are unrealistic and unnecessarily conservative. Accordingly, ASME Code Cases N–640 and N–588 take advantage of the acquired knowledge by establishing more realistic methodologies for the development of P/T curves. Therefore, operational flexibility is gained and an acceptable margin of safety to RPV non-ductile type fracture is maintained.

The extension of the P/T curves to 54 EFPYs was performed per the guidelines of 10 CFR 50, and using code cases N–640 and N–588 and thus, the margin of safety is not significantly reduced as the result of the proposed changes.

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., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Richard L. Emch, Jr.

Southern Nuclear Operating Company, Inc., et al., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: March 3, 2000.

Description of amendment request: The proposed amendments would revise technical specification (TS) 3.9.4, ''Containment Penetrations'', by allowing the equipment hatch to be open during core alterations and/or during movement of irradiated fuel within the containment.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed changes will allow the equipment hatch to be open during core alterations and movement of irradiated fuel assemblies inside containment. The existing [Vogtle Electric Generating Plant] VEGP TS allow the air lock doors to be open during core alterations and movement of irradiated fuel assemblies inside containment, and the dose analyses for a fuel handling accident inside containment remain bounding for the case of [an open equipment hatch]. The proposed changes will not alter the manner in which fuel is handled or core alterations are performed. Therefore the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

No. The proposed changes do not create any new failure modes for any system or component, nor do they adversely affect plant operation. No new equipment will be added and no new limiting single failures will be created. The plant will continue to be operated within the envelope of the existing safety analyses. Therefore, the proposed changes do not create the possibility of a new or different kind of accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

No. The previously determined radiological dose consequences for a fuel handling accident inside containment with the air lock doors open remain bounding for the proposed changes. These previously determined dose consequences were determined to be well within the limits of 10 CFR 100 and they meet the acceptance criteria of [Standard Review Plan] SRP Section 15.7.4 and [General Design Criteria] GDC 19. Therefore, the proposed changes do 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 request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Section Chief: Richard L. Emch, Jr.

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Units 1 and 2, Somervell County, Texas

Date of amendment request: May 17, 2000.

Brief description of amendments: The proposed amendment would change the Allowable Values specified in Technical Specification Table 3.3.5–1 to ensure that the 6.9 kilovolt (kV) and 480 volt (V) undervoltage relays initiate the necessary actions when required. In addition, some unnecessary limits would be deleted.

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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed License Amendment Request includes more restrictive Allowable Values for the Preferred offsite source bus undervoltage function, the Alternate offsite source bus undervoltage function, the 6.9 kv Class 1E bus loss of voltage function, the 6.9 kv Class 1E bus degraded voltage function, and the 480 V Class 1E bus degraded voltage function. These more restrictive values assure that all applicable safety analysis limits are being met. The 480 V low grid undervoltage relay allowable value is being lowered to the same as the 480 V degraded voltage relays which matches its function. This is a less restrictive value but the value still assures that all applicable safety analysis limits are being met. Lowering of the 480 V low grid undervoltage allowable value will minimize unnecessary actuations that could challenge plant systems. Changing the 6.9 kV and 480 V degraded voltage, 480 V low grid undervoltage, the 6.9 kV loss of voltage, and the preferred and alternate bus undervoltage Allowable Values in the Technical Specifications has no impact on the probability of occurrence of any accident previously evaluated. Because all accident analyses continue to be met, these changes do not impact the consequences of any accident previously evaluated.

Removal of the upper limits for the preferred and alternate bus undervoltage and the lower limit for the 6.9 kV Class 1E bus loss of voltage relays does not impact the probability of occurrence of any accident previously evaluated. None of the accident analyses are affected, therefore, the consequences of all previously evaluated accidents remain unchanged.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

None of the changes affect plant hardware or the operation of plant systems in a way

that could initiate an accident. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

There were no changes made to any of the accident analyses or safety analysis limits as a result of this proposed change. Further, the proposed change does not affect the acceptance criteria for any analyzed event. Removal of the upper limits for the preferred and alternate source bus undervoltage and the lower limit for the 6.9 kV Class 1E bus loss of voltage relays does not change the margin of safety. Each allowable value, as revised, assures the safety analysis limits assumed in the safety analyses as discussed in Chapter 15 of the FSAR [Final Safety Analysis Report] is maintained. The margin of safety established by the Limiting Conditions for Operation also remains unchanged. Thus there is no effect on 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: George L. Edgar, Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036.

NRC Section Chief: Robert A. Gramm.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application request: May 25, 2000 (ULNRC–04258).

Description of amendment request: The proposed amendment would expand (1) the range of acceptable lift settings for the pressurizer safety valves (PSVs), and (2) the tolerance (from +1% to +2%) of the as-found, measured lift settings of tested PSVs, to be operable. The as-left lift settings, following testing, of the PSVs would not be changed from the current range of +1%. The amendment would revise Technical Specifications (TS) 3.3.2, ''Engineered Safety Features Actuation System (ESFAS) Instrumentation,'' 3.4.10, ''Pressurizer Safety Valves,'' and 3.4.11, ''Pressurizer Power Operated Relief Valves (PORVs),'' of the Callaway TS. For TS 3.3.2, a new Action H for one or more trains inoperable would be added, the note for surveillance requirement (SR) 3.3.2.14 would be revised to identify another slave relay that the SR would be applicable to, and the automatic PORV actuation would be added to Table 3.3.2–1, ''Engineered Safety Features Actuation System Instrumentation.'' For TS 3.4.10, the range of allowable PSV lift settings in the limiting condition for operation (LCO) would be expanded from >2460 and <2510 to >2411 and <2509, and SR 3.4.10.1 would be revised to state that following testing, the lift settings shall be ''within 1% of 2460 psig'' instead of simply ''within 1%.'' The nominal PSV lift setting would be changed from 2485 psig to 2460 psig because the maximum PORV lift setting would not be increased and the minimum setting would be reduced 59 psig. For TS 3.4.11, Actions A and B would be revised to be actions for inoperable PORVs either solely due to excessive PORV seat leakage (Action A) or for reasons other than excessive seat leakage (Action B), and Action E would remain an action for two inoperable PORVs, but would be only for reasons other than excessive seat leakage. The licensee also provided corrections to the Bases of the TSs and the Callaway Final Safety Analysis Report (FSAR) for the above changes.

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 pressurizer safety valves (PSVs), in conjunction with the Reactor Trip System (RTS), provide overpressure protection for the Reactor Coolant System (RCS). The PSV [lift] setpoint is established to maintain the RCS pressure below 110% of the system design pressure. The proposed change in the minimum allowable PSV setpoint could result in a transient being terminated at a pressure that is lower than that assumed in the transient's analysis. However, the primary system pressure boundary is not challenged by the minimum allowable PSV setpoint. Since the maximum allowable PSV setpoint is unaffected by the proposed change (other than from round-off, as discussed previously [in the application, from 2510 to 2509 psig]), the primary system pressure boundary is not challenged by the maximum allowable PSV setpoint.

With a nominal setpoint of 2460 psig and a [as-found] +2% setpoint tolerance, the PSV actuation setpoint could potentially open at pressures as low as 2410 psig (rounded up in revised LCO 3.4.10 to 2411 psig). This lower PSV actuation setpoint will reduce the margin between the pressurizer PORV and PSV actuation setpoint from 125 psi to 75 psi. A 75 psi margin is considered adequate and should not challenge the PSVs on Condition I transients.

The majority of the Callaway PRA [probabilistic risk assessment] event trees question the capability of the PORVs to open for RCS cooldown and depressurization or for feed and bleed cooling. Some event trees question the capability of the PORVs to reclose to terminate RCS depressurization and coolant inventory loss. The transient-induced ATWS [anticipated transient without scram] event trees question the capability of the PSVs to reclose after opening for these high pressure transients. The maximum allowable PSV setpoint is essentially unchanged; therefore, the proposed change will not adversely impact the probability of the PSVs failing open. Upgrading the automatic PORV actuation circuitry to fully Class 1E, and revising the Technical Specification operability and surveillance requirements to demonstrate the operability of the automatic PORV actuation circuitry, will enhance valve reliability and assure compliance with NRC Generic Letter 90–06. However, it has been determined that this plant modification increase the probability that the PORVs will inadvertently open and remain open if multiple transmitter failures are postulated. With the new safety grade PORV 2/4 [two out of four] opening actuation logic, two failed high pressurizer pressure channels would result in inadvertent opening of both PORVs and the PORVs would remain open until remote-manually closed. Since two of the four channels available to reclose the PORVs are assumed to have failed high, and since closure of the PORVs would require a 3/4 logic to close after the modification is implemented, there would be no signal to close the PORVs on a low pressurizer pressure signal. With the current opening logic, a single failed high pressurizer pressure channel would result in opening one PORV. However, the current 2/4 closure logic would reclose that PORV when pressurizer pressure drops below approximately 2200 psia. With the current control logic, three failed high pressurizer pressure channels (3/4) are required for both PORVs to inadvertently open and remain open. However, the consequences of both PORVs inadvertently opening and remaining open are bounded by the analysis in FSAR Section 15.6.1, ''Inadvertent Opening of a Pressurizer Safety or Relief Valve.'' Since a pressurizer safety valve is sized to relieve approximately twice the steam flow rate of a pressurizer PORV, and will therefore allow a much more rapid depressurization upon opening, the analysis in Section 15.6.1 examines the accidental depressurization of the RCS associated with an inadvertent opening of a pressurizer safety valve. While there is no way to isolate a stuck-open pressurizer safety valve, two open PORVs can be remote-manually isolated by either closing the PORVs or the PORV block valves. Since there is a small impact due to multiple channel failures resulting in an increase in the probability of both PORVs inadvertently opening and remaining open, it is concluded that the proposed activity increases the probability of occurrence of an accident previously evaluated in the FSAR. However, multiple failures are required for this malfunction and failure modes that result in multiple channels failing high are highly unlikely. Therefore, this increase in the probability that the PORVs will inadvertently open and remain open is considered to be insignificant.

All evaluations performed for overpressure transients conservatively assume the upper limit of the PSV tolerance as the pressure to which the RCS is subjected. It has been determined that the design transients are not adversely affected because the limiting transients are not sensitive to the pressure tolerance change. Although the lower PSV setpoint would result in a lower PSV relief flow rate, the slightly lower valve flow rate would be more than compensated for by the reduced valve opening pressure. The change to the PSV setpoint and setpoint tolerance does not change the conclusions of the existing thermal-hydraulic and stress analyses for the pressurizer safety and relief system. The design function of the valves is not being changed and the conclusions documented in the NRC Safety Evaluation of Callaway's response to NUREG–0737 Item II.D.1[''Performance Testing of the Pressurizer Power-Operated Relief Valve,''] (dated September 10, 1987) are unchanged (see also FSAR Section 18.2.5). The PORVs and associated discharge piping can accommodate water relief.

Overall protection system performance will remain within the assumptions of the previously performed accident analyses since the only hardware changes are associated with making the automatic PORV actuation circuitry fully Class 1E. The RTS and Engineered Safety Features Actuation System (ESFAS) protection systems will continue to function in a manner consistent with the plant design basis. The automatic PORV actuation circuitry modification will be performed in such a manner that all design, material, and construction standards that were applicable to safety-related systems prior to the change are maintained.

The proposed change will not affect the probability of any event initiators nor will the proposed change negatively affect the ability of any safety-related equipment to perform its intended function. Changing the PSV lift setting does not change the probability that an event will occur which will result in the PSV opening. There will be no degradation in the performance of safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters.

Since the FSAR Chapter 15 LOCA [loss-of-coolant accident], SGTR [steam generator tube rupture] and MSLB [main steam line break] analyses all result in decreasing RCS pressure and do not challenge the PSV opening pressure, none of these events are affected by the proposed change to the PSV nominal setpoint and the allowable setpoint tolerance. Timely operator actions will be taken to preclude water relief through the PSVs during an Inadvertent ECCS [emergency core cooling system] Actuation at Power event. Water relief from the PORVs for the latter event would result in a larger discharge of RCS inventory than currently analyzed, wherein operator action is assumed to terminate safety injection within 10 minutes prior to the pressurizer filling. However, FSAR Figure 15.5–3 in Attachment 5 [to the application] demonstrates that DNB [departure from nucleate boiling] is not a concern, there will be no fuel failures associated with this event, and RCS inventory will be directed to the pressurizer relief tank located inside containment. Therefore, there will be no impact on offsite radiological consequences. None of the other non-LOCA transients are adversely affected by the proposed change. Since none of the other FSAR Chapter 15 events are adversely affected, the radiological consequences of those events are not adversely affected.

In the Westinghouse reanalysis of the Inadvertent ECCS Actuation at Power event, the minimum PSV opening setpoint serves as a limit to demonstrate the acceptability of the assumed operator action times to assure that the PSVs will not be required to operate while the pressurizer is water solid. A lower PSV opening setpoint could potentially require earlier operator actions to prevent water relief through the PSVs. Simulator exercises for the Inadvertent ECCS Actuation at Power event were performed on the Callaway training simulator on August 10, 1999 to determine the times required for the control room operators to stop the NCP [normal charging pump] and unblock the PORVs and assure their availability for automatic pressure relief. In all cases, the NCP was stopped within four (4) minutes and the PORVs were unblocked and available for automatic pressure relief within seven (7) minutes. The reanalysis in Attachment 5 [to the application] conservatively credits operator actions from the main control room to stop the NCP in six (6) minutes and to unblock the PORVs and assure their availability for automatic pressure relief in nine (9) minutes. These times include all process and instrumentation delays. The revised FSAR Figure 15.5–2 shows that if operator actions are taken within these time frames to terminate NCP flow and to assure at least one PORV is available for automatic pressure relief, water relief through the PSVs is precluded. Procedure changes and periodic operator requalification training will provide assurance that these operator actions can be performed within the assumed time constraints.

Based on the above discussions, the proposed change will not involve a significant increase in the probability of occurrence or the consequences of an accidently 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 nominal setpoint for the PSVs will be lowered by 1% from 2485 psig to 2460 psig. The allowable setpoint tolerance will be increased from +1% to +2%. The combined effect of these changes results in a 2% decrease in the minimum acceptable PSV [lift] setpoint from 2460 psig to 2411 psig. The change in the PSV setpoint and in the tolerance of the setpoint does not change their ability to open on demand. The maximum acceptable PSV setpoint is unaffected by this proposed change, other than round-off as discussed previously. Since the FSAR accident analyses do not rely on the automatic actuation of non-safety related control grade systems or components for accident mitigation, a plant modification will make the automatic pressurizer PORV pressure relief circuitry fully Class 1E.

The proposed change to the PSV nominal setpoint and the allowable setpoint tolerance will not prevent the PSVs from performing their RCS overpressurization protection function. Additionally, the proposed change does not affect the ability of any other safety-related equipment to perform its safety function.

The only hardware changes are associated with making the automatic PORV actuation circuitry fully Class 1E. The RTS and Engineered Safety Feature Actuation System (ESFAS) protection systems will continue to function in a manner consistent with the plant design basis. The automatic PORV actuation circuitry modification will be performed in such a manner that all design, material, and construction standards that were applicable to safety-related systems prior to the change are maintained. While the possibility that the PORVs fail to control RCS pressure, that at least one PORV fails to open, and that the operator fails to open the block valve and assure the PORV(s) are available for automatic pressure relief within the required time frame are all malfunctions of a different type than currently analyzed in the FSAR, they do not create different accident types. The Class 1E upgrade and changes to Emergency Operating Procedure E–0 will provide assurance that the reanalysis presented in Attachment 5 [to the application] will bound the results of this event which, in turn, is also bounded by the results presented in FSAR Section 15.6.1 for an inadvertent PSV opening.

There are no other changes in the method by which any safety-related plant system performs its safety function. The change will not affect the normal method of plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The PSVs, in conjunction with the RTS, provide overpressure protection for the RCS. The change in the upper limit of the PSV tolerance from +1% to +2%, with a reduction in the nominal setpoint from 2485 psig to 2460 psig, does not challenge the upper limit of overpressure protection. The maximum opening pressure setpoint is unchanged (other than a conservative round-off), and therefore, does not impact analyses performed for overpressure transients. The change to the PSV setpoint and setpoint tolerance does not change the conclusions of the existing thermal-hydraulic and stress analyses for the pressurizer safety and relief system. For all non-LOCA events, the above evaluations support the change in the PSV setpoint and setpoint tolerance from 2485 psig +1% to 2460 psig +2%. The change in the PSV setpoint and setpoint tolerance also has no effect on the RTS and ESFAS trip setpoints.

The Bases for Technical Specification 3.4.10 states the following in the Background section:

''The safety valves are designed to prevent the system pressure from exceeding the system Safety Limit (SL), 2735 psig, which is 110% of the design pressure * * * The relief

capacity for each valve, 420,000 lb/hr at 2485 psig plus 3% accumulation, is based on postulated overpressure transient conditions resulting from a complete loss of steam flow to the turbine. This event results in the maximum surge rate into the pressurizer * * * .''

The locked RCP [reactor coolant pump] rotor and loss of external electrical load/turbine trip transient analyses assume PSV actuation at 2550 psia. This value is conservatively based on a nominal PSV setpoint of 2500 psia plus a 1% setpoint tolerance and a 1% setpoint shift (due to the presence of the water seal). The maximum allowable PSV setpoint of 2509 psig is unaffected by the proposed change, other than a conservative round-off discussed previously. At a pressure of 2509 psig, the minimum relief capacity of the safety valves would be in excess of 420,000 lb/hr. However, the safety analyses for overpressurization events conservatively assume a 420,000 lb/hr minimum design relief capacity for the PSVs.

The proposed change does not affect the acceptance criteria for any other analyzed event nor is there a change to any other Safety Analysis Limit (SAL). The acceptance criteria for the Inadvertent ECCS Actuation at Power event will remain the same as currently analyzed; however, operator action and automatic PORV actuation will be relief upon to demonstrate compliance with that event's acceptance criteria.

There will be no effect on the manner in which safety limits or limiting safety system settings are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, DNBR limits, F_Q, $F\Delta H$, LOCA PCT [peak cladding temperature], peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the [NRC] Standard Review Plan continue to be met.

Therefore, the proposed change does 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 amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW, Washington, DC 20037.

NRC Section Chief: Stephen Dembek.

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.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of amendment request: June 1, 2000.

Description of amendment request: The proposed amendment would permit changes to the Perry Nuclear Power Plant Updated Safety Analysis Report (USAR) to incorporate descriptions (in the form of text, tables, and drawings) of modifications to the Emergency Service Water (ESW) alternate intake sluice gate. The modifications will include (1) installation of a safety-related Class 1E selector switch that will be used to disable the automatic opening function of the sluice gate during warm weather and (2) installation of a non-safety inflatable sealing device on the gates between the ESW forebay and the alternate intake tunnel. The modifications are designed to increase overall reliability of the ESW system and to eliminate undesired operation of the ESW pumps.

Date of publication of individual notice in ***Federal Register:*** June 14, 2000 (65 FR 37414).

Expiration date of individual notice: July 14, 2000.

Attorney for licensee: Mary E. O'Reilly, Attorney, FirstEnergy Corporation, 76 South Main Street, Akron, OH 44308.

NRC Section Chief: Anthony J. Mendiola.

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: April 24, 2000.

Brief description of amendment: The amendment allowed a one-time extension of some Technical Specification surveillance intervals due to elimination of a planned midcycle outage. The surveillances would be extended to no later than November 30, 2000.

Date of issuance: June 12, 2000.

Effective date: Immediately, to be implemented within 30 days.

Amendment No.: 129.

Facility Operating License No. NPF–62: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 8, 2000 (65 FR 26642).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 12, 2000.

No significant hazards consideration comments received: No.

Commonwealth Edison Company, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: March 15, 2000.

Brief description of amendments: The amendments revised the Technical Specifications to permit plant operation with an ultimate heat sink temperature of 100 °F.

Date of issuance: June 13, 2000.

Effective date: Immediately as of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 107 and 107.

Facility Operating License Nos. NPF–72 and NPF–77: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** May 3, 2000 (65 FR 25763).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 13, 2000.

No significant hazards consideration comments received: No.

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 application of amendments: July 27, 1999, as supplemented by letters dated October 7, 1999, and May 31, 2000.

Brief description of amendments: The amendments revised the Technical Specifications by adding a surveillance requirement to verify the Keowee out-of-tolerance logic trips and blocks closure of the appropriate overhead or underground power path breakers.

Date of Issuance: June 6, 2000.

Effective date: As of the date of issuance and shall be implemented by November 30, 2000.

Amendment Nos.: 312, 312 and 312.

Facility Operating License Nos. DPR–38, DPR–47, and DPR–55: Amendments revised the TS.

Date of initial notice in Federal Register: August 25, 1999 (64 FR 46429). The supplements dated October 7, 1999, and May 31, 2000, 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 June 6, 2000.

No significant hazards consideration comments received: No.

Portland General Electric Company, et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: November 16, 1999.

Brief description of amendment: The amendment revised the Permanently Defueled Technical Specifications by removing Figure 4.1–1, ''Site and Exclusion Area Boundaries,'' and incorporating the applicable portions of this figure in the Trojan Defueled Safety Analysis Report. Other associated administrative changes resulting from the deletion of Figure 4.1–1, as well as an administrative change to the table of contents, were also made.

Date of issuance: May 31, 2000.

Effective date: May 31, 2000.

Amendment No.: 204.

Facility Operating License No. NPF–1: The amendment changes the Permanently Defueled Technical Specifications.

Date of initial notice in Federal Register: January 26, 2000 (65 FR 4289).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 31, 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: February 9, 2000.

Brief description of amendment: This amendment revises Technical Specification (TS) Limiting Condition for Operation 3.8.2.1 to add two new Action Statements for operating conditions where a Class 1E battery's electrolyte temperature is below the minimum limit specified in TS Surveillance Requirement 4.8.2.1.b.3.

Date of issuance: June 9, 2000.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 127.

Facility Operating License No. NPF–57: This amendment revised the TSs.

Date of initial notice in Federal Register: March 8, 2000 (65 FR 12294).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 9, 2000.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–390, Watts Bar Nuclear Plant, Unit 1, Rhea County, Tennessee

Date of application for amendment: September 28, 1999, as supplemented March 17, 2000.

Brief description of amendment: Revised Technical Specifications definitions for Engineered Safety Feature Response Time and Reactor Trip System Response Time, to provide for verification of response time for selected components, provided that the components and the methodology for verification have been previously reviewed and approved by the NRC.

Date of issuance: June 13, 2000.

Effective date: June 13, 2000.

Amendment No.: 24.

Facility Operating License No. NPF–90: Amendment revises the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 20, 1999 (64 FR 56534). The March 17, 2000, submittal provided clarifying information that did not change the scope of the original request or change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated June 13, 2000.

No significant hazards consideration comments received: No.

TXU Electric, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: November 8, 1999, as supplemented by letters dated April 13, and May 30, 2000.

Brief description of amendments: The amendments change Technical Specification 5.5.11, ''Ventilation Filter Testing Program (VFTP),'' to include the requirement for laboratory testing of Engineered Safety Feature (ESF) Ventilation System charcoal samples per American Society for Testing and Materials D3803–1989 and the application of a safety factor of 2.0 to the charcoal filter efficiency assumed in the plant design-basis dose analyses. The license amendments also extend the implementation date for License Amendment 74, currently June 30, 2000, to December 31, 2000.

Date of issuance: June 12, 2000.

Effective date: As of the date of issuance and shall be implemented within 30 days from the date of issuance.

Amendment Nos.: 78 and 78.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 29, 1999 (64 FR 73101). The April 13, and May 30, 2000, letters provided clarifying information that did not change the scope of the November 8, 1999, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated June 12, 2000.

No significant hazards consideration comments received: No.

Viacom Inc., Docket No. 50–22, Test Reactor, Waltz Mill, Pennsylvania

Date of application for amendment: February 14, 2000 supplemented on March 8 and 25, 2000.

Brief description of amendment: This amendment changes the license to reflect the transfer of the licensee for the Test Reactor at Waltz Mill from the CBS Corporation to Viacom Inc.

Date of issuance: May 31, 2000.

Effective Date: May 4, 2000.

Amendment No.: 12.

Facility License No. TR–2: This amendment changes the license.

Date of Initial notice in ***Federal Register:*** February 29, 2000 (65 FR 10841).

The Commission has issued a Safety Evaluation for this amendment dated April 13, 2000.

No significant hazards consideration comments received: No.

Local Public Document: N/A.

Dated at Rockville, Maryland, this 21st day of June 2000.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–16193 Filed 6–27–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

State of Oklahoma: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the State of Oklahoma

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of a proposed agreement with the State of Oklahoma.

SUMMARY: This notice is announcing that the Nuclear Regulatory Commission (NRC) has received a request from Governor Frank Keating of Oklahoma that the NRC consider entering into an Agreement with the State as authorized by Section 274 of the Atomic Energy Act of 1954, as amended (Act). Section 274 of the Act contains provisions for the Commission to enter into agreements with the Governor of any State providing for the discontinuance of the regulatory authority of the Commission. Under the proposed Agreement, submitted December 28, 1999, the Commission would discontinue and Oklahoma would take over portions of the Commission's regulatory authority over radioactive material covered under the Act within the State of Oklahoma. In accordance with 10 CFR 150.10, persons, who possess or use certain radioactive materials in Oklahoma, would be released (exempted) from portions of the Commission's regulatory authority under the proposed Agreement. The Act requires that NRC publish those exemptions. Notice is hereby given that the pertinent exemptions have been previously published in the **Federal Register** and are codified in the Commission's regulations as 10 CFR Part 150. NRC is publishing the proposed Agreement for public comment, as required by the Act. NRC is also publishing the summary of an assessment conducted by the NRC staff of the proposed Oklahoma byproduct material regulatory program. Comments are invited on (a) the proposed Agreement, especially its effect on public health and safety, and (b) the NRC staff assessment.

DATES: The comment period expires July 7, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission cannot assure consideration of comments received after the expiration date.

ADDRESSES: Written comments may be submitted to Mr. David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Washington, DC 20555–0001. Copies of comments received by NRC may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Copies of the proposed Agreement, copies of the request for an Agreement by the Governor of Oklahoma including all information and documentation submitted in support of the request, and copies of the full text of the NRC staff assessment are also available for public inspection in the NRC's Public Document Room.

FOR FURTHER INFORMATION CONTACT: Patricia M. Larkins, Office of State and Tribal Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone (301) 415–2309 or e-mail *pml@nrc.gov.*

SUPPLEMENTARY INFORMATION: Since Section 274 of the Act was added in 1959, the Commission has entered into Agreements with 31 States. The Agreement States currently regulate approximately 16,000 agreement material licenses, while NRC regulates approximately 5800 licenses. Under the proposed Agreement, approximately 220 NRC licenses will transfer to Oklahoma. NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274. Section 274e requires that the terms of the proposed Agreement be published in the **Federal Register** for public comment once each week for four consecutive weeks. This notice is being published in fulfillment of the requirement.

I. Background

(a) Section 274d of the Act provides the mechanism for a State to assume regulatory authority, from the NRC, over certain radioactive materials [1] and activities that involve use of the materials. In a letter dated December 28, 1999, Governor Keating certified that the State of Oklahoma has a program for the control of radiation hazards that is adequate to protect public health and safety within Oklahoma for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. Included with the letter was the text of the proposed Agreement, which is included as Appendix A to this notice.

The radioactive material and activities (which together are usually referred to as the ''categories of material'') which the State of Oklahoma requests authority over are: (1) The possession and use of byproduct materials as defined in Section 11e.(1) of the Act; (2) the possession and use of special nuclear material in quantities not sufficient to form a critical mass; (3) the regulation of the land disposal of byproduct source or special nuclear material received from other persons; and (4) source material used to take advantage of its density and high mass properties where the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material, as provided for in regulations or orders of the Commission.

(b) The proposed Agreement contains articles that:

—Specify the materials and activities over which authority is transferred;

—Specify the activities over which the Commission will retain regulatory authority;

—Continue the authority of the Commission to safeguard nuclear materials and restricted data;

[1] The radioactive materials, sometimes referred to as agreement materials, are: (a) Byproduct materials as defined in Section 11e.(1) of the Act; (b) byproduct materials as defined in Section 11e.(2) of the Act; (c) source materials as defined in Section 11z. of the Act; and (d) special nuclear materials as defined in Section 11a. of the Act, restricted to quantities not sufficient to form a critical mass.

—Commit the State of Oklahoma and NRC to exchange information as necessary to maintain coordinated and compatible programs;
—Provide for the reciprocal recognition of licenses;
—Provide for the suspension or termination of the Agreement;
—Specify the effective date of the proposed Agreement. The Commission reserves the option to modify the terms of the proposed Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the Agreement, with the effective date, will be published after the Agreement is approved by the Commission, and signed by the Chairman of the Commission and the Governor of Oklahoma.

(c) Oklahoma currently regulates the users of naturally-occurring and accelerator-produced radioactive materials (NARM). The regulatory program is authorized by law in the Oklahoma Environmental Quality Act at Okla. Stat. tit. 27A section 1–3–101(B)(11) and the Oklahoma Radiation Management Act at 27A section 2–9–103(A). Section 2–9–103(C) of the Act provides the authority for the Governor to enter into an Agreement with the Commission.

Oklahoma law contains provisions for the orderly transfer of regulatory authority over affected licensees from NRC to the State. Oklahoma law provides that any person who possesses an existing NRC license shall be deemed to possess a like license issued under the Oklahoma Radiation Management Act. After the effective date of the Agreement, licenses issued by NRC would continue in effect until the license expiration specified in the existing NRC license. DEQ will notify affected licensees of the transfer of regulatory authority within fifteen (15) days after the effective date of the signed agreement.

(d) The NRC staff assessment finds that the Oklahoma program is adequate to protect public health and safety, and is compatible with the NRC program for the regulation of agreement materials.

II. Summary of the NRC Staff Assessment of the Oklahoma Program for the Control of Agreement Materials

NRC staff has examined the Oklahoma request for an Agreement with respect to the ability of the radiation control program to regulate agreement materials. The examination was based on the Commission's policy statement ''Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement'' (referred to herein as the ''NRC criteria'') (46 FR 7540; January 23, 1981, as amended).

(a) Organization and Personnel. The agreement byproduct material program will be located within the existing Radiation Management Section (RAM) of the Waste Management Division, an organizational unit of the Oklahoma Department of Environmental Quality (DEQ). The RAM Section currently has responsibility for directing and managing a formal registration program begun in 1993, that includes inspections and fees for radioactive material that occur naturally or are produced by particle accelerators, and industrial x-ray machines. The DEQ also has responsibility for regulation of machine produced radiation, and non-ionizing radiation. The regulatory authority over the use of sources of radiation by diagnostic medical x-ray remains with the Oklahoma Department of Health. Based on discussions with the RAM program manager, the DEQ plans to implement a licensing program for radioactive materials that occur naturally in the future after the State assumes regulatory authority under the Agreement. The program will be responsible for all regulatory activities related to the proposed Agreement.

The educational requirements for the DEQ staff members are specified in the Oklahoma State personnel position descriptions, and meet the NRC criteria with respect to formal education or combined education and experience requirements. Each current staff member has at least a bachelors' degree or equivalents in physical/life sciences or engineering, with one exception. One staff member trainee has a degree in Education. Several staff members hold advanced degrees. Most staff members were hired from other environmental programs in the DEQ with considerable experience in a variety of environmental program areas. The program staff has considerable experience in related regulatory program implementation including air pollution, hazardous waste, solid waste, sewage treatment, and water use issues. The program manager and two senior technical staff have 10 years of regulatory experience with DEQ and 6, 6, and 3 years respectively in the RAM program as well as several years of prior experience working with radioactive material, radiation protection, or hazardous waste.

A third senior staff member has three years of industry experience and three years with the DEQ RAM program. One junior staff member has three years experience as a laboratory technician using radionuclides for labeling and two years with the DEQ RAM program. Three other staff members, currently in training, have between 3 and 9 years experience, primarily in the environmental regulatory area. One has completed one year related experience with DEQ RAM, one has 3.5 years of related nuclear power plant experience as a health physicist decontamination technician, and one has six years related experience as a well logging engineer.

Based on information provided in the staffing analysis, the manager, three senior technical staff, and one junior staff member will conduct the licensing and inspection activities. These staff members have attended nearly all of the available relevant NRC training courses, including the 5-week Applied Health Physics course, inspection and licensing courses, and the majority of use-specific courses. In addition, staff members have accompanied NRC inspectors and worked with NRC licensing staff to obtain additional on-the-job experience.

The DEQ has adopted a written program for the training and qualification of staff members, which covers both new staff members and the continuing qualification of existing staff. NRC staff notes that the Oklahoma agreement materials program will be evaluated under the Commission's Integrated Materials Performance Evaluation Program (IMPEP). One IMPEP criterion addresses staff training and qualifications, and includes a specific criterion which addresses training and qualification plans. NRC staff reviewed the plan, and concludes that it satisfies the IMPEP criterion element.

The DEQ provided copies of memoranda authorizing full qualification to three senior staff, and limited interim qualification to one junior staff member, in accordance with Oklahoma's Formal Qualification Plan. All four staff are designated to provide technical support to the program at the time the Agreement is signed.

Based upon review of the information provided in the staffing analysis, NRC staff concludes that overall the program has an adequate number of technically qualified staff members and that the technical staff identified by the State to participate in the Agreement materials program are fully trained, and qualified in accordance with the DEQ plans, have sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and the techniques of inspecting licensed users of agreement materials to satisfy the criterion.

(b) Legislation and Regulations. The Oklahoma DEQ is designated by law in the Oklahoma Radiation Management Act at Okla. Stat. Tit. 27A § 2–9–103 as the radiation control agency. The law provides the DEQ the authority to issue licenses, issue orders, conduct inspections, and to enforce compliance with regulations, license conditions, and orders. Licensees are required to provide access to inspectors. The Environmental Quality Board is authorized to promulgate regulations.

The law requires the Environmental Quality Board to adopt rules that are compatible with the equivalent NRC regulations and that are equally stringent to, or to the extent practicable more stringent than, the equivalent NRC regulations. The DEQ has adopted, by reference, the NRC regulations in Title 10 of the Code of Federal Regulations. The adoption by reference is contained in Title 252 Chapter 410 of the Oklahoma Administrative Code (OAC). Oklahoma rule 252:410–10–2 specifies that references to the NRC will be construed as references to the Director of the DEQ.

The NRC staff review verified that the Oklahoma rules contain all of the provisions that are necessary in order to be compatible with the regulations of the NRC on the effective date of the Agreement between the State and the Commission. The adoption of the NRC regulations by reference assures that the standards will be uniform.

(c) Storage and Disposal. Oklahoma has also adopted, by reference, the NRC requirements for the storage of radioactive material, and for the disposal of radioactive material as waste. The waste disposal requirements cover both the disposal of waste generated by the licensee and the disposal of waste generated by and received from other persons.

(d) Transportation of Radioactive Material. Oklahoma has adopted the NRC regulations in 10 CFR Part 71 by reference. Part 71 contains the requirements licensees must follow when preparing packages containing radioactive material for transport. Part 71 also contains requirements related to the licensing of packaging for use in transporting radioactive materials. Oklahoma will not attempt to enforce portions of the regulation related to activities, such as approving packaging designs, which are reserved to NRC.

(e) Record keeping and Incident Reporting. Oklahoma has adopted, by reference, the sections of the NRC regulations which specify requirements for licensees to keep records, and to report incidents or accidents involving materials.

(f) Evaluation of License Applications. Oklahoma has adopted, by reference, the NRC regulations that specify the requirements which a person must meet in order to get a license to possess or use radioactive materials. Oklahoma has also developed a licensing procedure manual, along with the accompanying regulatory guides, which are adapted from similar NRC documents and contain guidance for the program staff when evaluating license applications.

(g) Inspections and Enforcement. The Oklahoma radiation control program has adopted a schedule providing for the inspection of licensees as frequently as, or more frequently than, the inspection schedule used by NRC. The program has adopted procedures for conducting inspections, reporting inspection findings, and reporting inspection results to the licensees from similar NRC documents. The program has also adopted, by rule in the OAC, procedures for the enforcement of regulatory requirements.

(h) Regulatory Administration. The Oklahoma DEQ is bound by requirements specified in State law for rulemaking, issuing licenses, and taking enforcement actions. The program has also adopted administrative procedures to assure fair and impartial treatment of license applicants. Oklahoma law prescribes standards of ethical conduct for State employees.

(i) Cooperation with Other Agencies. Oklahoma law deems the holder of an NRC license on the effective date of the proposed Agreement to possess a like license issued by Oklahoma under the Oklahoma Radiation Management Act. Such license will expire on the date of expiration specified in the existing NRC license. Oklahoma will retain the NRC license numbers of existing licenses until they expire under DEQ jurisdiction. As of the effective date of the Agreement, any pending or new license applications and renewals will be transferred to DEQ. DEQ will notify affected licensees of the transfer of regulatory authority within fifteen (15) days after the effective date of the signed agreement.

Oklahoma's Administrative Procedures Act also provides for ''timely renewal.'' This provision affords the continuance of licenses for which an application for renewal has been filed more than 30 days prior to the date of expiration of the license. NRC licenses transferred while in timely renewal are included under the continuation provision. The OAC provides exemptions from the State's requirements for licensing of sources of radiation for NRC and the U.S. Department of Energy contractors or subcontractors.

The proposed Agreement commits Oklahoma to use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that Oklahoma's program will continue to be compatible with the Commission's program for the regulation of Agreement materials. The proposed Agreement stipulates the desirability of reciprocal recognition of licenses, and commits the Commission and Oklahoma to use their best efforts to accord such reciprocity.

III. Staff Conclusion

Subsection 274d of the Act provides that the Commission will enter into an Agreement under Subsection 274b with any State if:

(a) The Governor of the State certifies that the State has a program for the control of radiation hazards adequate to protect public health and safety with respect to the agreement materials within the State, and that the State desires to assume regulatory responsibility for the agreement materials; and

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o, and in all other respects compatible with the Commission's program for the regulation of materials, and that the State program is adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

On the basis of its assessment, the NRC staff concludes that the State of Oklahoma meets the requirements of the Act. The State's program, as defined by its statutes, regulations, personnel, licensing, inspection, and administrative procedures, is compatible with the program of the Commission and adequate to protect public health and safety with respect to the materials covered by the proposed Agreement.

IV. Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB).

Dated at Rockville, Maryland, this 1st day of June 2000.

For the Nuclear Regulatory Commission.

Paul H. Lohaus,

Director, Office of State and Tribal Programs.

An Agreement Between the United States Nuclear Regulatory Commission and the State of Oklahoma for the Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

Whereas, The Governor of the State of Oklahoma is authorized under Section 2–9–103(c) of the Radiation Management Act (27A O.S. Supp. 1998 § 2–9–101 *et seq.*) to enter into this Agreement with the Commission; and,

Whereas, The Governor of the State of Oklahoma certified on December 28, 1999 that the State of Oklahoma (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the health and safety with respect to materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

Whereas, The Commission found on (date to be determined) that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now Therefore, It is hereby agreed between the Commission and the Governor of the State of Oklahoma, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct material as defined in Section 11e.(1) of the Act;

B. Source material used to take advantage of the density and high-mass property for the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material;

C. Special nuclear materials in quantities not sufficient to form a critical mass;

D. The regulation of the land disposal of byproduct source or special nuclear waste material received from other persons.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:

A. The regulation of the construction and operation of any production or utilization facility or any uranium enrichment facility;

B. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear waste material as defined in the regulations or orders of the Commission;

D. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission.

E. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;

F. Byproduct material as defined in Section 11e.(2) of the Act;

G. Source material except for source material used to take advantage of the density and high-mass property for the use of the specifically licensed source material is subordinate to the primary specifically licensed use of either 11e.(1) byproduct material or special nuclear material;

Article III

With the exception of those activities identified in Article II, paragraph A through D, this Agreement may be amended, upon application by the State and approval by the Commission, to include one or more of the additional activities specified in Article II, paragraphs E through G, whereby the State may then exert regulatory authority and responsibility with respect to those activities.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that Commission and State programs for protection against hazards of radiation will be coordinated and compatible. The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of

byproduct material covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j(2) of the Act, temporarily suspend all or part of this Agreement if, in the judgement of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act which requires a State program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

Article IX

This Agreement shall become effective on [TBA], and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Dated at Rockville, Maryland, this ___th day of_____, 2000.

For The United States Nuclear Regulatory Commission.

Chairman

Dated at Oklahoma City, Oklahoma this ___th day of _____, 2000.

For The State of Oklahoma.

Governor

[FR Doc. 00–16297 Filed 6–27–00; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Privacy Act of 1974, System of Records

AGENCY: Postal Service.

ACTION: Notice of proposed modifications to existing system of records.

SUMMARY: This document publishes notice of modifications to Privacy Act system of records USPS 010.010, renamed by this notice as ''Collection and Delivery Records-Address Change, Mail Forwarding, and Related Services Records.'' The modifications reflect the electronic collection of information traditionally covered by the system and the collection and maintenance of move-related information.

DATES: Any interested party may submit written comments on the proposed addition and modification. This proposal will become effective without further notice on July 28, 2000, unless comments received on or before that date result in a contrary determination.

ADDRESSES: Written comments on this proposal should be mailed or delivered to Finance Administration/FOIA, United States Postal Service, 475 L'Enfant Plaza SW, RM 8141, Washington, DC 20260–5202. Copies of all written comments will be available at the above address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, (202) 268–2608.

SUPPLEMENTARY INFORMATION: Postal customers who move and choose to file a forwarding order with the Postal Service complete PS Form 3575, Change-of-Address Order. Privacy Act system 010.010 covers the collection and maintenance of this information. In recent years, the Postal Service has provided an Internet version of PS Form 3575, along with other information to help customers before, during, and after their move to a new address. Customers complete the form online and print, sign, and mail it to the Postal Service.

Enhancements to the Postal Service's Internet site, which is currently called MoversNet, will result in the collection of additional information, prompting the need for the system revisions proposed by this notice. Customers will be able to effect change-of-address service online by providing proof of identity such as a credit card number. In addition, customers will be able to order move-related services provided by entities outside of the Postal Service. These services will be offered through a new Internet site called MoversGuide.com, which will replace MoversNet. The move-related services will include moving van rental; sale of moving boxes; and long-distance telephone and cable service, etc. Information needed by the entity to provide service will be collected from the customer by the Postal Service and maintained after for fulfillment and customer service purposes. A customer can elect for the Postal Service to maintain certain information for the customer's use in future transactions on MoversGuide.com. The proposed changes to the categories of records segment of the system notice reflect the addition of this new information.

In addition, the purpose statement has been expanded to include the objective of collecting move-related records to enhance customer service and convenience.

Three new routine uses are being adopted. These routine uses permit disclosure of information about a customer to providers of move-related services at the customer's request; disclosure of change-of-address information to certain government agencies or other entities selected by the customer; and disclosure of information about a customer to an online identity validation system for purposes of verifying the customer's identity. Each of these disclosures is necessary to accomplish the purposes for which the information is collected.

The system modifications are not expected to have an adverse effect on individual privacy rights. Customer identity is verified; customers have control over how much information is kept about them; and the information is securely maintained and transmitted.

Customers may opt to file a change-of-address online or through the mail. To protect individuals who file online against fraud, the Postal Service collects information to establish proof of identity and confirms the address change request by e-mail. Each time a customer uses MoversGuide.com to obtain move-related services, he or she will be given the option to save the information for ordering other products and services or to delete it then or at a later time. If information is saved, the customer must enter a user name and

password to access the information in the future.

Security controls have been applied to protect the information during transmission and physical maintenance. The system will be housed in a restricted area with access controlled by an installed security software package, the use of logon identifications and passwords, and operating system controls. Information is transmitted in a secure session established by Secure Sockets Layer (SSL) or equivalent technology. Digital certificates provide the authentication encryption to enable an SSL connection with the postal customer's Web browser. Any transaction that involves sending information is encrypted on both the sending and receiving end to keep others from viewing it. The Postal Service's secure server does not support browsers that do not transmit encrypted information.

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the amended system has been sent to Congress and to the Office of Management and Budget for their evaluation.

System USPS 010.010 was last published in its entirety at 54 FR 43657–43658 dated October 26, 1989, and amended at 64 FR 8877–8878 dated February 23, 1999. It is proposed that the system description be amended as follows:

USPS 010.010

SYSTEM NAME:

[CHANGE TO READ:]

Collection and Delivery Records-Address Change, Mail Forwarding, and Related Services Records, 010.010.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

[CHANGE TO READ:]

Postal customers requesting mail forwarding and related services from their local postal facilities or through Postal Service Internet services. Any postal customers who are victims of a disaster who have requested mail forwarding services through the American Red Cross.

CATEGORIES OF RECORDS IN THE SYSTEM:

[CHANGE TO READ:]

a. Address change records including customer number, name, old mailing address, new mailing address, mail forwarding instructions, effective date, information about whether the move is permanent or temporary, contact information for customer service, and any information/records for online proof of identity.

b. Records pertaining to other move-related services provided by entities outside the Postal Service contain customer number, name, address, products, effective date, billing, and identity validation information required to service the customers' requests.

c. Postal customer inquiry/comment records may contain customer number, name, contact information, description of service request, and responses.

d. Outside service provider records contain name of the service provider, customer name, policies related to privacy and customer service, product offerings, and service processing information.

e. Optional customer records contain the information a customer chooses to save to apply to future transactions on the Internet site. They may contain names, addresses, online proof of identification, billing, and other information used to request a service.

f. Internet site usage records contain referral source, search word used to come to the site, Internet Protocol (IP) address, domain name, operating system versions, browser version, page visited, and other information to analyze the usage of the site.

* * * * *

PURPOSE(S):

[CHANGE TO READ:]

a. To provide mail forwarding services to postal customers who have changed addresses.

b. To provide address correction services to postal customers.

c. To provide address information to the American Red Cross about a postal customer who has been relocated because of a disaster.

d. To provide postal customers with Internet access the ability to file fully electronic change-of-address in order to further automate and enhance current address change services.

e. To provide postal customers with Internet access to providers of move-related services as a means of improving customer convenience and service quality.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

[ADD ROUTINE USE 9, 10, AND 11 AS FOLLOWS:]

9. Postal customer online requests for move-related services will be forwarded in a secured manner to the specified service providers, which may include government agencies and private companies, at the election of the customer online.

10. Change-of-address information from this system may be disclosed to certain government agencies and other entities at the election of the postal customer online.

11. Information from this system shall be disclosed to an authorized online identity validation system for the purpose of verifying the identity of a customer submitting a change-of-address online.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

[CHANGE TO READ:]

The source document is maintained on file at the delivery unit. They are filed alphabetically by name within a month. Records generated from the source document are recorded on the Forwarding Control System file server and on 8-mm tapes at Computerized Forwarding System units. Electronic change-of-address records and related service records are also stored on disk and/or magnetic tape in a secured environment. Change-of-address records are consolidated in a National Change-of-Address (NCOA) File at the National Customer Support Center (NCSC). Selected extracts of NCOA are provided to a limited number of firms under contract or license agreement with the Postal Service. Records pertaining to move-related services are also transmitted to specific service providers, including government agencies and private companies under contract to the Postal Service.

RETRIEVABILITY:

[ADD:]

By name and address and customer number for electronic change-of-address and related service records. By name, address, and e-mail address for customer service records. By name or service provider number for service provider records. By customer number, name, password, and/or challenging question and answer. The Internet site usage records are summarized for site usage analysis and are not retrieved by personal identifier.

* * * * *

RETENTION AND DISPOSAL:

[CHANGE TO READ:]

a. Change-of-address source document is retained for 18 months from effective date and then destroyed.

b. Change-of-address information on magnetic tape and/or disk at Computerized Forwarding System sites is retained for 18 months from effective date. At the end of that period, the data is automatically purged from the Forwarding Control System.

c. Change-of-address information on magnetic tape at the National Customer Support Center (National Change-of-Address File) is retained for 36 months from effective date.

d. Internet change-of-address and related service records are kept on the online disks for 6 months from the execution date of the requests and archived to offline disks or tapes for an additional 13 months. At the end of that period, the records on offline disks or tapes are erased.

e. Postal customer service records are kept on the online disks for 6 months from the closure date of the request and archived to offline disks or tapes for an additional 7 months. At the end of that period, the records on offline disks or tapes are erased.

f. Outside service provider records are kept on the online disks for 3 months from the date of service termination and archived to offline disks or tapes for an additional 10 months. At the end of that period, the records on offline disks or tapes are erased.

g. Records saved at the customer's option are maintained until the customer decides to delete the previous transaction records or the account is disabled for inactivity. The customer can choose to modify saved records at any time, and the choice will be executed immediately. An erased customer record shall not be recovered or recalled.

h. Internet site usage records are kept on the online disks for 12 months and archived to offline disks or tapes for an additional 13 months. At the end of the period, the records on offline disks or tapes are erased.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; service providers; and providers of online identity validation.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–16253 Filed 6–27–00; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42964; File No. SR–Amex–00–30].

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange LLC Relating to the Allocation of, and Participation in, Options and Index Share Trades

June 20, 2000

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 30, 2000, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to codify in Rule 950(d) Commentary .05 current practices regarding the allocation of, and participation in, option and index share trades executed on the Exchange by registered options traders and specialists.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Since the inception of options trading at the Exchange in 1975, both specialists and registered options traders (''traders'') have had the responsibility of making markets in options. In addition, although index shares, portfolio depositary receipts, and trust issued receipts such as SPDRS, DIAMONDS, NASDAQ 100 shares and HOLDRs are equity securities listed and traded under the Exchange's equity rules, they have some of the characteristics of ''derivative products,'' and thus registered options traders are eligible for, and have been assisting specialists in, making markets in these products as well.

The Exchange's rules require that both specialists' and traders' transactions should constitute a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market and that specialists and traders should not enter into transactions or make bids or offers that are inconsistent with such a course of dealing.[3] Specialists and traders shall engage, to a reasonable degree under the existing circumstances, in dealings for their own accounts when there exists a lack of price continuity, a temporary disparity between the supply of and demand for options contracts of a particular series, or a temporary distortion of the price relationships between option contracts of the same class.[4] The Exchange notes that the Commission stated in its Order announcing the effectiveness of the Exchange's plan to list and trade options that registered floor traders on the Amex ''will be expected to trade in a way *assists* the specialist in maintaining a fair and orderly market. * * *''[5]

The Amex notes that specialists do, however, have additional obligations, which include, among other things, the obligation to (1) Assure that disseminated market quotations are accurate; (2) assure that each disseminated market quotation in appointed options classes shall be honored up to ten contracts, or such other minimum number as set from time to time by the Exchange; (3) determine any formula for generating the automatically updated market quotations and disclosing the elements of the formula to the members of the trading crowd; (4) be present at the trading post throughout every business day; (5) participate at all times in the automated execution system for each assigned option class; and (6) resolve trading disputes, subject to Floor

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] *See* Amex Rule 170 (concerning specialists)—made applicable to options trading by Rule 950(n)—and rule 958 (concerning registered traders).

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 11144 (December 19, 1974), 40 FR 3258 (January 20, 1975) (emphasis added).

Official review upon the request of any party to the dispute.[6]

The Exchange represents that in the course of making markets, specialists are often on parity with registered options traders; that is, bidding and offering simultaneously to provide liquidity. Amex Rule 126—made applicable to options trading by Amex Rule 950(d)—provides that when bids (offers) are made simultaneously, all such bids (offers) are on parity, and any securities sold (bought) in execution of such bids (offers) shall be divided as equally as possible between those specialists and traders on parity. Over the years, it has been recognized by the Exchange as well as by the registered traders and specialists, that, given their role, specialists should be entitled to a greater than equal share when on parity with registered traders. As a result, a practice has developed in the trading crowds for many option classes and index shares to give the specialist a greater than equal share when on parity with registered options traders. The Exchange now seeks to codify this practice.

The Exchange proposes to adopt commentary .05 to Rule 950(d), which would provide for a specialist to receive a specified participation in the number of securities executed, which would vary depending upon the number of traders on parity. The distribution of securities between the specialist and the traders on parity would be as follows:

Number of traders on parity	Approximate number of securities allocated to the specialist	Approximate number of securities allocated to the traders (as a group)
1	60%	40%
2–4	40	60
5–7	30	70
8–15	25	75
16 or more	20	80

The Exchange emphasizes that the above percentages would apply only when the specialist and/or registered traders are on parity. In situations where a customer order is on parity with the specialist and registered traders, Exchange rules provide that the customer will not receive a lesser amount than the registered traders or specialist.[7] The Exchange notes, however, that a specialist cannot be on parity with an order for which he is acting as agent,[8] and registered traders (who never act as agents and trade only for their own accounts) cannot be on parity with a customer when either establishing or increasing their position in the option.[9]

The proposed rule change would also codify the distribution of ''Auto-Ex'' executed options trades among specialists and registered traders.[10] The Exchange's ''Auto-Ex'' system automatically executes public customer market and marketable limit orders of a minimum of 10 and a maximum of 50 option contracts or less. Both specialist and registered options traders are contra-parties to the trades executed on the Auto-Ex system. Such trades are automatically allocated on a rotating basis to the specialist and to each trader that has signed on to Auto-Ex.[11] If an Auto-Ex trade is greater than ten contracts, the Auto-Ex system divides the execution into lots of ten or fewer and allocates a lot to each Auto-Ex participant.[12] Each lot is considered a separate trade for purposes of allocating trades within Auto-Ex. Under the proposed rule change, the rotation would be designed to provide that Auto-Ex trades be allocated between the specialist and traders signed on to Auto-Ex in a given option class as follows:

Number of traders signed on to Auto-Ex	Approximate number of trades allocated to the specialist throughout the day	Approximate number of trades allocated to trader(s) signed on to Auto-Ex throughout the day
1	60%	40%
2–4	40	60
5–7	30	70
8–15	25	75
16 or more	20	80

The Exchange believes that it is appropriate to provide a greater participation to specialists because they have responsibilities and are subject to certain costs that registered traders do not. For example, specialists have a continuous obligation to the market, and must update and disseminate quotes in all securities, reflect all market interest in the displayed quotes, and act as a contra-party on Auto-Ex at all times. In addition, connected with these responsibilities are fixed staffing costs committed to market making in a particular security whether it is actively traded or not and the costs associated with participating in educational and marketing functions to attract order flow.

In order to attract specialist units to the Exchange who are willing to accept these responsibilities, the Exchange believes it is necessary to provide specialists with a guaranteed participation. The Exchange also believes that it must provide these guarantees in order to be competitive with other options exchanges that currently offer enhanced participation to their specialists and select market

[6] These obligations are mandated by, or implicit in, various Amex trading rules and practices. Telephone conversation between Claire McGrath, Vice President and Special Counsel, Amex, and Ira L. Brandriss, Attorney, Division of Market Regulation, the Commission, on June 16, 2000.

[7] *See, e.g.,* Amex Rule 126(e)(2).

[8] *See* Amex Rule 155.

[9] *See* Amex Rule 111, Commentary .07, made applicable to options trading by Amex Rule 950(c).

[10] The Exchange notes, however, that index shares, portfolio depositary receipts, and trust issued receipts are not executed through the Auto-Ex system.

[11] At the start of each trading day, the order in which trades are allocated to the specialist and traders signed on to Auto-Ex is randomly determined.

[12] For example, an order for 25 contracts, in an option class for which orders of up to 50 contracts may be executed through Auto-Ex, would be executed in three trades—two trades of 10 each and one trade of five contracts.

makers.[13] The Exchange believes that guaranteed participation would also give specialists the ability to attract order flow to the Exchange and provide its customers with tighter, more competitive markets. As a result, the Exchange would be able to attract new specialist units and retain the services of existing units.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)[14] of the Act in general and furthers the objectives of Section 6(b)(5)[15] of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal offices of the Amex. All submissions should refer to File No. SR–Amex–00–30 and should be submitted by July 19, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–16305 Filed 6–27–00; 8:45 am]

BILLING CODE 8010–01–M

[13] *See* Chicago Board Options Exchange Rule 8.80; Pacific Exchange Rule 6.82; and Philadelphia Stock Exchange Rule 1014(g).

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42973; File No. SR–Phlx–00–43]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Adopting Enhancements to the PACE Systems Automatic Price Improvement Feature

June 21, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 12, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to adopt a system change to the Exchange's Automatic Communication and Execution (''PACE'') System Automatic Price Improvement (''API'') feature and adopt Rule 229, Commentary .07(c)(i)(E) to provide specialists the ability to implement automatic price improvement to allow sell orders to improve to the last sale on an uptick and/or allow sell orders to improve to a price higher than the last sale (''Sell Order Enahncement features'').

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

PACE is the Exchange's automated order routing and execution system on the equity trading floor. PACE accepts orders for automatic or manual execution in accordance with the provisions of Rule 229, which governs the PACE System and defines its parameters. The API features of the PACE System allows the specialist to voluntarily provide automatic price improvement to market and marketable limit orders to all customers in a security when the orders are 599 shares or less and the PACE quote[3] is 3/16 or 1/8 or greater.[4] When the API feature was first introdced, there were certain exceptions which prevented a sell order from being executed on the last sale if the last sale is an uptick and prevented a sell order from being executed at a price higher than the last sale.[5] In those situations, the order would be executed at the PACE quote.

The Exchange proposes to enhance the API feature to allow the specialist to voluntarily provide automatic price improvement to sell orders of a 100 shares or more, as determined by the specialist, in a particular security even when the sell order would be executed on the last sale and the last sale is an uptick (''Sell Order Enhancement I''). In addition, the Exchange also proposes to enhance the API feature to allow the specialist to voluntarily provide automatic price improvement to sell orders of 100 shares or more, as determined by the specialist, in a particular security when the improved

[3] The PACE quote means the best bid/ask quote among the American, Boston, Cincinnati, Chicago, Pacific, Philadelphia and New York Stock Exchanges. *See* Phlx rule 229.

[4] *See* Phlx Rule 229, Commentary .07(c)(i)

[5] *See* Phlx Rule 229, Commentary .07(c)(i)(A) and (B).

price would be higher than the last sale (''Sell Order Enhancement II''). The specialist may choose to provide either or both of the Sell Order Enhancement features on a symbol-by-symbol basis to all eligible orders for all customers.

The Sell Order Enhancement features will be disengaged when the API feature is disengaged in accordance with Rule 229, Commentary .07(c)(iii).[6] As with the API feature, specialists choosing to activate or deactivate either one or both Sell Order Enhancement features would be required to notify the Exchange one day prior to implementation. The change would be effective the next day in order to provide notice to the PACE users of the activation and make the necessary system changes.[7] The Exchange proposes Sell Order Enhancement features in order to provide automatic price improvement to orders that were previously excluded from price improvement.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(5)[9] in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest by providing automatic price improvement to more equity orders which should in turn enhance the speed of execution for a larger number of orders as well as provide executions at better prices.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx represents that it does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(5)[11] thereunder. The proposal effects a change in an existing order-entry or trading system of a self-regulatory organization that (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not have the effect of limiting the access to or availability of the system pursuant to Rule 229.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–00–43 and should be submitted by July 19, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–16304 Filed 6–27–00; 8:45 am]

BILLING CODE 8010–01–M

[6] *See* Phlx Rule 229, Commentary. 07(c)(iii)

[7] *See* Securities Exchange Act Release No. 39548 (January 13, 1998), 63 FR 3595 (January 23, 1998).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(5).

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3255]

State of New Mexico; (Amendment #1)

In accordance with a notice from the Federal Emergency Management Agency, dated June 9, 2000, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on May 5, 2000 and continuing through June 9, 2000.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is July 12, 2000 and for economic injury the deadline is February 13, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 14, 2000.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 00–16254 Filed 6–27–00; 8:45 am]

BILLING CODE 8025–01–U

DEPARTMENT OF STATE

Bureau of Economic and Business Affairs Finding of No Significant Impact: City of Sumas, WA

[Public Notice 3344]

AGENCY: Department of State.

ACTION: Notice of a finding of no significant impact with regard to an application to construct, operate and maintain a pipeline to transport water across the U.S.-Canada border.

SUMMARY: The Department of State has conducted an environmental assessment of the proposed construction by the City of Sumas, Washington, of a pipeline for the transport of water crossing the international boundary near the City of Sumas, Washington. This information may be viewed upon request in the Office of International Energy and Commodity Policy at the Department of State.

Based on this information, the Department of State has concluded that issuance of a Presidential Permit authorizing construction of the pipeline will not have a significant effect on the existing vegetation and wildlife, water resources, land use, air quality and human population within the United States. In reaching this conclusion, the Department of State considered several alternatives, including a no-action alternative.

In accordance with the National Environmental Policy Act, 42 U.S.C. Section 4321 *et seq.*, Council on Environmental Quality Regulations, 40 CFR 1501.4 and 1508.13 and Department of State Regulations, 22 CFR 161.8 (C), an environmental impact statement will not be prepared.

FOR FURTHER INFORMATION ON THE PIPELINE PERMIT APPLICATION, CONTACT: Bill Memler, Office of International Energy Policy, Room 3535, U.S. Department of State, Washington, D.C., 20520, (202) 647–4557.

SUPPLEMENTARY INFORMATION: The City of Sumas is a municipality organized and chartered in the State of Washington. On October 14, 1999, the Department of State published a Notice of Application for a Presidential Permit in the **Federal Register**. No public comments were received and concerned agencies expressed no opposition to issuing the permit. A finding of no significant impact is adopted, and an environmental impact statement will not be prepared.

Stephen Gallogly,

Director, Office of International Energy and Commodities Policy.

[FR Doc. 00–16221 Filed 6–27–00; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice No. 3329]

United States International Telecommunication Advisory Committee; Radiocommunication Sector (ITAC–R); Notice of Meeting

The Department of State announces a meeting of the U.S. International Telecommunication Advisory Committee Radiocommunication Sector (ITAC–R). The purpose of the Committee is to advise the Department on policy and positions with respect to the International Telecommunication Union and international radiocommunication matters.

The ITAC–R will meet from 1:30 to 4:30 on July 6, 2000, at the Department of State in room 1205 to prepare for the next cycle of radiocommunication activites of the International Telecommunication Union (ITU) and the Inter-American Telecommunication Commission (CITEL), taking account of the recently concluded Radiocommunication Assembly and the World Radiocommunication Conference 2000. Members of the general public may attend this meeting and join in the discussions, subject to the instructions of the Chair. Admission of public members will be limited to seating available. Entrance to the Department of State is controlled; people intending to attend ITAC–R meeting and subsequent preparatory meetings for the CPM should send an e-mail to Cheryl Williams (*williamscd@state.gov*) or fax to (202) 647–7407 no later than 48 hours before the meeting. The fax should include the name of the meeting (Prep for radiocommunications activities of ITU and CITEL), date of the meeting, your name, social security number, date of birth, and organization. One of the following will be required for admission. U.S. driver's license, U.S. passport, or U.S. Government identification card. Enter from the C Street Entrance; in view of escorting requirement, non-government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Dated: June 21, 2000.

Brian Ramsay,

ITAC–R National Committee, Department of State.

[FR Doc. 00–16344 Filed 6–27–00; 8:45 am]

BILLING CODE 4710–45–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Comments on Environmental Review of Proposed United States-Jordan Free Trade Agreement

ACTION: Notice of initiation of environmental review and request for comments on scope of review.

SUMMARY: This publication gives notice that pursuant to Executive Order 13141 (64 FR 63169) the Office of the U.S. Trade Representative (USTR), through the Trade Policy Staff Committee (TPSC), is initiating an environmental review of the proposed United States-Jordan free trade agreement notified in the **Federal Register** on June 15, 2000 (65 FR 37594). The TPSC is requesting written comments from the public on what should be included in the scope of the review, including the potential environmental effects that might flow from the free trade agreement and the potential implications for out environmental laws and regulations. Persons submitting written comments should provide as much detail as possible on the degree to which the subject matter they propose for inclusion in the review may raise significant environmental issues in the context of the negotiation. Jordan has indicated that it plans to perform its own environmental review of the free trade agreement, a process the U.S. Agency for International Development is prepared to support with technical assistance if requested by the government of Jordan.

DATES: Comments about the scope of the review should be submitted on or before July 17, 2000 to be assured of timely consideration.

FOR FURTHER INFORMATION: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 600 17th Street, NW., Washington, DC 20508 (202) 395–3475. All other questions regarding the review should be addressed to Mary Latimer, Deputy Assistant US Trade Representative for Environment and Natural Resources, Office of the USTR (202) 395–7230 or Adam Shub, Director for Middle Eastern Affairs, Office of the USTR (202) 395–3320.

SUPPLEMENTARY INFORMATION: On June 6, 2000, President Clinton agreed with Jordan's King Abdullah II to negotiate a bilateral free trade agreement. In the negotiations, the United States and Jordan will seek to eliminate duties and commercial barriers to bilateral trade in U.S.- and Jordanian-origin goods and also expect to address trade in services, trade-related aspects of intellectual property rights, trade-related environmental and labor matters, and other issues. The TPSC requested written comments from the public to assist USTR in formulating negotiating objectives for the agreement in the Federal Register on June 15, 2000 (65 FR 37594).

USTR has requested that the U.S. International Trade Commission conduct a detailed study of the potential economic impacts of the free trade agreement on the United States. Two-way trade in goods between the United States and Jordan totaled $307 million in 1999, consisting of $276 million in U.S. exports to Jordan and $31 million in Jordanian exports to the United States. Jordan's top exports to the United States in 1999 were aircraft and aircraft parts sent to the United States for repair, jewelry made of precious metals, apparel including mens and boys suits, capets, and antiques over 100 years old. Top U.S. exports to Jordan in 1999 were wheat, aircraft parts, rice, and corn.

Written Comments

Persons submitting written comments should provide twenty (20) copies no later than noon July 17, 2000, to Gloria Blue at the address listed above. Written comments submitted in connection with this request, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be

available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 10 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Business confidential information will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains business confidential information, twenty (20) copies of a public version that does not contain confidential information must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Carmen Suro-Bredie,

Chair, Trade Policy Staff Committee.

[FR Doc. 00–16341 Filed 6–27–00; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 9, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7498.

Date Filed: June 9, 2000.

Parties: Members of the International Air Transport Association.

Subject: PTC31 SOUTH 0085 dated 6 June 2000; South Pacific Resolutions r1–r30; Minutes—PTC31 SOUTH 0086 dated 6 June 2000; Tables—PTC31 SOUTH Fares 0023 dated 6 June 2000; Intended effective date: 1 October 2000.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 00–16384 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During the Week Ending June 16, 2000

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2000–7516.

*Date Filed:*June 13, 2000.

Parties: Members of the International Air Transport Association.

Subject: CAC/28/Meet/004/00 dated May 29, 2000; Expedited Reso 813; Intended effective date: July 1, 2000.

Docket Number: OST–2000–7539.

Date Filed: June 16, 2000.

Parties: Members of the International Air Transport Association.

Subject: Request of IATA pursuant to 49 U.S.C. Sections 41308, 41309 and Parts 303.03, 303.05 and 303.03(c), on behalf of member airlines of the International Air Transport Association (IATA) that the Department approve and confer antitrust immunity on an amendment to the Provisions for the Conduct of IATA Traffic Conferences (the Provisions).

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 00–16385 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending June 16, 2000

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et. seq.*). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1999–6319.

Date Filed: June 12, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 3, 2000.

Description: Application of Northwest Airlines, Inc. pursuant to 49 U.S.C. Section 41102 and Subpart B, applies to amend its Experimental Certificate of Public Convenience and Necessity for Route 564 (U.S.-Mexico) to incorporate segments authorizing service between Newark and Acapulco, Puerto Vallarta and San Jose del Cabo.

Docket Number: OST–2000–7525.

Date Filed: June 15, 2000.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 6, 2000.

Description: Application of Emery Worldwide Airlines, Inc. (''Emery Air'') pursuant to 49 U.S.C. 41102 and Subpart B, requests amendment of its Route 743 certificate authority to incorporate all of its currently-held U.S.-Mexico exemption authority. Emery Air asks for authority to integrate its amended Route 743 authority with its existing certificate and exemption authority and that the authority become effective immediately for a five year period.

Andrea M. Jenkins,

Federal Register Liaison.

[FR Doc. 00–16386 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 23–18]

Advisory Circular (AC) 23–18, Installation of Terrain Awareness and Warning System (TAWS) Approved Under TSO–C151a for Part 23 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of Advisory Circular (AC).

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 23–18, Installation of Terrain Awareness and Warning System (TAWS) Approved Under TSO–C151a for Part 23 Airplanes. This AC establishes an acceptable means, but not the only

means, of obtaining FAA airworthiness approval for the installation of a TAWS that has been approved under Technical Standard Order (TSO)–C151a, Terrain Awareness and Warning System, in a Part 23 airplane.

DATES: On June 14, 2000, the Small Airplane Directorate issued AC 23–18.

How To Request Copies: Copies of the AC are available from the U.S. Department of Transportation, Subsequent Distribution Office, Ardmore East Business Center, 3341 Q 75th Avenue, Landover, MD 20785. The advisory circular is also available on the internet at http://www.faa.gov/avr/air/airhome.htm.

Issued in Kansas City, Missouri, on June 20, 2000.

Larry Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16331 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[(AC) 23–17]

Advisory Circular: Systems and Equipment Guide for Certification of Part 23 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Issuance of Advisory Circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes. Advisory Circular 23–17 provides information and guidance concerning acceptable means, but not the only means, of showing compliance with Part 23 applicable to Subpart D from § 23.671 and Subpart F.

DATES: On April 25, 2000, the Small Airplane Directorate issued Advisory Circular 23–17.

How To Obtain Copies: AC 23–17 is available on the internet at http://www.faa.gov/avr/air/airhome.htm. A copy of AC 23–17 may be also ordered from the Superintendent of Documents, Post Office Box 371954, Pittsburgh, PA 15250–7954. Identify the publication as AC 23–17, Systems and Equipment Guide for Certification of Part 23 Airplanes, Stock Number 050–007–01287–0. The cost of AC 23–17 is $21.00. Send a check or money order with your request, made payable to the Superintendent of Documents. Orders for mailing to foreign countries should include an additional 25 percent of the total price to cover handling. No C.O.D. orders are accepted.

Issued in Kansas City, Missouri, on June 20, 2000.

Larry Werth,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–16332 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the City and Borough of Juneau, Alaska for the Juneau International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the Juneau International Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before December 13, 2000.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is June 16, 2000. The public comment period ends August 15, 2000.

FOR FURTHER INFORMATION CONTACT: James W. Lomen, Federal Aviation Administration, Airports Division, 222 West 7th Ave., Box 14, Anchorage, Alaska 99513, (907) 271–5816.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the Juneau International Airport are in compliance with applicable requirements of Part 150, effective June 16, 2000. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before December 13, 2000. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing non-compatible uses and for the prevention of the introduction of additional non-compatible uses.

The City and Borough of Juneau submitted to the FAA on July 8, 1999 noise exposure maps, descriptions and other documentation which were produced during the 1999 Noise Compatibility Program for the Juneau International Airport FAR Part 150 Update. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City and Borough of Juneau. The specific maps under consideration are Existing (1999) Noise Exposure Maps, figure 8.2 and the Five-Year Future (2004) Noise Exposure Map, Figure 8.3 in the submission. The FAA has determined that these maps for the Juneau International Airport are in compliance with applicable requirements. This determination is effective on June 16, 2000. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 105. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise

compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Juneau International Airport, also effective on June 16, 2000. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but the further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before December 13, 2000.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Alaskan Region, Airports Division, AAL–600, 222 West 7th Ave., Box 14, Anchorage, Alaska 99513

Juneau International Airport, Attn.: Allen Heese, Manager, 1873 Shell Simmons Drive, Juneau, Alaska 99801.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Anchorage, Alaska on June 16, 2000.

Ronnie V. Simpson,

Airports Division, AAL–600, Alaskan Region.

[FR Doc. 00–16340 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Planned Modification of the Cincinnati Class B Airspace Area, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This notice announces two fact-finding informal airspace meetings. The purpose of these meetings is to provide interested parties an opportunity to present views, recommendations, and comments on the plan to modify the Cincinnati Class B Airspace Area. All comments received during these meetings will be considered prior to any revision or issuance of a notice of proposed rulemaking.

TIMES AND DATES: *Meetings.* These informal airspace meetings will be held on Wednesday, August 16, 2000, at 7:00 pm–9:00 pm; and Thursday, August 17, 2000, at 7:00 pm–9:00 pm. Comments must be received on or before September 18, 2000.

ADDRESSES: On August 16 and August 17, 2000, the meetings will be held at the Dennert's Community Meeting Room, Lunken Airport, 351 Wilmer Avenue, Cincinnati, OH.

COMMENTS: Send comments on the planned modification in triplicate to: Manager, Air Traffic Division, ASO–500, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

FOR FURTHER INFORMATION CONTACT: Michael Wheeler, FAA, Manager, Cincinnati Airport Traffic Control Tower, Cincinnati/Northern Kentucky International Airport, P.O. Box 75003, Cincinnati, OH 45275, telephone (859) 372–6400.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) These meetings will be informal in nature and will be conducted by a representative of the FAA Southern Region. A representative from the FAA will present a formal briefing on the planned changes to the Class B airspace area. Each participant will be given an opportunity to deliver comments or make a presentation at the meetings.

(b) These meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) These meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of these meetings will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) These meetings will not be formally recorded.

Agenda for the Meetings

Presentation of Meeting Procedures.

Presentation of the planned Class B Airspace Area Modification.

Public Presentations and Discussions.

Closing Comments.

Issued in Washington, DC, on June 22, 2000.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 00–16328 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance

with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Canadian National/Illinois Central Railroad (CN/IC) (Waiver Petition Docket Number FRA–1999–6143)

CN/IC is seeking a permanent waiver of compliance with the Railroad Safety Appliance Standards, 49 CFR part 231.27(b)(4)(ii), which requires that ''When made of material other than wood, the tread surface shall be of anti-skid design and constructed with sufficient open space to permit the elimination of snow and ice from the tread surface.'' In FRA's Technical Bulletin MP&E 98–17, issued on June 15, 1998 (originally issued in 1990 as Technical Bulletin MP&E 90–11) the floor most closely resemble cars described in Part 231.27, ''House and other box cars without hatch covers built or put in service after October 1, 1966.'' CN/IC states that its 350 cars (reporting marks ICG 978650 to and including 978999) were built between 1981 and 1982. CN/IC further states that the original specifications for the car's construction required that all safety appliances will be in accordance with the United States Safety Appliance Standards and Power Brake Requirements as issued by FRA. CN/IC was under the assumption that the cars would have been grandfathered as having an excepted design. CN/IC cited its records which indicate that the car's end platform arrangements have never been stipulated as the primary or secondary cause in a personnel injury. CN/IC maintains that the demand for the bulkhead flatcars has been minimal, and thirty-one percent of the cars are either retired, bad ordered, not operating in the U.S., or in storage. Therefore, CN/IC requests that a waiver of compliance be granted for this series of cars.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number 1999–6143) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room Pl–401, Washington, DC 20590–001. Communications received within 30 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the DOT Central Docket Management Facility, Room Pl–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on June 22, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–16352 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Columbia Business Center (Waiver Petition Docket Number FRA–2000–7301)

Columbia Business Center of Vancouver, Washington, seeks a permanent waiver of compliance from the requirements of 49 CFR part 223, Safety Glazing Standards, for its two locomotives. This request was formerly handled under FRA docket number RSGM–98–1. The subjects of this petition are a GE 80-ton center cab (940 HP) locomotive and a GE 25-ton (150 HP) locomotive. Both units currently have laminated glass throughout the cabs showing the following information:

Safety Duolite A52,95
Viracon-1 Lam.DOT129,16CFR,1201
M40 CAT. II/A5–1,09,88
Hi-test Safety Sheet AS,FV.

These locomotives are used exclusively by Columbia Business Center on 2.81 miles of Columbia Business Center owned track within the Columbia Business Center Industrial Park. The railroad has had no accidents, incidents, or acts of vandalism relative to the proposed relief.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.*, Waiver Petition Docket Number 2000–7301) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on June 22, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–16355 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Duluth, Missabe and Iron Range Railway Company (Waiver Petition Docket Number FRA–2000–7297)

The Duluth, Missabe and Iron Range Railway Company (DMIR) seeks a two-year extension of a previously granted waiver of compliance (formerly handled under Docket Number F–90–3B) from the provisions of the Railroad Freight Car Safety Standards, 49 CFR Section 215.115(b)(1)(ii), regarding inspection of roller bearings involved in a derailment. This waiver applies to DMIR cars which may be derailed at taconite pellet load out pockets at Minntac, Minorca, EVTAC, and Fairlane. These cars have been prone to derailments during the unloading process and are directed back onto the rails by being pulled over permanently mounted automatic rerailers.

DMIR states that no mainline derailments due to bearing related failures have occurred during the period of the current waiver. Bearings that have been involved in derailments have been visually inspected for external damage and allowed to return to unrestricted service when none was found.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 2000–7297) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on June 22, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–16354 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Lake Superior Railroad Museum

[Waiver Petition Docket Number FRA–1999–6072]

Lake Superior Railroad Museum of Duluth, Minnesota, is requesting a waiver from the requirements of 49 CFR Part 223, Safety Glazing Standards, for Great Northern locomotive #192 which was built in 1946. This locomotive has FRA Type II glazing in all side facing locations and is partially equipped with FRA Type I glazing in end facing locations. The remainder of the end facing glazing is identified as ''shatterproof.''

This locomotive is primarily used on 26 miles of the North Shore Scenic Railroad between Duluth and Two Harbors, Minnesota.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number 1999–6072) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9:00 a.m.–5:00 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, D.C. on June 22, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–16353 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Announcing the Second Quarterly Meeting of the Crash Injury Research and Engineering Network

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting announcement.

SUMMARY: This notice announces the Second Quarterly Meeting of members of the Crash Injury Research and Engineering Network. CIREN is a collaborative effort to conduct research on crashes and injuries at nine Level 1 Trauma Centers which are linked by a computer network. Researchers can review data and share expertise, which could lead to a better understanding of crash injury mechanisms and the design of safer vehicles.

DATE AND TIME: The meeting is scheduled from 8:30 a.m. to 5 p.m. on July 21, 2000.

ADDRESSES: The meeting will be held in Room 6200–04 of the U.S. Department of Transportation Building, which is located at 400 Seventh Street, S.W., Washington, DC.

SUPPLEMENTARY INFORMATION: The CIREN System has been established and crash cases have been entered into the database by each Center. NHTSA has held three Annual Conferences (two in Detroit and one in conjunction with STAPP in San Diego) where CIREN research results were presented. Further information about the three previous CIREN conferences is available through the NHTSA website at: *http://www-nrd.nhtsa.dot.gov/bio_and_trauma/ciren-final.htm.* NHTSA held the first quarterly meeting on May 5, 2000, with a topic of lower extremity injuries in motor vehicle crashes. Information from

the May 5 meeting is also available through the NHTSA website.

NHTSA plans to continue holding quarterly meetings on a regular basis to disseminate CIREN information to interested parties. This is the second such meeting. The topic for this meeting is motor vehicle side impact crashes. Subsequent meetings have tentatively been scheduled for October 2000 and January 2001. These quarterly meetings will be in lieu of an annual CIREN conference.

FOR FURTHER INFORMATION CONTACT: Mrs. Donna Stemski, Office of Human-Centered Research, 400 Seventh Street, S.W., Room 6206, Washington, DC 20590, telephone: (202) 366–5662.

Issued on: June 14, 2000

Raymond P. Owings,

Associate Administrator for Research and Development, National Highway Traffic Safety Administration.

[FR Doc. 00–16387 Filed 6–27–00; 8:45 am]

BILLING CODE 4910–59–P

UNITED STATES INSTITUTE OF PEACE

Announcement of the Fall Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Upcoming Fall Unsolicited Grant Deadline, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution.

Deadline: October 1, 2000.

DATES: Application Material Available on Request. Receipt Date for Return of Application: October 1, 2000. Notification of Awards: February 2001.

ADDRESSES: For Application Package: United States Institute of Peace, Grant Program, Unsolicited Grants, 1200 17th Street, NW, Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone), (202) 429–6063 (fax), (202) 457–1719 (TTY), Email: grant_program@usip.org.

Applications also available on-line at our web site: www.usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program, Phone (202)–429–3842.

Dated: June 22, 2000.

Bernice J. Carney,

Director, Office of Administration.

[FR Doc. 00–16317 Filed 6–27–00; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0180]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 28, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB'' Control No. 2900–0180.

SUPPLEMENTARY INFORMATION:

Title: Compliance Report of Proprietary Institutions, VA Form 27–4274.

OMB Control Number: 2900–0180.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: VA Form 27–4274 is used to determine whether or not proprietary educational institutions receiving Federal financial assistance are in compliance with applicable civil rights statute and regulations. The collected information is used to identify areas that may indicate, statistically, disparate treatment of minority group members.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on April 11, 2000, at pages 19434–19435.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 124 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 124.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0180'' in any correspondence.

Dated: June 14, 2000.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–16390 Filed 6–27–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Thursday and Friday, July 27–28, 2000, VA Central Office, 810 Vermont Avenue, NW, Room 430, Washington, DC 20420. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The purpose of the meeting is to review information relating to the health effects of exposure to ionizing radiation. The major items on the agenda for both days will be discussions and analyses of medical and scientific papers concerning the health effects of exposure to ionizing radiation. On the basis of their analyses and discussions, the Committee may make recommendations to the Secretary concerning diseases that are the result of exposure to ionizing radiation. The agenda for the second day will include planning future Committee activities and assignment of tasks among the members.

The meeting is open to the public on both days. Those who wish to attend should contact Ms. Ersie Farber-Collins of the Department of Veterans Affairs, Compensation and Pension Service, 810 Vermont Avenue, NW, Washington, DC 20420, prior to July 27, 2000. Ms. Farber-Collins may also be reached at 202–273–7268.

Members of the public may submit written questions or prepared statements for review by the Committee in advance of the meeting. Submitted material must be received at least five

(5) days prior to the meeting and should be sent to Ms. Farber-Collins' attention at the address given above. Those who submit material may be asked to clarify it prior to its consideration by the Committee.

Dated: June 20, 2000.

By direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–16391 Filed 6–27–00; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Wednesday,
June 28, 2000

Part II

Department of Housing and Urban Development

Public Housing Assessment System (PHAS) Information on PHAS Scoring Procedures; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–11]

Public Housing Assessment System (PHAS) Information on PHAS Scoring Procedures

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, and Office of the Director of the Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: In this edition of the **Federal Register**, HUD is publishing additional information for public housing agencies, their residents and members of the public about HUD's process for issuing scores for each of the four PHAS Indicators: Physical Condition; Financial Condition; Management Operations; and Resident Service and Satisfaction.

FOR FURTHER INFORMATION CONTACT: For further information contact the Real Estate Assessment Center (REAC), Attention: Wanda Funk, U.S. Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone Technical Assistance Center at (888)–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

I. Background

On January 11, 2000 (65 FR 1712), HUD issued a final rule that made certain amendments to the Public Housing Assessment System (PHAS) regulations. The PHAS was implemented by final regulations published on September 1, 1998. The amendments published to the PHAS regulations on January 11, 2000, followed a proposed rule published on June 22, 1999, and were prompted by both statutory and administrative changes to the PHAS.

On June 6, 2000, HUD published a technical correction to the January 11, 2000, final rule, and HUD also published a notice that provided further transition assistance to PHAs with fiscal years ending March 31, 2000, and June 30, 2000, by allowing these PHAs to inspect occupied units in accordance with HUD's Housing Quality Standards (HQS). Under sub-indicator #3 of PHAS Indicator #3, Management Operations, PHAs are assessed on the percentage of units and systems that a PHA inspects on an annual basis in order to determine short-term maintenance needs and long-term Capital Fund needs. In the June 6, 2000, Transition Notice, HUD also advised that PHAs with fiscal years ending March 31, 2000, would receive PHAS advisory scores. PHAS scores will be issued to PHAs with fiscal years ending on or after June 30, 2000.

II. PHAS Scoring Notices

In this edition of the **Federal Register**, HUD is publishing its scoring notices for each of the four PHAS Indicators: Physical Condition; Financial Condition; Management Operations, and Resident Service and Satisfaction. For the Management Operations Indicator, HUD is publishing two scoring notices. The first Management Operations scoring notice is applicable to PHAs with fiscal years ending September 30, 1999, to December 31, 1999. The second Management Operations scoring notice is applicable to PHAs with fiscal years ending on or after March 31, 2000. The reason for the two notices is that the January 11, 2000, final rule made substantive changes to the Management Operations Indicator and those changes are reflected in the second Management Operations Scoring Notice. PHAs with fiscal years ending before 1999, were covered by the PHAS regulations before amendments made by the January 11, 2000, final rule. The first Management Operations Scoring Notice reflects the earlier regulation.

All the PHAS scoring notices published in this edition of the **Federal Register** take into consideration public comment received on the notices published on May 13, 1999 and again on June 13, 1999.

Dated: June 20, 2000.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

[FR Doc. 00–16152 Filed 6–27–00; 8:45 am]

BILLING CODE 4210–01–P

Federal Register

Wednesday,
June 28, 2000

Part III

Department of Housing and Urban Development

Public Housing Assessment System Physical Condition Scoring Process; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–12]

Public Housing Assessment System Physical Condition Scoring Process

AGENCY: Office of the Director of the Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: This notice provides additional information to public housing agencies and members of the public about HUD's process for issuing scores under the Physical Condition Indicator of the Public Housing Assessment System (PHAS). This notice is an update of the Physical Condition Scoring Process notice that was published on June 23, 1999. This notice takes into consideration public comment received on June 23, 1999 notice and reflects the changes made to the PHAS regulations published on January 11, 2000, with certain corrections published on June 6, 2000. The changes made to this notice are discussed in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Wanda Funk, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone Technical Assistance Center at 1–888–245–4860 (this is a toll-free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

Purpose of This Notice

The purpose of this notice is to provide additional information about the scoring process for PHAS Indicator #1, Physical Condition. The purpose of the Physical Condition assessment is to ensure that public housing units are decent, safe, sanitary and in good repair, using HUD's uniform physical condition standards for the assessment. The physical condition assessment under the PHAS utilizes uniform physical inspection procedures to determine compliance with the uniform standards and is an important indicator of a PHA's performance.

Of the total 100 points available for a PHAS score, a PHA may receive up to 30 points under PHAS Indicator #1. The physical condition score is included in the aggregate PHAS score.

The information provided in this notice was originally published on May 13, 1999 (64 FR 26166) and republished on June 23, 1999 (64 FR 33650). HUD solicited public comment on both the May 13, 1999, and June 23, 1999, notices. This Physical Condition Scoring Process notice, published in this edition of the **Federal Register**, has been revised from the June 23, 1999, notice, to reflect the public comments received on the previous notices and to reflect the changes made to the PHAS regulations by final rule published on January 11, 2000 (65 FR 1712).

This notice is different from the June 23, 1999 notice in the following respects: some items and their associated item weights in Appendix 1 (Item Weights and Criticality levels) have been modified and terminology has been changed for severity levels from ''Minor, Major and Severe'' to ''Level 1, Level 2 and Level 3'' respectively. Additionally, the Dictionary of Deficiency Definitions, which was published as Appendix 2 to the previous notices, is undergoing further revision and will be published subsequently in the **Federal Register**. Appendix 3 to the June 23, 1999 notice, which provided a sample physical inspection summary report, is not a part of this updated notice, and was not intended to be permanent part of the Physical Condition Scoring Notice.

The PHAS/REAC Physical Inspection and the HQS Inspection

The PHAS physical inspection is performed by HUD's Real Estate Assessment Center (REAC), and is also referred to as the REAC physical inspection. The REAC physical inspection encompasses virtually everything covered by the Housing Quality Standards (HQS) inspection. The REAC physical inspection, however, is more objective and more defined in identifying and classifying deficiencies. While the HQS inspection generates a reasonably subjective ''pass/fail'' designation, the REAC inspection generates much more comprehensive results, such as:

- Physical inspection scores reported at the property level;
- Area level scores for each of the five REAC physical inspection areas; and
- Observations of deficiencies recorded by the inspector electronically at the time of the inspection.

The Physical Inspection Scoring Process

1. Definitions

The following are the important definitions of terms used in the physical condition scoring process:

Score means a number between 0 and 100 that reflects the physical condition of a property, inspectable area, or sub-area:

- To record a health or safety problem, a letter is added to the property score (a, b, or c); and
- To note that smoke detectors are inoperable or missing, an asterisk (*) is added to the property score.

Inspectable area means any of the five major components of the property, which are:

- Site
- Building exteriors o Building systems
- Common areas
- Dwelling units

Sub-area means an inspectable area for one building. For example, if a property has more than one building, each inspectable area for each building in the property is treated as a sub-area.

Inspectable items refer to walls, kitchens, bathrooms, and other things to be inspected in an inspectable area. The number of inspectable items may vary from 8 to 17 items for each area. Weights are assigned to each item as shown in Appendix 1 (Item Weights and Criticality Levels).

Deficiencies refer to specific problems, comparable to HQS, that can be recorded for the inspectable items, such as a hole in a wall or a damaged refrigerator in the kitchen.

Criticality means one of five levels that reflect the relative importance of the deficiencies for an inspectable item. Appendix 1 also lists all deficiencies with their designated levels, which vary from 1 to 5, with 5 as the most critical. The deficiencies also have assigned values used in scoring as follows:

Criticality	Level	Value
Critical	5	5.00
Very important	4	3.00
Important	3	2.25
Contributes	2	1.25
Slight contribution	1	0.50

Based on the importance of the deficiency, reflected in its criticality value, points are deducted from the property score. For example, a clogged drain in the kitchen is more critical than a damaged surface on a counter top. Therefore, more points will be deducted for a clogged drain than for a damaged surface.

Severity means one of three levels that reflect the extent of damage associated with each deficiency, with values assigned as follows:

Severity level	Value
3	1.00

Severity level	Value
2	0.50
1	0.25

Appendix 1 shows the severity levels that are possible for each deficiency. Based on the severity of each deficiency, the score is reduced. Points deducted are calculated as the product of the item weight and the values for criticality and severity, as described below. For specific definitions of each severity level, see the REAC's ''Dictionary of Deficiency Definitions,'' which is available from REAC's Internet Site at http://www.hud.gov/reac. Again, the udpated version of the dictionary will soon be posted on this website and published subsequently in the **Federal Register** as a separate notice.

Normalized area weights mean weights used with area scores to create property level scores. The weights are adjusted to reflect the inspectable items that are present.

2. Scoring Process Input

To generate accurate scores, it is crucial to determine the appropriate relative weights of the various components of the inspection; that is, which components are the most important, the next most important, and so on. To develop the scoring methodology for the PHAS physical inspection, HUD utilized information provided by several knowledgeable parties, including:

- Professionals experienced in assessing the physical condition of properties;
- Representatives from the housing and public housing industries; and
- HUD professionals.

In an extensive series of meetings, these parties gave HUD valuable advice and comments on the relative weights and values for inspectable areas, items, criticality of deficiencies, and severity levels of deficiencies.

3. Equity Principles

In addition to determining the appropriate relative weights, HUD also took into consideration several issues concerning equity between properties:

Proportionality. The scoring methodology includes an important control, which does not allow any sub-area scores to be negative. If a sub-area, such as the building exterior for a given building, has so many deficiencies that the sub-area score is negative, the score is set to zero. This control mechanism ensures that no single building or dwelling unit can affect the overall score more than its proportionate share of the whole.

Configuration of property. The scoring methodology takes into account that properties have different numbers of units in buildings. To fairly score properties with different numbers of units in buildings, the area scores are calculated for building exteriors and systems by using weighted averages of the sub-area scores, where the weights are based on the number of units in each building.

Differences between properties. The scoring methodology also takes into account that properties have different features and amenities. To ensure that the overall score reflects only items are present to be inspected, weights to calculate area and property scores are adjusted depending on how many items are there to be inspected.

4. Deficiency Definitions

During a physical inspection of a property, the inspector looks for deficiencies for each inspectable item within the inspectable areas, such as the walls (item) of a dwelling unit (area). A specific criticality level is assigned to each deficiency. The criticality level reflects the importance of the deficiency relative to all deficiencies for the item. One of three severity levels is also assigned based on the observed condition.

The REAC's updated version of the ''Dictionary of Deficiency Definitions,'' soon to be published, specifically defines the three levels of severity: level 1 (minor), level 2 (major) and level 3 (severe).

5. Health and Safety Deficiencies

The REAC physical inspection emphasizes health and safety (H&S) deficiencies because of their crucial importance to the well-being of residents. H&S deficiencies can substantially reduce the overall property score. As noted earlier, the H&S deficiencies are highlighted by adding a letter to the numeric score. Letters to the numeric score are added as follows:

- If there are no H&S deficiencies, add a;
- If there are H&S deficiencies that are not life-threatening (NLT), add b; and
- If there are exigent H&S deficiencies that are life threatening (LT), *i.e.*, calling for immediate attention or remedy—or fire safety H&S deficiencies, add c.

Appendix 1 lists all H&S deficiencies with an ''LT'' designation for exigent/fire safety and ''NLT'' for non-life threatening deficiencies.

To ensure prompt correction of H&S deficiencies, the inspector gives the property representative the list of every observed exigent/fire safety H&S deficiency before leaving the site. The property representative acknowledges receipt of the deficiency report by signature. The inspector also transmits the deficiency report to HUD not later than the morning after completing the inspection. HUD sends to all PHAs an inspection report on the H&S deficiencies recorded by the inspector. These reports clearly show:

- The number of H&S deficiencies (exigent/fire safety and non-life threatening) that the inspector observed;
- All observed smoke detector deficiencies; and
- A projection of the total number of H&S problems that the inspector potentially would see in an inspection of all buildings and all units.

If there are smoke detector deficiencies, the physical condition score will include an asterisk. However, problems with smoke detectors do not currently affect the overall score. When there is an asterisk indicating the property has at least one smoke detector deficiency, that part of the score may be identified as ''risk.'' For example, ''93a, risk'' for 93a* and ''71c, risk'' for 71c*.

There are six distinct letter grade combinations: a, a*, b, b*, c and c*. For example:

- A score of 90c* means that the property contains at least one exigent/fire safety H&S deficiency to be corrected, including at least one smoke detector deficiency, but is otherwise in excellent condition;
- A score of 55a means that the property is in poor condition, even though there are no H&S deficiencies; and
- A property in excellent physical condition with no H&S deficiencies would have a score of 90a to 100a.

6. Scoring Process Elements

The physical condition scoring process is based on three elements within a property:

- Inspectable areas;
- Inspectable items; and
- Observed deficiencies.

7. Scoring as Weighted Averages

The score for a property is the weighted average of area scores, with the area weights adjusted to take into account how many of an area's inspectable items are actually present to be inspected.

The area scores are calculated by deriving weighted averages of sub-area scores over buildings or dwelling units as appropriate.

The sub-area scores are calculated by deducting points for deficiencies, based on criticality and severity levels. (Sub-area scores may not be less than zero.)

Points are also deducted for H&S deficiencies.

8. Essential Weights and Levels

The process of scoring a property's physical condition depends on the weights, levels, and associated values of several quantities:

- Weights for inspectable areas (5 areas);
- Weights for inspectable items within areas (8 to 17 per area);
- Criticality levels and their associated values for the possible deficiencies within items inspected;
- Severity levels and their associated values for deficiencies; and
- Health and safety deductions (exigent/fire safety and non-life threatening) for site, buildings, and dwelling units.

9. Normalized Area Weights

A property's overall physical condition score is a weighted average of area scores. Approximate relative weights appeared in the preamble to the PHAS final rule, published on September 1, 1998 (see 63 FR 46596, pages 46598–46599):

Area	Weight (in percent)
Site	15
Building exterior	15
Building systems	20
Common areas	15
Dwelling units	35

These weights are assigned if all inspectable items are present for each area for each building and unit. All of the inspectable items may not be present in every inspectable area. When items are missing in an area, the area weights are modified to reflect the missing items so they once again add up to 100%. This is illustrated in Example 3 below where some inspectable items are missing in several inspectable areas.

Although rare, it is possible that all of the inspectable items are missing in one inspectable area—the ''common areas.'' In this case, the weight of the ''common areas'' would be 0% and its original 15% weight needs to be redistributed to the other inspectable areas. The 15% is redistributed by totaling the weights of other inspectable areas (85%) and dividing each weight by that amount (0.85). The modified weights of 17.6%, 17.6%, 23.5%, 0%, and 41.2% for site, building exterior, building systems, common areas, and units, respectively add up to 100%.

10. Site, Unit and Sub-Area Scores

These are the steps to arrive at site, unit and sub-area scores for a site, building, or unit:

Step 1: Calculate an ''initial proportionate score''—the difference between the possible points for the site, a building sub-area, or a unit and the deductions associated with the deficiencies recorded. The number of possible points is the total of the inspectable item weights, ignoring the H&S item, for the site, or a building sub-area, or unit.

Step 2: Calculate the deduction for an observed deficiency by multiplying the relevant item weight by the criticality value and by the severity value.

Step 3: In a similar manner, reduce the scores for any health and safety (H&S) deficiencies observed, including those in the H&S item and those in other non-H&S items. (The item weight for deficiencies included in the H&S item is equal to the largest weight among the items present.) At this point, the control to prevent negative scores is applied. Thus, no one building or unit may affect an area score more than its proportionate share would justify.

Step 4: Normalize the resulting proportionate scores to scores based on 100 points by dividing by the total of weights of items present to be inspected, other than the H&S item.

11. Area Scores

Within each area involving either multiple buildings or units, the area score is a weighted average of the building sub-area scores or unit scores. To calculate these weighted averages, follow these guidelines:

Dwelling units: The area score is the weighted average of sub-area scores for each unit, weighted by the total of item weights present to be inspected in each unit.

Common areas: Like the dwelling unit score, the area score for common areas is the weighted average of sub-area common area scores weighted by the total weights for items inspected in the common areas for each building. When computing area scores for common areas, there may be special considerations when there are common buildings. (The term common building refers to any inspectable building that contains no dwelling units.) All common buildings are inspected. In those cases where a sample is taken of buildings with units, the effect of common buildings on the common area score should be reduced. This reduction is accomplished by multiplying the weights for common buildings by the number of units in inspected buildings, divided by the total number of units in the property.

Building exteriors or building systems: The area scores for building exteriors and building systems are weighted averages of sub-area scores. The weights are the product of the total weights for items, ignoring the H&S item, inspected for each building exterior or systems times the total number of units for each building. (Note: the total number of units is all units, not just units inspected.) When computing area scores for building exterior or building systems, a number of adjustments are made for common buildings without units. In a manner identical to that for common areas, if buildings with units are sampled, the weights of common building scores are reduced. Also for weighting purposes, a common building is assigned the average number of units in all buildings, including all common buildings and all buildings with units, whether inspected or not. Finally, to adjust for differences in size between common buildings, a common building's weight is multiplied by the total weight of items present to be inspected for the building's common areas.

12. Overall Property Score

To calculate the overall property score, the normalized area weights are applied to the area scores.

13. Possible Points

Normalized area weights reflect both the initial weights and the relative weights between areas of inspectable items actually present. For reporting purposes, normalized weights are presented as the maximum point contributions for each of the five inspectable areas. In the Physical Inspection Report, sent to all PHAs, the following items are listed:

- Normalized weights as the ''possible points'' by area;
- The area scores, taking into account the points deducted for observed deficiencies;
- The deductions for H&S for site, buildings and units, where H&S deductions for buildings are combined for exteriors, systems and common areas; and
- The overall property score.

The Physical Inspection Report allows the PHA to see the magnitude of the points lost by inspectable area, and the impact on the score of the H&S deficiencies.

14. Examples of Physical Condition Score Calculations

To illustrate how physical condition scores are calculated, three examples are provided below.

Example #1: Example #1 illustrates how the score for a building exterior sub-area is calculated based on the following features:

#1a. Ignoring the H&S item, the other seven items have a total weight of 100%, as shown in Appendix 1. If the building had no fire escapes, an item with a nominal weight of 16.0%, then the total item weight for the remaining non-H&S items would be 84%, which is then the base (84.0 points) from which deductions are made to create the ''initial proportionate score'' as described, above, under *Sub-Area Scores.*

#1b. Assume damaged vents were found in the roof. The criticality level for this deficiency is provided in Appendix 1 as a 4, which has a value of 3.00 as given, above, under *Definitions.* If, based on the Dictionary of Deficiency Definitions (Appendix 2 to the previous notice), it is determined that the damaged vents seen are level 1 deficiencies, then the amount of points deducted is the item weight (16.0) times the criticality value (3.00), times the severity value (0.25), which equals 12.0 points.

#1c. If this is the only deficiency observed, then the initial proportionate score for this sub-area would be 84.0 − 12.0 or 72.0 points.

#1d. Additional deficiencies or H&S deficiencies (calculated in the same manner) would further decrease the sub-area score and if the score dropped below zero, then it would be changed to zero.

#1e. The initial proportionate sub-area score is then normalized to a 100 point basis by dividing by the total of the non-H&S item weights (0.84), which would create the final score of (72.0)/(0.84)=85.7

Example #2: Example #2 illustrates how the score for an area is calculated based on the following features:

#2a. Consider a property with 2 buildings with the following characteristics:

- Building #1 (from Example #1, above):

—10 units
—84.0% of the weight for the items that were present in building exterior
—Building exterior score is 85.7 points

- Building #2:

—20 units
—100% of the weight for the items that were present in building exterior
—Building exterior score is 69.1 points

#2b. The building exterior score for the building exterior area is the weighted average of the individual scores. Each building exterior score is weighted by the number of units and the percent of the weight for items present in the building exterior.

#2c. The scores for buildings #1 and #2, above, are calculated using the following formula: Building Exterior Score=sum of [(Building score) times (Building weight divided by the sum of Building weights)]

- Building #1 weight: [(10 units)x(84.0% weight)]=8.4
- Building #2 weight: [(20 units)x(100% weight)]=20
- Total weight=8.4 + 20, or 28.4
- Building exterior score= (85.7 points)x(8.4/28.4) +(69.1 points)x(20/28.4) =25.3+48.7 =74.0

Example #3: Example #3 illustrates how the score for a property is calculated based on the following:

#3a. Consider a property with the following characteristics:

- Site:

—Score: 90 points
—100% of weight of items present
—Nominal weight: 15%

- Building Exteriors (from example #2, above):

—Score: 74 points
—92% of weight of items present
—Nominal weight: 15%

- Building Systems:

—Score: 70 points
—80% of weight of items present
—Nominal weight: 20%

- Common Areas:

—Score: 60 points
—30% of weight of items present
—Nominal weight: 15%

- Dwelling Units:

—Score: 80 points
—80% of weight of items present
—Nominal weight: 35%

#3b. First, adjust the area weights for each area. Multiply the weight of items present by the nominal weight for each area and add the total:

- Site: 15x100%=15
- Building Exteriors: 15x92%=13.8
- Building Systems: 20x80%=16.0
- Common Areas: 15x30%=4.5
- Dwelling Units: 35x80%=28.0
- Total:=77.3

#3c. Adjust the area weights to ''normalize'' so that they add to 100. Divide each adjusted area weight by the total and multiply by 100 (this also results in the maximum possible points reported for each area):

- Site: (15/77.3)x100=19.4
- Building Exteriors: (13.8/77.3)x100=17.9
- Building Systems: (16/77.3)x100=20.7
- Common Areas: (4.5/77.3)x100=5.8
- Dwelling Units: (28/77.3)x100=36.2

#3d. Multiply the new ''normalized'' weights by the area scores, above, divide by 100, and add the results:

- Site: 19.4x90/100=17.5 points
- Building Exteriors: 17.9x74/100=13.2 points
- Building Systems: 20.7x70/100=14.5 points
- Common Areas: 5.8x60/100=3.5 points
- Dwelling Units: 36.2x80/100=29.0 points
- Total Property Score:=77.6 points

15. Computing the PHAS Overall Physical Inspection Score

The physical inspection score for the PHAS for a PHA is the weighted average of the PHA's individual project physical inspection scores, where the weights are the number of units in each project divided by the total number of units in all projects for the PHA.

Example:

Project 1 has a score of 60 and has 100 units

Project 2 has a score of 80 and has 900 units.

The overall PHAS score is computed as follows:

Score

=[60×100/(100+900)] + [80×900/(100+900)]

=6+72

=78

16. Accessibility Questions

For public housing developments for which accessibility requirements are applicable, the physical inspection will include determining if: (1) There is a wheelchair accessible route to and from the main ground floor entrance of the buildings inspected; (2) the main entrance for every building inspected is at least 32″ wide, measured between the door and the opposite door jamb; (3) there is an accessible route to all exterior common areas; and (4) for multistory buildings that are inspected, the interior hallways to all inspected units and common areas are at least 36″ wide. This item is not scored.

Dated: June 20, 2000.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

BILLING CODE 4210–01–P

Appendix1 - Item Weights and Criticality Levels
Area:Site

Inspectable Item	Nominal Item Weight	Observable Deficiency	Criticality	Level 1	Level 2	Level 3	H&S
Fencing and Gates	10%	Damaged/Falling/Leaning	4		X	X	NLT
	10%	Holes	3	X		X	NLT
	10%	Missing Sections	3	X		X	NLT
Grounds	12.50%	Erosion/Rutting Areas	4		X	X	NLT
	12.50%	Overgrown/Penetrating Vegetation	3		X	X	
	12.50%	Ponding/Site Drainage	4		X	X	
Health & Safety	12.50%	Air Quality - Sewer Odor Detected	3			X	NLT
	12.50%	Air Quality - Propane/Nat'l Gas/Methane Gas Detected	5			X	LT
	12.50%	Electrical Hazards - Exposed Wires/Open Panels	5			X	LT
	12.50%	Electrical Hazards - Water Leaks on/near Electrical Equipment	5			X	LT
	12.50%	Flammable Materials - Improperly Stored	3			X	NLT
	12.50%	Garbarge and Debris - Outdoors	3			X	NLT
	12.50%	Hazards - Other	0			X	NLT
	12.50%	Hazards - Sharp Edges	3			X	NLT
	12.50%	Hazards - Tripping	3			X	NLT
	12.50%	Infestation - Insects	3			X	NLT
	12.50%	Infestation - Rats/Mice/Vermin	3			X	NLT
Mailboxes/Project Signs	1%	Mailbox Missing/Damaged	2			X	
	1%	Signs Damaged	2	X			
Market Appeal	8%	Graffiti	4	X	X	X	
	8%	Litter	4		X		
Parking Lots/Driveways/Roads	8.50%	Cracks	3		X		
	8.50%	Ponding	4		X	X	
	8.50%	Potholes/Loose Material	4	X		X	
	8.50%	Settlement/Heaving	4	X		X	
Play Areas and Equipment	12.50%	Damaged/Broken Equipment	3	X	X	X	NLT
	12.50%	Deteriorated Play Area Surface	3		X	X	
Refuse Disposal	12.50%	Broken/Damaged Enclosure-Inadequate Outside Storage Space	3		X		
Retaining Walls	10%	Damaged/Falling/Leaning	4		X	X	NLT
Storm Drainage	12.50%	Damaged/Obstructed	5		X	X	
Walkways/Steps	12.50%	Broken/Missing Hand Railing	3			X	NLT
	12.50%	Cracks/Settlement/Heaving	3		X		
	12.50%	Spalling	3	X	X		

Note: 1.) Nominal item weight assumes that all items for the Site are present. Item weights would be adjusted accordingly when items are not applicable (N/A)
2.) The Health & Safety item assumes the highest item weight for a particular inspection. Nominally it is equal to 12.5%
3.) "X" in the level column indicates which levels are applicable.
4.) Only level 3 is applied to H&S deficiencies.
5.) In the H&S column, NLT is non-life threatening H&S and LT (life threatening) is exigent/fire safety (calling for immediate attention or remedy.)

Appendix 1 - Item Weights and Criticality Levels
Area: Building Exterior

Inspectable Item	Nominal Item Weight	Observable Deficiency	Criticality	Level 1	Level 2	Level 3	H&S
Doors	16%	Damaged Frames/Threshold/Lintels/Trim	2		X	X	NLT
	16%	Damaged Hardware/Locks	3		X	X	
	16%	Damaged Surface (Holes/Paint/Rusting/Glass)	4		X	X	
	16%	Damaged/Missing Screen/Storm/Security Door	3	X		X	NLT
	16%	Deteriorated/Missing Caulking/Seals	4			X	
	16%	Missing Door	5			X	
Fire Escapes	16%	Blocked Egress/Ladders	5			X	LT
	16%	Visibly Missing Components	5			X	LT
Foundations	16%	Cracks/Gaps	5		X	X	
	16%	Spalling/Exposed Rebar	4		X	X	
Health and Safety	16%	Electrical Hazards - Exposed Wires/Open Panels	5			X	LT
	16%	Electrical Hazards - Water Leaks on/near Electrical Equipment	5			X	LT
	16%	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	5			X	LT
	16%	Emergency Fire Exits - Missing Exit Signs	3			X	NLT
	16%	Flammable Materials - Improperly Stored	3			X	NLT
	16%	Garbage and Debris - Indoors	0			X	NLT
	16%	Garbage and Debris - Outdoors	0			X	NLT
	16%	Hazards - Other	0			X	NLT
	16%	Hazards - Sharp Edges	3			X	NLT
	16%	Hazards - Tripping	3			X	NLT
	16%	Infestation - Insects	3			X	NLT
	16%	Infestation - Rats/Mice/Vermin	3			X	NLT
Lighting	10%	Broken Fixtures/Bulbs	4		X	X	
Roofs	16%	Damaged Soffits/Fascia	4	X		X	
	16%	Damaged Vents	4	X		X	
	16%	Damaged/Clogged Drains	5		X	X	
	16%	Damaged/Torn Membrane/Missing Ballast	5		X	X	
	16%	Missing/Damaged Components from Downspout/Gutter	3	X	X	X	
	16%	Missing/Damaged Shingles	5	X	X	X	
	16%	Ponding	4			X	
Walls	13%	Cracks/Gaps	5		X	X	
	13%	Damaged Chimneys	4		X	X	NLT
	13%	Missing/Damaged Caulking/Mortar	4	X	X		
	13%	Missing Pieces/Holes/Spalling	4		X	X	
	13%	Stained/Peeling/Needs Paint	3	X	X		
Windows	13%	Broken/Missing/Cracked Panes	3	X		X	NLT
	13%	Damaged Sills/Frames/Lintels/Trim	5	X	X		
	13%	Damaged/Missing Screens	2	X			
	13%	Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X	X	
	13%	Peeling/Needs Paint	2	X			
	13%	Security Bars Prevent Egress	5			X	LT
FHEO - 32" Wide Main Entrance	0%	Main Entrance Less Than 32" Wide	5			X	
FHEO - Accessibility to Main Floor Entrance	0%	Obstructed or Missing Accessibility Route	5			X	

Note: 1.) Nominal item weight assumes that all items for the Building Exterior are present. Item weights would be adjusted accordingly when items are not applicable (N/A)
2.) The Health & Safety item assumes the highest item weight for a particular inspection. Nominally it is equal to 16%
3.) "X" in the level column indicates which levels are applicable.
4.) Only level 3 is applied to H&S deficiencies.
5.) In the H&S column, NLT is non-life threatening H&S and LT (life threatening) is exigent/fire safety (calling for immediate attention or remedy.)

Appendix 1 - Item Weights and Criticality Levels
Area: Building Systems

Inspectable Item	Nominal Item Weight	Observable Deficiency	Criticality	Level 1	Level 2	Level 3	H&S
Domestic Water	15.50%	Leaking Central Water Supply	4			X	
	15.50%	Misaligned Chimney/Ventilation System	5			X	LT
	15.50%	Missing Pressure Relief Valve	5			X	NLT
	15.50%	Rust/Corrosion on Heater Chimney	2			X	NLT
	15.50%	Water Supply Inoperable	5			X	NLT
Electrical System	15.50%	Blocked Access/Improper Storage	3			X	NLT
	15.50%	Burnt Breakers	4			X	NLT
	15.50%	Evidence of Leaks/Corrosion	5			X	NLT
	15.50%	Frayed Wiring	5			X	
	15.50%	Missing Breakers/Fuses	5			X	LT
	15.50%	Missing Covers	5			X	LT
Elevators	5%	Not Operable	5			X	NLT
Emergency Power	2%	Auxiliary Lighting Inoperable	5			X	
	2%	Run-Up Records/Documentation Not Available	4		X	X	
Exhaust System	15.50%	Roof Exhaust Fan Inoperable	3			X	
Fire Protection	15.50%	Missing Sprinkler Head	0			X	NLT
	15.50%	Missing/Damaged/Expired Extinguishers	0	X	X	X	LT
Health & Safety	15.50%	Air Quality - Mold and/or Mildew Observed	0			X	NLT
	15.50%	Air Quality - Propane/Nat'l Gas/Methane Gas Detected	5			X	LT
	15.50%	Air Quality - Sewer Odor Detected	3			X	NLT
	15.50%	Electrical Hazards - Exposed Wires/Open Panels	5			X	LT
	15.50%	Electrical Hazards - Water Leaks on/near Electrical Equipment	5			X	LT
	15.50%	Elevator - Tripping	3			X	NLT
	15.50%	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	5			X	LT
	15.50%	Emergency Fire Exits - Missing Exit Signs	3			X	NLT
	15.50%	Flammable Materials - Improperly Stored	3			X	NLT
	15.50%	Garbage and Debris - Indoors	3			X	NLT
	15.50%	Garbage and Debris - Outdoors	3			X	NLT
	15.50%	Hazards - Other	0			X	NLT
	15.50%	Hazards - Sharp Edges	3			X	NLT
	15.50%	Hazards - Tripping	3			X	NLT
	15.50%	Infestation - Insects	3			X	NLT
	15.50%	Infestation - Rats/Mice/Vermin	3			X	NLT
HVAC	15.50%	Boiler/Pump Leaks	4	X		X	
	15.50%	Fuel Supply Leaks	4			X	NLT
	15.50%	Misaligned Chimney/Ventilation System	5			X	LT
	15.50%	General Rust/Corrosion	2		X	X	NLT
Sanitary System	15.50%	Broken/Leaking/Clogged Pipes or Drains	5			X	NLT
	15.50%	Missing Drain/Cleanout/Manhole Covers	3			X	

Note: 1.) Nominal item weight assumes that all items for the Building System are present. Item weights would be adjusted accordingly when items are not applicable (N/A)

2.) The Health & Safety item assumes the highest item weight for a particular inspection. Nominally it is equal to 15.5%

3.) "X" in the level column indicates which levels are applicable.

4.) Only level 3 is applied to H&S deficiencies.

5.) In the H&S column, NLT is non-life threatening H&S and LT (life threatening) is exigent/fire safety (calling for immediate attention or remedy.)

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

Inspectable Item	Nominal Item Weight	Observable Deficiency	Criticality	Leve 1	2
Basement/Garage/Carport	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	3		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Damaged Surface - Holes/Paint/Rusting/Glass	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	4	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	5		
	5.0%	Doors - Missing Door	4	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	0		
	5.0%	Floors - Bulging/Buckling	0		
	5.0%	Floors - Floor Covering Damaged	0	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Closet/Utility/Mechanical	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting/Glass)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Community Room	10.0%	Ceiling - Bulging/Buckling	4		
	10.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	10.0%	Ceiling - Peeling/Needs Paint	1	X	X
	10.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	10.0%	Doors - Damaged Hardware/Locks	3	X	X
	10.0%	Doors - Damaged Surface (Holes/Paint/Rusting/Glass)	3	X	X
	10.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	10.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	10.0%	Doors - Missing Door	5	X	X
	10.0%	Electrical - Blocked Access to Electrical Panel	3		
	10.0%	Electrical - Burnt Breakers	4		
	10.0%	Electrical - Evidence of Leaks/Corrosion	5		
	10.0%	Electrical - Frayed Wiring	5		
	10.0%	Electrical - Missing Breakers	5		
	10.0%	Electrical - Missing Covers	5		
	10.0%	Floors - Bulging/Buckling	4		
	10.0%	Floors - Floor Covering Damagedd	4	X	X
	10.0%	Floors - Missing Flooring/Tiles	4	X	X
	10.0%	Floors - Peeling/Needs Paint	1	X	X
	10.0%	Floors - Rot/Deteriorated Subfloor	4		X
	10.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	10.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	10.0%	HVAC - Inoperable	5		
	10.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	10.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	10.0%	HVAC - General Rust/Corrosion	2	X	X
	10.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	10.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	10.0%	Stairs - Broken/Missing Hand Railing	3		
	10.0%	Stairs- Broken/Damaged/Missing Steps	3		
	10.0%	Walls - Bulging/Buckling	4		
	10.0%	Walls - Damaged	3	X	X
	10.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	10.0%	Walls - Peeling/Needs Paint	1	X	X
	10.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	10.0%	Windows - Damaged Window Sill	4	X	X
	10.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	10.0%	Windows - Inoperable/Not Lockable	3	X	
	10.0%	Windows - Peeling/Needs Paint	1	X	
	10.0%	Windows - Security Bars Prevent Egress	5		
Day Care	10.0%	Ceiling - Bulging/Buckling	4		
	10.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	10.0%	Ceiling - Peeling/Needs Paint	1	X	X
	10.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	10.0%	Doors - Damaged Hardware/Locks	3	X	X
	10.0%	Doors - Damaged Surface (Holes/Paint/Rusting/Glass)	3		X
	10.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	10.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	10.0%	Doors - Missing Door	5	X	X
	10.0%	Electrical - Blocked Access to Electrical Panel	3		
	10.0%	Electrical - Burnt Breakers	4		

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	10.0%	Electrical - Evidence of Leaks/Corrosion	5		
	10.0%	Electrical - Frayed Wiring	5		
	10.0%	Electrical - Missing Breakers	5		
	10.0%	Electrical - Missing Covers	5		
	10.0%	Floors - Bulging/Buckling	4		
	10.0%	Floors - Floor Covering Damagedd	4	X	X
	10.0%	Floors - Missing Flooring/Tiles	4	X	X
	10.0%	Floors - Peeling/Needs Paint	1	X	X
	10.0%	Floors - Rot/Deteriorated Subfloor	4		X
	10.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	10.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	10.0%	HVAC - Inoperable	5		
	10.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	10.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	10.0%	HVAC - General Rust/Corrosion	2	X	X
	10.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	10.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	10.0%	Stairs - Broken/Missing Hand Railing	3		
	10.0%	Stairs- Broken/Damaged/Missing Steps	3		
	10.0%	Walls - Bulging/Buckling	4		
	10.0%	Walls - Damaged	3	X	X
	10.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	10.0%	Walls - Peeling/Needs Paint	1	X	X
	10.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	10.0%	Windows - Damaged Window Sill	4	X	X
	10.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	10.0%	Windows - Inoperable/Not Lockable	3	X	
	10.0%	Windows - Peeling/Needs Paint	1	X	
	10.0%	Windows - Security Bars Prevent Egress	5		
Halls/Corridors/Stairs	10.0%	Ceiling - Bulging/Buckling	4		
	10.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	10.0%	Ceiling - Peeling/Needs Paint	1	X	X
	10.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	10.0%	Doors - Damaged Hardware/Locks	3	X	X
	10.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	10.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	10.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	10.0%	Doors - Missing Door	5	X	X
	10.0%	Electrical - Blocked Access to Electrical Panel	3		
	10.0%	Electrical - Burnt Breakers	4		
	10.0%	Electrical - Evidence of Leaks/Corrosion	5		
	10.0%	Electrical - Frayed Wiring	5		
	10.0%	Electrical - Missing Breakers	5		
	10.0%	Electrical - Missing Covers	5		
	10.0%	Floors - Bulging/Buckling	4		
	10.0%	Floors - Floor Covering Damagedd	4	X	X
	10.0%	Floors - Missing Flooring/Tiles	4	X	X
	10.0%	Floors - Peeling/Needs Paint	1	X	X
	10.0%	Floors - Rot/Deteriorated Subfloor	4		X
	10.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	10.0%	Graffiti	4	X	X
	10.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	10.0%	HVAC - Inoperable	5		
	10.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	10.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	10.0%	HVAC - General Rust/Corrosion	2	X	X
	10.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	10.0%	Mailbox - Missing/Damaged	2		
	10.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	10.0%	Stairs - Broken/Missing Hand Railing	3		
	10.0%	Stairs- Broken/Damaged/Missing Steps	3		
	10.0%	Walls - Bulging/Buckling	4		
	10.0%	Walls - Damaged	3	X	X

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	10.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	10.0%	Walls - Peeling/Needs Paint	1	X	X
	10.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Windows - Damaged Window Sill	4	X	X
	10.0%	Windows - Deteriorated/Missing Caulking/Seals	5		X
	10.0%	Windows - Inoperable/Not Lockable	3	X	
	10.0%	Windows - Peeling/Needs Paint	1	X	
	10.0%	Windows - Security Bars Prevent Egress	5		
	10.0%	Pedestrian/Wheelchair Ramp	3		X
Health & Safety	10.0%	Air Quality - Mold and/or Mildew Observed	3		
	10.0%	Air Quality - Propane/Nat'l Gas/Methane Gas Detected	5		
	10.0%	Air Quality - Sewer Odor Detected	3		
	10.0%	Electrical Hazards - Exposed Wires/Open Panels	5		
	10.0%	Electrical Hazards - Water Leaks on/near Electrical Equipment	5		
	10.0%	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	3		
	10.0%	Emergency Fire Exits - Missing Exit Signs	3		
	10.0%	Flammable Materials - Improperly Stored	3		
	10.0%	Garbage and Debris - Indoors	3		
	10.0%	Garbage and Debris - Outdoors	3		
	10.0%	Hazards - Other	0		
	10.0%	Hazards - Sharp Edges	3		
	10.0%	Hazards - Tripping	3		
	10.0%	Infestation - Insects	3		
	10.0%	Infestation - Rats/Mice/Vermin	3		
Kitchen	10.0%	Cabinets - Missing/Damaged	2		X
	10.0%	Call for Aid - Inoperable	3		
	10.0%	Ceiling - Bulging/Buckling	4		
	10.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	10.0%	Ceiling - Peeling/Needs Paint	1	X	X
	10.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Countertops - Missing/Damaged	2		X
	10.0%	Dishwasher/Garbage Disposal - Inoperable	2		X
	10.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	10.0%	Doors - Damaged Hardware/Locks	3	X	X
	10.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	10.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	10.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	10.0%	Doors - Missing Door	5	X	X
	10.0%	Electrical - Blocked Access to Electrical Panel	3		
	10.0%	Electrical - Burnt Breakers	4		
	10.0%	Electrical - Evidence of Leaks/Corrosion	5		
	10.0%	Electrical - Frayed Wiring	5		
	10.0%	Electrical - Missing Breakers	5		
	10.0%	Electrical - Missing Covers	5		
	10.0%	Range Hood/Exhaust Fans - Excessive Grease/Inoperable	2	X	
	10.0%	Floors - Bulging/Buckling	4		
	10.0%	Floors - Floor Covering Damagedd	4	X	X
	10.0%	Floors - Missing Flooring/Tiles	4	X	X
	10.0%	Floors - Peeling/Needs Paint	1	X	X
	10.0%	Floors - Rot/Deteriorated Subfloor	4		X
	10.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	10.0%	GFI - Inoperable	5		
	10.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	10.0%	HVAC - Inoperable	5		
	10.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	10.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	10.0%	HVAC - General Rust/Corrosion	2		X
	10.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	10.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	10.0%	Plumbing - Clogged Drains	4	X	
	10.0%	Plumbing - Leaking Faucet/Pipes	3	X	
	10.0%	Range/Stove - Missing/Damaged/Inoperable	3	X	X
	10.0%	Range Hood /Exhaust Fans - Excessive Grease/Inoperable	2	X	
	10.0%	Refrigerator - Damaged/Inoperable	3	X	
	10.0%	Sink - Damaged/Missing	5	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	10.0%	Stairs - Broken/Missing Hand Railing	3		

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	10.0%	Stairs- Broken/Damaged/Missing Steps	3		
	10.0%	Walls - Bulging/Buckling	4		
	10.0%	Walls - Damaged	3	X	X
	10.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	10.0%	Walls - Peeling/Needs Paint	1	X	X
	10.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	10.0%	Windows - Damaged Window Sill	4	X	X
	10.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	10.0%	Windows - Inoperable/Not Lockable	3	X	
	10.0%	Windows - Peeling/Needs Paint	1	X	
	10.0%	Windows - Security Bars Prevent Egress	5		
Laundry Room	10.0%	Ceiling - Bulging/Buckling	4		
	10.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	10.0%	Ceiling - Peeling/Needs Paint	1	X	X
	10.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	10.0%	Doors - Damaged Hardware/Locks	3	X	X
	10.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	10.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	10.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	10.0%	Doors - Missing Door	5	X	X
	10.0%	Dryer Vent -Missing/Damaged/Inoperable	3		
	10.0%	Electrical - Blocked Access to Electrical Panel	3		
	10.0%	Electrical - Burnt Breakers	4		
	10.0%	Electrical - Evidence of Leaks/Corrosion	5		
	10.0%	Electrical - Frayed Wiring	5		
	10.0%	Electrical - Missing Breakers	5		
	10.0%	Electrical - Missing Covers	5		
	10.0%	Floors - Bulging/Buckling	4		
	10.0%	Floors - Floor Covering Damagedd	4	X	X
	10.0%	Floors - Missing Flooring/Tiles	4	X	X
	10.0%	Floors - Peeling/Needs Paint	1	X	X
	10.0%	Floors - Rot/Deteriorated Subfloor	4		X
	10.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	10.0%	GFI - Inoperable	5		
	10.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	10.0%	HVAC - Inoperable	5		
	10.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	10.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	10.0%	HVAC - General Rust/Corrosion	2	X	X
	10.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	10.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	10.0%	Stairs - Broken/Missing Hand Railing	3		
	10.0%	Stairs- Broken/Damaged/Missing Steps	3		
	10.0%	Walls - Bulging/Buckling	4		
	10.0%	Walls - Damaged	3	X	X
	10.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	10.0%	Walls - Peeling/Needs Paint	1	X	X
	10.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	10.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	10.0%	Windows - Damaged Window Sill	4	X	X
	10.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	10.0%	Windows - Inoperable/Not Lockable	3	X	
	10.0%	Windows - Peeling/Needs Paint	1	X	
	10.0%	Windows - Security Bars Prevent Egress	5		
Lobby	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	5.0%	HVAC - Inoperable	5		
	5.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	5.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	5.0%	HVAC - General Rust/Corrosion	2	X	X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Office	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	5.0%	HVAC - Inoperable	5		
	5.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	5.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	5.0%	HVAC - General Rust/Corrosion	2	X	X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Other Community Spaces	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	5.0%	HVAC - Inoperable	5		
	5.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	5.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	5.0%	HVAC - General Rust/Corrosion	2	X	X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Patio/Porch/Balcony	5.0%	Baluster/Side Railings - Damaged	3		
	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Pools and Related Structure	5.0%	Fencing - Damaged/Not Intact	5		
	5.0%	Pool - Not Operational	2		
Restrooms/Pool Structures	5.0%	Call for Aid - Inoperable	3		
	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	GFI - Inoperable	5		
	5.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	5.0%	HVAC - Inoperable	5		
	5.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	5.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	5.0%	HVAC - General Rust/Corrosion	2	X	X
	5.0%	Lavatory Sink - Damaged/Missing	3	X	
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	5.0%	Plumbing - Clogged Drains	5	X	
	5.0%	Plumbing - Leaking Faucet/Pipes	4	X	
	5.0%	Restroom Cabinet - Damaged/Missing	2	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Shower/Tub - Damaged/Missing	4		X
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Ventilation/Exhaust System - Inoperable	4		X
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X

Appendix 1 - Item Weights and Criticality Levels
Area: Common Area

	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Water Closet/Toilet - Damaged/Clogged/Missing	5		X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Storage	5.0%	Ceiling - Bulging/Buckling	4		
	5.0%	Ceiling - Holes/Missing Tiles/Panels/Cracks	4	X	X
	5.0%	Ceiling - Peeling/Needs Paint	1	X	X
	5.0%	Ceiling - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Doors - Damaged Frames/Threshold/Lintels/Trim	2		X
	5.0%	Doors - Damaged Hardware/Locks	3	X	X
	5.0%	Doors - Damaged Surface (Holes/Paint/Rusting)	3		X
	5.0%	Doors - Damaged/Missing Screen/Storm/Security Door	3	X	
	5.0%	Doors - Deteriorated/Missing Seals (Entry Only)	4		
	5.0%	Doors - Missing Door	5	X	X
	5.0%	Electrical - Blocked Access to Electrical Panel	3		
	5.0%	Electrical - Burnt Breakers	4		
	5.0%	Electrical - Evidence of Leaks/Corrosion	5		
	5.0%	Electrical - Frayed Wiring	5		
	5.0%	Electrical - Missing Breakers	5		
	5.0%	Electrical - Missing Covers	5		
	5.0%	Floors - Bulging/Buckling	4		
	5.0%	Floors - Floor Covering Damagedd	4	X	X
	5.0%	Floors - Missing Flooring/Tiles	4	X	X
	5.0%	Floors - Peeling/Needs Paint	1	X	X
	5.0%	Floors - Rot/Deteriorated Subfloor	4		X
	5.0%	Floors - Water Stains/Water Damage/Mold/Mildew	2		X
	5.0%	HVAC - Misaligned Chimney/Ventilation System	5		
	5.0%	HVAC - Inoperable	5		
	5.0%	HVAC - Noisy/Vibrating/Leaking	4	X	
	5.0%	HVAC - Convection/Radiant Heat System Covers Missing/Damaged	2		
	5.0%	HVAC - General Rust/Corrosion	2	X	X
	5.0%	Lighting - Missing/IDamaged/noperable Fixture	4		X
	5.0%	Outlets/Switches/Cover Plates - Missing/Broken	3	X	
	0.0%	Smoke Detector - Missing/Inoperable	5		
	5.0%	Stairs - Broken/Missing Hand Railing	3		
	5.0%	Stairs- Broken/Damaged/Missing Steps	3		
	5.0%	Walls - Bulging/Buckling	4		
	5.0%	Walls - Damaged	3	X	X
	5.0%	Walls - Damaged/Deteriorated Trim	1	X	X
	5.0%	Walls - Peeling/Needs Paint	1	X	X
	5.0%	Walls - Water Stains/Water Damage/Mold/Mildew	2	X	X
	5.0%	Windows - Cracked/Broken/Missing Panes	3	X	
	5.0%	Windows - Damaged Window Sill	4	X	X
	5.0%	Windows - Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X
	5.0%	Windows - Inoperable/Not Lockable	3	X	
	5.0%	Windows - Peeling/Needs Paint	1	X	
	5.0%	Windows - Security Bars Prevent Egress	5		
Trash Collection Areas	5.0%	Chutes - Damaged/Missing Components	3		X
FHEO - 36" Wide Interior Hallways	0.0%	Multi-story Building Hallways/Common Areas Less Than 36" Wide	5		
FHEO - Accessible Outside Common Areas	0.0%	Routes Obstructed or Inaccessible to Wheelchair	5		

Note:1.) Nominal item weight assumes that all items for the Common Areas are present. Item weights would be adjusted accordingly when items are not applicable (N/A)

2.) The Health & Safety item assumes the highest item weight for a particular inspection. Nominally it is equal to 10%

3.) "X" in the level column indicates which levels are applicable.

4.) Only level 3 is applied to H&S deficiencies.

5.) In the H&S column, NLT is non-life threatening H&S and LT (life threatening) is exigent/fire safety (calling for immediate attention or remedy.)

Appendix 1 - Item Weights and Criticality Levels
Area: Unit

Inspectable Item	Nominal Item Weight	Observable Deficiency	Criticality	Level 1	Level 2	Level 3	H&S
Bathroom	15.0%	Bathroom Cabinets - Damaged/Missing	2	X			
	15.0%	Lavatory Sink - Damaged/Missing	3	X		X	NLT
	15.0%	Plumbing - Clogged Drains	5	X		X	NLT
	15.0%	Plumbing - Leaking Faucet/Pipes	4	X		X	NLT
	15.0%	Shower/Tub - Damaged/Missing	4	X	X	X	NLT
	15.0%	Ventilation/Exhaust System - Inoperable	4		X		
	15.0%	Water Closet/Toilet - Damaged/Clogged/Missing	5		X	X	NLT
Call-for-Aid	2.0%	Inoperable	3			X	NLT
Ceiling	4.0%	Bulging/Buckling	4			X	
	4.0%	Holes/Missing Tiles/Panels/Cracks	4	X	X	X	
	4.0%	Peeling/Needs Paint	1	X	X		
	4.0%	Water Stains/Water Damage/Mold/Mildew	2	X	X	X	
Doors	4.5%	Damaged Frames/Threshold/Lintels/Trim	2		X	X	NLT
	4.5%	Damaged Hardware/Locks	3	X	X	X	
	4.5%	Damaged Surface - Holes/Paint/Rusting/Glass	3		X	X	
	4.5%	Damaged/Missing Screen/Storm/Security Door	0	X		X	NLT
	4.5%	Deteriorated/Missing Seals (Entry Only)	0			X	
	4.5%	Missing Door	0	X	X	X	NLT
Electrical System	10.0%	Blocked Access to Electrical Panel	3			X	NLT
	10.0%	Burnt Breakers	4			X	NLT
	10.0%	Evidence of Leaks/Corrosion	5			X	NLT
	10.0%	Frayed Wiring	5			X	
	10.0%	GFI - Inoperable	5			X	NLT
	10.0%	Missing Breakers/Fuses	5			X	LT
	10.0%	Missing Covers	5			X	LT
Floors	4.0%	Bulging/Buckling	4			X	
	4.0%	Floor Covering Damage	4	X	X	X	
	4.0%	Missing Flooring Tiles	4	X	X	X	
	4.0%	Peeling/Needs Paint	1	X	X		
	4.0%	Rot/Deteriorated Subfloor	4		X	X	
	4.0%	Water Stains/Water Damage/Mold/Mildew	2		X	X	
Health & Safety	15.0%	Air Quality - Mold and/or Mildew Observed	3			X	NLT
	15.0%	Air Quality - Sewer Odor Detected	3			X	NLT
	15.0%	Air Quality- Propane/Nat'l Gas/Methane Gas Detected	5			X	LT
	15.0%	Electrical Hazards - Exposed Wires/Open Panels	5			X	LT
	15.0%	Electrical Hazards - Water Leaks on/near Electrical Equipment	5			X	LT
	15.0%	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	5			X	LT
	15.0%	Emergency Fire Exits - Missing Exit Signs	3			X	NLT
	15.0%	Flammable Materials - Improperly Stored	3			X	NLT
	15.0%	Garbage and Debris - Indoors	3			X	NLT
	15.0%	Garbage and Debris - Outdoors	3			X	NLT
	15.0%	Hazards - Other	0			X	NLT
	15.0%	Hazards - Sharp Edges	3			X	NLT
	15.0%	Hazards - Tripping	3			X	NLT
	15.0%	Infestation - Insects	3			X	NLT
	15.0%	Infestation - Rats/Mice/Vermin	3			X	NLT
Hot Water Heater	10.0%	Misaligned Chimney/Ventilation System	5			X	LT
	10.0%	Inoperable Unit/Components	5			X	NLT
	10.0%	Leaking Valves/Tanks/Pipes	4			X	
	10.0%	Pressure Relief Valve Missing	5			X	NLT
	10.0%	Rust/Corrosion	3	X	X	X	NLT
HVAC System	15.0%	Convection/Radiant Heat System Covers Missing/Damaged	2			X	
	15.0%	Misaligned Chimney/Ventilation System	5			X	LT
	15.0%	Inoperable	5			X	
	15.0%	Noisy/Vibrating/Leaking	4	X			
	15.0%	Rust/Corrosion	2	X			
Kitchen	15.0%	Cabinets - Missing/Damaged	2		X	X	NLT
	15.0%	Countertops - Missing/Damaged	2		X		NLT
	15.0%	Dishwasher/Garbage Disposal - Inoperable	2		X		
	15.0%	Plumbing - Clogged Drains	4	X		X	NLT
	15.0%	Plumbing - Leaking Faucet/Pipes	3	X		X	NLT
	15.0%	Range Hood/Exhaust Fans - Excessive Grease/Inoperable	2	X		X	
	15.0%	Range/Stove - Missing/Damaged/Inoperable	3	X	X	X	
	15.0%	Refrigerator-Missing/Damaged/Inoperable	3	X		X	NLT
	15.0%	Sink - Damaged/Missing	5	X		X	NLT
Lighting	2.0%	Missing/Inoperable Fixture	4	X	X	X	NLT
Outlets/Switches	4.0%	Missing	3			X	LT
	4.0%	Missing/Broken Cover Plates	3	X		X	LT
Patio/Porch/Balcony	2.0%	Baluster/Side Railings Damaged	3			X	
Smoke Detector	0.0%	Missing/Inoperable	5			X	LT
Stairs	2.0%	Broken/Damaged/Missing Steps	3			X	NLT

Appendix 1 - Item Weights and Criticality Levels
Area: Unit

	2.0%	Broken/Missing Hand Railing	3			X	NLT
Walls	4.0%	Bulging/Buckling	4			X	
	4.0%	Damaged	3	X	X	X	
	4.0%	Damaged/Deteriorated Trim	1	X	X	X	
	4.0%	Peeling/Needs Paint	1	X	X		
	4.0%	Water Stains/Water Damage/Mold/Mildew	2	X	X	X	
Windows	4.5%	Cracked/Broken/Missing Panes	3	X		X	NLT
	4.5%	Damaged Window Sill	4	X	X		
	4.5%	Missing/Deteriorated Caulking/Seals/Glazing Compound	5		X	X	
	4.5%	Inoperable/Not Lockable	3	X		X	NLT
	4.5%	Peeling/Needs Paint	1	X			
	4.5%	Security Bars Prevent Egress	5			X	LT
Laundry Area (Room)	2.0%	Dryer Vent - Missing/Damaged/Inoperable	3			X	

Note:1.) Nominal item weight assumes that all items for the Units are present. Item weights would be adjusted accordingly when items are not applicable (N/A)

2.) The Health & Safety item assumes the highest item weight for a particular inspection. Nominally it is equal to 15%

3.) "X" in the level column indicates which levels are applicable.

4.) Only level 3 is applied to H&S deficiencies.

5.) In the H&S column, NLT is non-life threatening H&S and LT (life threatening) is exigent/fire safety (calling for immediate attention or remedy.)

[FR Doc. 00–16153 Filed 6–27–00; 8:45 am]

BILLING CODE 4210–01–C

Federal Register

Wednesday,
June 28, 2000

Part IV

Department of Housing and Urban Development

Public Housing Assessment System Financial Condition Scoring Process; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–13]

Public Housing Assessment System Financial Condition Scoring Process

AGENCY: Office of the Director of the Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: This Notice provides additional information to public housing agencies and members of the public about HUD's process for issuing scores under the Financial Condition Indicator of the Public Housing Assessment System (PHAS), including GAAP-based threshold values and associated scores for each Financial Condition Indicator component and peer group based on the data pool as of June 30, 1999.

This notice is an update of the Financial Condition Scoring Process notice on scoring that was published on June 23, 1999. This notice takes into consideration public comment received on the June 23, 1999 notice and reflects the changes made to the PHAS regulations published on January 11, 2000, with certain corrections published on June 6, 2000. The changes made to this notice are discussed in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Wanda Funk, the Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone Technical Assistance Center, 1–888–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site http://www.hud.gov/reac.

SUPPLEMENTAL INFORMATION

Background

HUD published the first Public Housing Assessment System; Financial Condition Scoring Process Notice in the **Federal Register** (64 FR 26222) on May 13, 1999. On June 23, 1999, HUD republished the Notice (64 FR 33700) to coincide with the June 22, 1999, publication of the Public Housing Assessment System proposed rule. In the June 23, 1999, Notice, HUD stated that any changes to the scoring process and any modifications to the thresholds will be communicated through a subsequent Federal Notice. Accordingly, this Notice updates the June 23, 1999 Notice, and provides detailed information on the changes to the Financial Condition Scoring Process Notice. By this Notice, HUD is:

- Adding an extra-large size PHA category for the entity-wide assessment only
- Revising the scoring methodology for the Expense Management component, including the addition of regional peer groups and a weighted average scoring approach.
- Changing the calculation of Unit Months Available for the Occupancy Loss component to allow for additional exemptions.
- Modifying the scoring penalty for PHAs with too high reserves and/or liquidity.
- Changing the Net Income component threshold level.
- Scoring Low Rent-only program for first year of scoring, with Entity-Wide scoring thereafter.
- Changing financial submission deadlines.
- Eliminating the ''marginal'' PHA designation level in order to be consistent with the PHAS Rule.
- Changing the schedule for reevaluation of thresholds.

These changes have been made based on the industry comments HUD received on the June 22, 1999, Public Housing Assessment System proposed rule, and on the input from the industry obtained during discussions by and among representatives from HUD, the PHAs, and industry groups.

More specifically, the changes identified above are as follows:

Extra Large Size Category

Each PHA is awarded points according to its performance relative to its peers. Peer groupings are established based on the number of units operated by the PHA. Since the publication of the June 23, 1999, Financial Condition Scoring Process Notice, the REAC has determined that there is a statistically significant difference between those PHAs administering between 1,250 and 9,999 units and those PHAs administering 10,000 or more units. Based on these statistical analyses, including the running of the Wald-Wolfowitz and Kolmogorov-Smirnov tests, the REAC has concluded that there is sufficient statistical validity to support adding an extra-large size category for those PHAs administering more than 10,000 units. The REAC has left unchanged the other five size peer groupings. This only applies to the entity-wide assessment because there are not sufficient statistical observations for low-rent only scoring to differentiate an extra-large size category.

Expense Management/Utility Consumption Component

The Expense Management/Utility Consumption (EM/UC) component measures the ability of a PHA to maintain its expense ratios at a reasonable level relative to its peers. Two changes have been made to this component. REAC's statistical analysis has shown that certain expenses vary substantially depending upon the region of the country in which the PHA resides. Therefore, in order to have a more equitable assessment of a PHA's expenses relative to its peers, REAC has developed new regional peer groupings for the EM/UC component, to supplement the size-based peer groups. Thus, a PHA will now be scored on EM/UC against a threshold that is calculated from all expense data in that PHA's similar size group and region. The regions have been based on the first number of the PHA's zip code.

The second change that has been made to the EM/UC component is in the scoring approach. Previously, PHAs that were beyond the threshold on any one of the expense categories that comprised the EM/UC component received zero points for EM/UC. The revised scoring methodology instead uses a weighted average of all the expenses that comprise the EM/UC component and assigns points based on this summed amount. Thus, a PHA may have high expenses in one category, but may still receive 1.5 points if its other expenses are reasonable relative to its peers. The weighted averages chart shown below is reproduced in Appendix 1.

Expense category	Weight
Administrative	.34
General Expenses	.33
Ordinary Maintenance	.10
Protective Services	.10
Tenant Services	.10
Utilities	.03
Total	1.00

Occupancy Loss Component

The Occupancy Loss component of the Financial Condition Indicator measures the unit months leased as a percentage of total unit months available. In order to obtain a fully verifiable measure of this component, REAC originally allowed no exemptions to be taken for units held off-line by the PHA, as it was difficult to ensure the validity of the number of units or their intended use. However, following discussions with the industry, it is believed that allowing no exemptions may discourage PHAs from making decisions that improve their housing projects, such as modernizing units or providing resident services, such as day care facilities. Therefore, PHAs, when reporting their occupancy information

on the FDS for Unit Months Available, may exclude vacant units approved by HUD to be taken off-line for demolition, conversion, on-going modernization, and non-dwelling units.

The change to the Occupancy Loss Component is set forth in Appendix 1.

Modification to Current Ratio and Months Expendable Fund Balance Scoring

The scoring methodologies for the Current Ratio (CR) and Months Expendable Fund Balance (MEFB) components of the Financial Condition Indicator award slightly less points to PHAs whose ratios indicate that their liquidity and/or expendable fund balance are too high. These PHAs fall beyond the 80th percentile of the peer group distribution of CR and/or MEFB values respectively. These PHAs can lose up to 1.5 points out of the 9 possible points for each of the two indicators. This system was established because HUD believes that PHAs with too high expendable fund balance and liquidity could be better utilizing their resources to improve the quality of housing or services to their residents. However, in recognition of PHAs who are performing well in their quality of housing and resident services, HUD has modified this scoring methodology. REAC will restore any points lost by PHAs for falling beyond the 80th percentile if:

—The PHA is a high performer under the Physical Assessment Subsystem, and

—The PHA is not required to submit a follow-up plan under the Resident Satisfaction Assessment Subsystem.

The points restored will be added to the total PHAS score.

The modification of the scoring penalty has been incorporated into Appendix 1.

Change to Net Income Component Threshold Level

The Net Income (NI) component previously had a threshold of −10%; *i.e.* a PHA with a net loss for the year and positive expendable fund balance (EFB), and whose net loss was greater than 10% of its reserve (EFB) level would receive zero points. HUD recognizes that at times it is necessary for a PHA to draw down from its reserves (EFB) to take measures to improve its financial position. This action would, however, result in a less favorable NI ratio. Therefore, in order to provide more flexibility to PHAs in these measures, HUD has changed the NI threshold to −20%; *i.e.* a PHA with a net loss for the year and positive EFB is allowed to have loss up to 20% of its EFB levels before any point deductions are made to the NI component.

This change to the Net Income component threshold level is incorporated in the indicator discussions in Appendix 1.

Low Rent-Only Assessment Versus Entity-Wide Assessment

As a result of discussions among representatives from HUD, PHAs and industry groups, REAC has modified the first four quarters of scores to produce both low rent and entity-wide financial assessments. The Non-GAAP Advisory Scores that have been produced for PHAs from 9/30/98 through 6/30/99 have been based on financial information for PHAs' Low Rent Program only. The GAAP-based scoring of PHAS is intended to capture an assessment of the financial condition of a PHA as a whole, which would incorporate all program activities, *i.e.* an entity-wide assessment. However, in order to provide a parallel basis for comparison, the REAC has modified the assessment for the first year of scores. The first four quarters of scores (9/30/99 fiscal year ends through 6/30/00 fiscal year ends) will be based on GAAP Low Rent-only information. For the first three quarters, these scores will be advisory; for the last quarter, this score will be enforceable. GAAP-based Entity-wide scores will also be produced, but used for advisory purposes only during the first four quarters. Thereafter, all scores will be based on an entity-wide assessment.

There are two primary differences between the low rent only and the entity wide assessments. First, each assessment uses a different unit count for a PHA (low rent only units v. all program units), which may result in a PHA falling into different size peer groups depending on the level of its other program activity. Second, the low rent only assessment includes inter-program due from and due to line items as part of current assets and current liabilities. However, for the entity-wide assessment, these line items net to zero and thus are not included in neither the assets nor the liabilities for purposes of the overall assessment.

Financial Submission Deadlines

PHAs with fiscal years ending September 30, 1999, and later, are required to submit their unaudited financial data electronically using the Financial Data Schedule (FDS) within two months of their fiscal year end. Because of the conversion to GAAP reporting, HUD will provide additional time for submission of the FDS for PHAs to ensure the most accurate GAAP reporting possible. For the first four quarters of reporting (9/30/99, 12/31/99, 3/31/00, and 6/30/00), every PHA will receive an automatic one month extension for submission of the FDS. Following the first four quarters, PHAs must submit within two months of their fiscal year end, with a 15 day grace period.

Removal of Marginal Designation Level

The previous performance designation levels included a marginal designation for PHAs that received between 18 and 21 points out of the total 30 points attainable for the Financial Condition Indicator. This designation has been removed from the PHAS rule. The new performance designations are as follows:

Points received	Designation
Less than 18	Troubled.
18 to 27	Standard.
27 or more	High.

The performance designations are set forth in § 902.67 of the PHAS rule, published in the **Federal Register** on January 11, 2000.

Threshold Reevaluation Schedule

The June 23, 1999 Financial Condition Scoring Process Notice indicated that thresholds would be reassessed on a quarterly basis. This schedule has been modified. See Appendices 2 and 3 for the thresholds. The thresholds listed in this Notice, which are based on a sample of PHAs reporting under GAAP prior to 9/30/99, will be used for all unaudited and audited financial submissions through June 30, 2000. At that point the thresholds will be reevaluated based on the full year's worth of unaudited and available audited GAAP data. Thereafter, REAC plans to keep the reevaluated thresholds constant for a three year period, unless there is a need for revisions.

The chart below shows the six components that constitute the Financial Condition Indicator and their assigned points.

FINANCIAL CONDITION INDICATOR

Scoring components	Measurement	Points
Current Ratio (CR)	Liquidity	9.0
Number of Months Expendable Fund Balance (MEFB)	Adequacy of Reserves	9.0
Tenant Receivables Outstanding (TRO)	Ability to collect payments of tenant receivables	4.5
Occupancy Loss (OL)	Ability to maximize rental income	4.5
Expense Management (EM)/ Utility Consumption	Ability to maintain expense ratios at a reasonable level relative to peers (adjusted for size and region).	1.5
Net Income or Loss as a percentage of Expendable Fund Balance (NI).	Profitability measured against the current year's operations	1.5

The values of the six components of the Financial Condition Indicator calculated from the financial data comprise the overall financial assessment of the PHA. The components and their relative importance to the total financial score are the result of studies of PHA financial performance and of industry portfolio management techniques to identify the most appropriate financial measures to gauge a PHA's financial position. These components represent measures that are appropriate benchmarks in any residential real estate environment. The score assigned to each component is based on the distributions of that component's values and the relative relationship between the components and the PHA's overall financial performance.

Under the PHAS, the components that make up the Financial Condition Indicator are approached in the same manner for GAAP as they were for non-GAAP financial information although the thresholds may change as a result of the conversion to GAAP. For example, a good Current Ratio under the current basis of accounting (non-GAAP) for a small PHA may be 6 to 1 and receive the maximum 9 points. In contrast, under GAAP a good Current Ratio may be 5 to 1 and also get the maximum 9 points. Thus, to the extent that a PHA's performance relative to its peers does not change, its score will not be significantly affected by the conversion to GAAP. The GAAP conversion schedule by a PHA's fiscal year end, shown below, is reprinted from the PHAS final rule published on September 1, 1998.

GAAP CONVERSION SCHEDULE

Fiscal year end dates for PHAs	Unaudited GAAP financial data to HUD by—	Audit reports due to HUD by—
9/30/99	11/30/99	6/30/00
12/31/99	2/28/00	9/30/00
3/31/00	5/31/00	12/31/00
6/30/00	8/31/00	3/31/01

Reporting Method

PHAs with fiscal years ending September 30, 1999, and later, must submit their unaudited financial data electronically using the Financial Data Schedule (FDS), within two months of their fiscal year end. For the first four quarters of reporting (9/30/99, 12/31/99, 3/31/00, and 6/30/00), each PHA has an automatic one month extension to submit the FDS. Following the first four quarters, PHAs must submit the FDS within two months of their fiscal year end, with a 15 day grace period. All submissions will be reviewed by REAC for completeness and reasonableness. To the extent that an audit is required for a PHA under OMB Circular A–133, or the PHA elects to have a financial statement audit pursuant to 24 CFR part 902, a PHA will submit its audited data using the FDS within nine months of the fiscal year end.

Program Funds

The PHAS financial assessment is intended to be based on the entity-wide operations of a PHA, which includes financial information on Section 8, Community Development Block Grants, and other HUD funding in its calculations, as well as funds from non-HUD sources. However, in order to provide a parallel basis for comparison with the non-GAAP advisory scores produced during FY 1999, which have been based on PHAs' Low Rent program only, for the first four quarters of scores (9/30/99 fiscal year ends through 6/30/00 fiscal year ends), REAC will produce scores based on GAAP Low Rent information only.

For the first three quarters, these scores will be advisory; for the last quarter, this score will be enforceable. GAAP-based entity-wide scores will also be produced over all four quarters, but used for advisory purposes only during this time. Thereafter, all scores will be enforceable and will be based on an entity-wide assessment only. This assessment schedule is summarized below:

Quarter	Financial condition	
	Low-rent	Entity-wide
9/30/99	Advisory	Advisory.
12/31/99	Advisory	Advisory.
3/31/00	Advisory	Advisory.
6/30/00	Score	Advisory.
9/30/00 and beyond.	N/A	Score.

While the two assessments remain primarily the same, the assessment of the low rent program only requires a different treatment of inter-program transfers of funds. In the entity wide assessment, inter-program transfers are not a factor because any ''due to'' amounts are balanced out by equal amounts ''due from'' other programs. In the assessment of the low rent program only, though, any funds borrowed from or lent to other programs must be taken into account as either a current asset or current liability for the low rent program. These line items are therefore included in the calculation of the Current Ratio, Months Expendable Fund Balance, and Net Income indicators in the low rent only scoring.

Scoring Approach

Under PHAS, the components of the PHAS Financial Indicator were developed to both fairly and accurately assess a PHA's financial performance and financial management. As part of the development, the components were tested to establish the correlation between PHA performance under each component and the fiscal health of a PHA. PHAs were evaluated and assigned scores based on a PHA's performance relative to its peers. In other words, all PHAs as a group determine the mean score and each PHA is then ranked accordingly. This peer assessment approach, which was formulated following extensive economic and financial analysis, examination of well-accepted business principles, and discussions with PHA industry representatives and PHA staff, provides an equitable means of measuring the financial performance of PHAs.

Comparable Scoring Systems

The HUD Peer Assessment system is not unique to REAC. Companies in the mortgage housing and securities industry, and federal agencies utilize similar systems in assessing their constituents. In the mortgage housing and securities industries, Fannie Mae, the mortgage housing industry leader, developed an assessment system with financial indicators similar to those contained in HUD's financial assessment of PHAs. These indicators include vacancy, reserve balances, and net income. Like HUD, Fannie Mae uses these indicators to rank properties and identify those which require further attention. In the securities area, Standard & Poor's conducts peer assessment of a company's operational capabilities and cash flows relative to their peers. Among federal agencies, the Department of Health and Human Services (HHS) contracts with state and local entities to perform financial audits of nursing homes and hospitals participating in the federal Medicare program.

Based on these financial audits, HHS determines the continued eligibility of these health service providers in the Medicare program.

GAAP Scoring Processes

GAAP-based scores are produced using data contained in the Financial Data Schedule (FDS). The GAAP-based financial data are first used to calculate the six financial components that measure various aspects of financial health, such as short term liquidity, expense management/utility consumption, and collection of tenant receivables. Each PHA is awarded points for each component according to its performance relative to its peers. Peer groupings are established according to the size of the PHA, based on the total number of units operated by the PHA, and for the expense management component, the geographic region in which it falls.

Since the June 23, 1999 publication of the **Federal Register** Notice on the Public Housing Assessment System Financial Condition Scoring Process, the REAC has determined that there is a statistically significant difference between those PHAs administering between 1,250 and 9,999 units and those PHAs administering 10,000 or more units. Thus, a new PHA size category has been added. The new size peer groupings are as follows:

Very Small (0–49 units)
Small (50–249 units)
Low Medium (250–499 units)
High Medium (500–1,249 units)
Large (1,250–9,999 units)
Extra-Large (10,000+ units)

The size group in which a PHA falls may vary between the entity wide and the low rent scoring approaches. The entity wide assessment uses all units to designate a PHA's size category, whereas the low rent assessment counts only low rent units in the designation of size category. Thus, depending on each PHA's activity level in programs besides low rent, it may stay in the same size group or fall to a smaller size group for the purposes of the low rent assessment. In addition, because of this change in size category designation for a number of the PHAs, there was no longer a statistical distinction between the extra large and large size groups. Therefore, for the purposes of low rent only scoring, large and extra-large PHAs are scored using the same thresholds.

In order to have a more equitable assessment of a PHA's expenses relative to its peers, REAC has developed new regional peer groupings for the expense management/utility consumption component, to supplement the size-based peer groups already in place. Thus, a PHA will now be scored on EM/UC against a threshold that is calculated from all expense data in that PHA's similar size group and region.

The regions have been based on the first number of the PHA's zip code, and are divided as follows:

Region	States
0	CT, MA, ME, NH, NJ, RI, VT
1	DE, NY, PA
2	DC, MD, NC, SC, VA, WV
3	AL, FL, GA, MS, TN, RQ (including Virgin Islands)
4	IN, KY, MI, OH
5	IA, MN, MT, ND, SD, WI
6	IL, KS, MO, NE
7	AR, LA, OK, TX
8	AZ, CO, ID, NM, NV, UT, WY
9	AK, CA, HI, OR, WA, GQ

Thresholds

A PHA is assigned a score for each of the six components of the Financial Indicator based on its component value relative to its peers. The minimum number of points (zero) and the maximum number of points can each be achieved over a range of values. For example, on the current ratio, large PHAs receive zero points for a ratio that is less than one, while they receive nine points for a ratio between 2.3 and 3.6. Therefore, PHAs can target one range of values that they want to avoid and target one range that they should strive to achieve. Aside from these ranges, points are assigned to component values along a continuous line. This means that each component value will receive a different number of points.

This system (''continuous scoring'') ensures that points are awarded equitably to PHAs along the distribution of component values because, in most cases, small differences in component values result in only small differences in the scores of the individual components. Therefore, two PHAs of a similar size whose values for their financial condition components are in close proximity will receive only slightly different scores to capture their performance relative to each other. For example, a large PHA with a current ratio of 1.1 would receive 4.4 points, while a PHA of the same size with a ratio of 1.2 would receive 4.8 points.

The number of points assigned to each component value or range of values is based on where the thresholds for that component are set. The thresholds separate distinct ranges of scores along the distribution of component values. The thresholds and their associated scores are estimated based on well-accepted business principles and statistical distributions of values within the peer groupings of the PHAs.

Business Principles

Scoring of certain of the components follows generally recognized business principles. These principles indicate that there are certain absolute thresholds below which component values are clearly financially unacceptable and component values below that point should result in a score of zero. These principles are used in scoring the Current Ratio and Number of Months Expendable Fund Balance components. For both of these components, a value of less than one is financially unacceptable, regardless of PHA size, and therefore merits a score of zero.

Statistical Distributions

The thresholds are estimated by examining the distributions of component values by peer group. For the four most significant components (Current Ratio, Number of Months Expendable Fund Balance, Days Receivable Outstanding, and Occupancy Loss), thresholds are set such that approximately 50 percent of the distribution receives the maximum number of points, as long as 50 percent of the distribution have acceptable values for the component. Thus, the highest number of points is awarded to the PHAs whose financial measures are most reasonable both relative to their peers and in an absolute business sense. The specific percentiles that make up

this 50 percent of PHAs are established by identifying natural breakpoints along the distributions. For example, for the Current Ratio and Number of Months Expendable Fund Balance, these breakpoints fall at approximately the 30th and 80th percentiles. The remaining two components (Expense Management and Net Income as a Percentage of Fund Balance) assign zero points to PHAs that fall only in the extreme outer ranges of the distribution of values, and award 1.5 points to the remaining PHAs. The scoring functions and thresholds derived from these distributions can be found in Appendices 1, 2, and 3.

Audit Adjustments

There are two types of adjustments related to financial audit information. The first type deals with the audit flags and reports that result from the audit itself. Reportable conditions and material weaknesses are considered to be audit flags, alerting REAC to an internal control weakness or an instance of noncompliance with Federal laws and regulations. The second adjustment deals with material differences between the unaudited and audited financial information reported to HUD.

Audit Opinion and Flags

As part of the analysis of the financial health of a PHA including assessment of the potential or actual waste, fraud or abuse at a PHA, HUD will look to the Audit Report to provide an additional basis for accepting or adjusting financial component scores. (See 63 FR 46607, September 1, 1998) The information collected from the annual audit report pertains to the type of audit opinion, details of the audit opinion, and the presence of reportable conditions and material weaknesses.

If the auditor's opinion is anything other than unqualified, points will be deducted from the financial components to determine the PHA's financial score. The points to be deducted have been established by REAC using a system that considers the seriousness of the audit qualification and limits the deducted points to a reasonable portion of the PHA's available score.

REAC will review audit flags to determine their significance as it directly pertains to the assessment of the PHA's financial condition. If the flag has no effect on the financial components or the overall financial condition of the PHA as it relates to the PHAS assessment, the score will not be adjusted. However, if the flags have an impact on the PHAS assessment, the PHA's financial component score will be adjusted, in accordance with the seriousness of the reported finding.

These flags are collected by using the OMB A–133 Data Collection Form. The PHA completes this form for both the unaudited and audited submissions. At the time of the unaudited submission the form is used as a self-assessment tool and should reflect the PHA's knowledge of their financial and internal control condition and should acknowledge their understanding of what the auditor will report. In the PHAS final rule, published September 1, 1998, HUD discussed the review of audit and internal control flags as follows, and also included the following chart. (See 63 FR 46607, September 1, 1998).

Type of flag	PHAS points deducted
Unqualified Opinion	0
No audit opinion	30
Adverse opinion	30
Disclaimer of opinion	30
Qualified opinion	(*)
Going concern opinion	30
Material weakness in internal control	(*)
Reportable condition	(*)
Findings of non-compliance and/or questioned costs	(*)
Indicator outlier analyses	(*)

*Note: See table titled ''Audit Flags and Tier Classification'' for PHAS points to be deducted

If the OMB A–133 Data Collection Form indicates that the auditor's opinion will be anything other than unqualified, PHAS will automatically deduct the appropriate points based on the above table. The points have been established by REAC using a three-tier system. The tiers are meant to give consideration to the seriousness of the audit qualification and to limit the deducted points to a reasonable portion of the PHA's total, actual score. The tiers, as established by REAC, are also defined below.

AUDIT FLAG TIERS

Tier	PHAS points deducted
Tier 1	Maximum reduction: Lesser of 30 points or 100 percent of the PHA's total unadjusted PHAS score.
Tier 2	Maximum reduction: Lesser of 3 points or 10 percent of the PHA's total unadjusted PHAS score.
Tier 3	Maximum reduction: Lesser of 1.5 points or 5 percent of the PHA's total unadjusted PHAS score. This maximum is cumulative and not to be assessed for each audit or internal control flag.

Review of Audited Versus Unaudited Submission

The purpose of a comparison of the ratios and scores resulting from the current year's unaudited Financial Data Schedule submission to the ratios and scores resulting from the current year's audited submission is to:

Identify material changes in ratio calculation results and/or scores from the unaudited submission to the audited submission;

Identify PHA's that consistently provide materially different data from their unaudited submission to their audited submission;

Assess or alleviate penalties associated with the inability to provide reasonably accurate unaudited data within the required time period.

This review process will only be performed for the audited submission.

Materiality and Penalty Assessment

REAC views the transmission of materially inaccurate unaudited financial data as a serious condition. Therefore, PHAs are encouraged to assure financial data is as reliable as possible at the 2 month submission.

A materiality penalty will be assessed for material differences between the unaudited and audited submissions. A material change is considered to be an overall FASS score decrease of three or more points from the unaudited to audited submission. The PHAS system automatically deducts the applicable points and this reduction triggers the REAC analyst's review.

REAC may waive the materiality penalty if the PHA provides reasonable documentation of the material difference in its submission.

A materiality penalty is considered a Tier 3 audit flag, and will result in a reduction of points as associated with all other Tier 3 audit flags.

The table below summarizes the audit flags and associated tier classifications.

AUDIT FLAGS AND TIER CLASSIFICATIONS

Audit flag	Tier classification
Unqualified opinion	None.
No audit opinion	Tier 1.
Adverse opinion	Tier 1.
Disclaimer of opinion	Tier 1.
Qualified opinion:	
1. GAAP qualifications:.	
• Change in accounting principle	Tier 3.
• Change in accounting estimate	Tier 3.
• Change in accounting method	Tier 3.
• Departures from GAAP	Tier 2.
Financial statements using basis other than GAAP	Tier 1.
Exclusion of alternate accounting for an account or group of accounts	Tier 2.
Inconsistently applied GAAP	Tier 2.
Omissions/Inadequate Disclosure	Tier 2.
2. GASS—Scope Limitations	Tier 2.
• Imposed by management	Tier 2.
• Imposed by circumstance	Tier 3.
• Year 2000 (add back)	Tier 3.
3. Report on major program compliance	Tier 3.
4. Report on internal control	Tier 3.
Accounting principles used caused the financial statements to be materially misstated	Tier 2.
Inadequate records	Tier 2.
Going concern	Tier 1.
Material noncompliance disclosed	Tier 2.
• Internal control weakness	Tier 3.
• Compliance	Tier 3.
• Opinion on Supplemental schedules	Tier 3.
Reportable condition:	
• Internal control	Tier 3.
• Compliance	Tier 3.

Appendices

The graphs shown in Appendix 1 depict the approximate GAAP-based scoring functions used for each of the six components of the Financial Indicator. Appendices 2 and 3 provide revised GAAP-based threshold values and associated scores for each component and peer group, based on the GAAP data pool as of June 30, 1999. Appendix 2 provides the GAAP-based thresholds that will be used for Low Rent-only scoring. Appendix 3 provides the GAAP-based thresholds that will be used for the entity-wide scoring.

These thresholds, which are based on a sample of PHAs reporting under GAAP prior to 09/30/99 will remain in effect for all *unaudited* and *audited* PHA financial submissions for PHAs through fiscal years ending June 30, 2000. At that time, the thresholds will be reevaluated based on a full year of *unaudited* GAAP data and available *audited* data to ensure their statistical validity. Any revisions will be communicated through a Notice. Thereafter, REAC plans to keep the reevaluated thresholds constant for a three year period, unless it finds a need for revisions, at which time REAC will again make the revisions known by way of a Notice.

Dated: June 20, 2000.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

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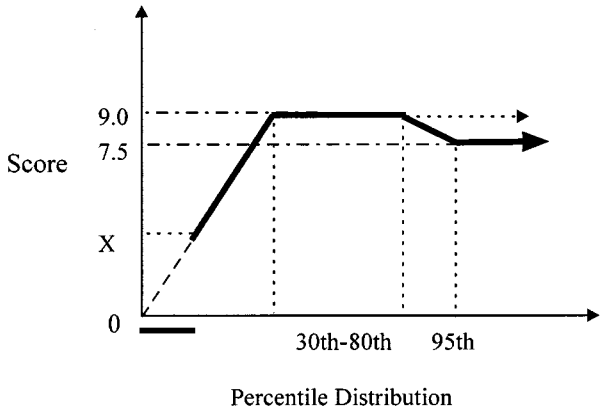
Appendix 1 – Graphs of GAAP-based Financial Indicators

Graph 1: ***Financial Indicators #1 & #2: Current Ratio & Months Expendable Funds Balance***



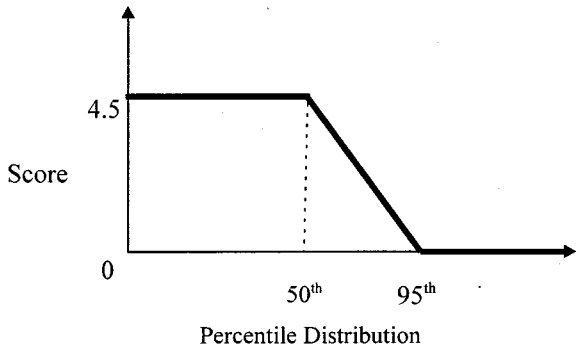
The scoring structure depicted above is established based on the distribution of data for each peer group. For both CR and MEFB, a PHA receives zero points when the calculated ratio is less than one. With a value of one, they receive X points, which is determined by the distribution of the data, and therefore varies by size category. The maximum number of points is received between approximately the 30th and 80th percentiles. PHAs with values falling beyond the upper bound of this range receive incrementally fewer points. This reduction in points was established because HUD believes that PHAs with too high reserves and liquidity may be better utilizing their resources to improve the quality of housing or services to its residents.

However, in recognition of PHAs who are performing well in their quality of housing and resident services, HUD has modified this scoring methodology. If a PHA:

- has lost points in the Financial Assessment as a result of having too high reserves and/or liquidity (i.e. falling to the right of the 80th percentile), AND
- is a high performer under the Physical Assessment Subsystem, AND
- is not required to submit a follow-up plan under the Resident Satisfaction Assessment Subsystem

then these lost points will be restored.

Graph 2: ***Financial Indicators #3 & #4: Occupancy Loss & Tenant Receivables Outstanding***

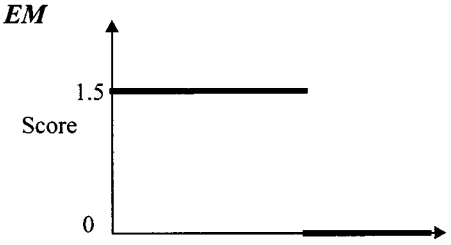


For OL and DRO, the maximum number of possible points is 4.5, which is received up to approximately the 50th percentile. For values beyond approximately the 95th percentile, the PHA receives zero points.

For the OL calculation, the PHA may exclude the vacant units approved by HUD to be taken off-line for ongoing modernization, conversion, non-dwelling purposes, or demolition.

Graph 3: ***Financial Indicators #5 & #6: Expense Management & Net Income***

EM



NI

	Negative Reserves	Positive Reserves
Positive Profits	I. Positive Profits, Negative Reserves Score = 1.5	III. Positive Profits and Positive Reserves Score = 1.5
Negative Profits	II. Negative Profits and Negative Reserve Score = 0	IV. Negative Profits and Positive Reserves If there at least $20 of Reserve for every $1 of Loss, then score = 1.5. If there less than $20 of Reserve for every $1 of Loss, then score = 0.

For both EM and NI, a PHA can receive either 1.5 or zero points.

EM:

There are six expense categories that comprise EM. A PHA's per unit, per month expense amount in each category is multiplied by the weights listed below, and summed to produce a weighted average. This summed number is compared to the threshold for that PHA's size and regional peer group. Each cross-section of size and region has one threshold that is set at 1.645 standard deviations (approximately the 95th percentile) from the mean of the distribution in that group. If the PHA's weighted average expense amount falls below the threshold, it receives 1.5 points; above the threshold, it receives zero points. With this weighted average methodology, a PHA may have high expenses in one category, for example, but may still receive 1.5 points if its other expense categories are reasonable relative to its peers. The weights are as follows:

Expenses	Percent Weight
Administrative Expense	34%
General Expense	33%

Tenant Service Expense	10%
Protective Service Expense	10%
Maintenance & Operation Expense	10%
Utilities Expense	3%
Total	100%

For example: The following PHA is in the Extra Large size category, is geographically located in region 0, and has the following expense totals:

Expense	Amount	Weighted Average
Administrative Expense	$115	.34 * $115 = $39.10
General Expense	$105	.33 * $105 = $34.65
Tenant Services	$15	.10 * $15 = $1.50
Protective Service Expense	$20	.10 * $20 = $2.00
Maintenance & Operation Expense	$45	.10 * $45 = $4.50
Utilities Expense	$150	.03 * $150 = $4.50
TOTAL		**$86.25**

The threshold for an Extra Large PHA in Region 0 is $105. Because the PHA has a weighted average expense total that is less than the applicable threshold, the PHA receives the full 1.5 points.

NI:

All PHAs that have a net income for the year receive the full score. If a PHA reports a net loss for the year, and has a positive expendable funds balance, as long as the loss does not exceed 20% of the EFB, the PHA will also receive the full score. This 20% threshold does not vary by region or size.

Appendix 2 – Threshold Tables for Low-Rent GAAP Scoring

These tables can be interpreted in the following manner:

o Identify a size category for an indicator;

o. The rows under that size category identify ranges of possible values for that indicator; and

o The column to the right labeled "Score" identifies the score or range of scores that is awarded to each range of indicator value for that size category.

Current Ratio (CR)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
CR<1	0	CR<1	0	CR<1	0	CR<1	0
CR =1	2.1	CR=1	2.3	CR=1	1.9	CR=1	2.1
1<CR<4.2	2.1<Score<9	1<CR<3.9	2.3<Score<9	1<CR<4.6	1.9<Score<9	1<CR<4.2	2.1<Score<9
4.2≤CR≤12.0	9	3.9≤CR≤11.3	9	4.6≤CR≤9.7	9	4.2≤CR≤9.3	9
12.0<CR<16.6	9>score>7.5	11.3<CR<15.6	9>Score>7.5	9.7<CR<12.7	9>Score>7.5	9.3<CR<12.3	9>Score>7.5
CR≥16.6	7.5	CR≥15.6	7.5	CR≥12.7	7.5	CR≥12.3	7.5

Current Ratio (CR)			
Large	Score	Extra Large	Score
CR<1	0	CR<1	0
CR=1	4.4	CR=1	4.4
1<CR<2.0	4.4<Score<9	1<CR<2.0	4.4<Score<9
2.0≤CR≤5.0	9	2.0≤CR≤5.0	9
5.0<CR<6.8	9>Score>7.5	5.0<CR<6.8	9>Score>7.5
CR≥6.8	7.5	CR≥6.8	7.5

Months Expendable Fund Balance (MEFB)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
MEFB<1	0	MEFB<1	0	MEFB<1	0	MEFB<1	0
MEFB =1	1.7	MEFB=1	1.8	MEFB=1	1.9	MEFB=1	1.6
1<MEFB<5.4	1.7<Score<9	1<MEFB<5.1	1.8<Score<9	1<MEFB<4.8	1.9<Score<9	1<MEFB<5.7	1.6<Score<9
5.4≤MEFB≤12.3	9	5.1≤MEFB≤11.0	9	4.8≤MEFB≤9.2	9	5.7≤MEFB≤15.4	9
12.3<MEFB<16.5	9>Score>7.5	11.0<MEFB<14.5	9>Score>7.5	9.2<MEFB<11.7	9>Score>7.5	15.4<MEFB<21.1	9>Score>7.5
MEFB≥16.5	7.5	MEFB≥14.5	7.5	MEFB≥11.7	7.5	MEFB≥21.1	7.5

Months Expendable Fund Balance (MEFB)			
Large	Score	Extra Large	Score
MEFB<1	0	MEFB<1	0
MEFB=1	2.9	MEFB=1	2.9
1<MEFB<3.2	2.9<Score<9	1<MEFB<3.2	2.9<Score<9
3.2≤MEFB≤7.6	9	3.2≤MEFB≤7.6	9
7.6<MEFB<10.2	9>Score>7.5	7.6<MEFB<10.2	9>Score>7.5
MEFB≥10.2	7.5	MEFB≥10.2	7.5

Days Receivable Outstanding (DRO)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
DRO ≤ 2	4.5	DRO ≤ 6	4.5	DRO ≤ 6	4.5	DRO ≤ 9	4.5
2<DRO<7	4.5>Score>0	6<DRO<18	4.5>Score>0	6<DRO<15	4.5>Score>0	9<DRO<26	4.5>Score>0
DRO≥7	0	DRO≥18	0	DRO≥15	0	DRO≥26	0

Days Receivable Outstanding (DRO)			
Large	Score	Extra Large	Score
DRO ≤ 14	4.5	DRO ≤ 14	4.5
14<DRO<33	4.5>Score>0	14<DRO<33	4.5>Score>0
DRO≥33	0	DRO≥33	0

Occupancy Loss (OL)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
OL≤4%	4.5	OL≤5%	4.5	OL≤4%	4.5	OL≤4%	4.5
4<OL<12%	4.5> Score>0	5<OL<14%	4.5 >Score>0	4<OL<10%	4.5 >Score>0	4<OL<13%	4.5 >Score>0
OL≥12%	0	OL≥14%	0	OL≥10%	0	OL≥13%	0

Occupancy Loss (OL)			
Large	Score	Extra Large	Score
OL≤8%	4.5	OL≤8%	4.5
8<OL<21%	4.5> Score>0	8<OL<21%	4.5 >Score>0
OL≥21%	0	OL≥21%	0

EXPENSE MANAGEMENT

REAC HAS REVISED THE CALCULATION FOR THE EXPENSE MANAGEMENT COMPONENT. EACH EXPENSE MANAGEMENT INDICATOR WILL BE WEIGHTED ACCORDING TO THE TABLE BELOW. NON-TENANT RELATED EXPENSE CATEGORIES WERE ASSIGNED HIGHER WEIGHT TO ENCOURAGE PHAS TO ALLOCATE RESOURCES TO TENANT-RELATED EXPENSES.

Expense Management Indicator Weightings

Expenses	Percent Weight
Administrative Expense	34%
General Expense	33%
Tenant Service Expense	10%
Protective Service Expense	10%
Maintenance & Operation Expense	10%
Utilities Expense	3%
Total	100%

IN ADDITION, REAC HAS ADDED REGIONAL PEER GROUPINGS BASED ON ANALYSIS THAT POINTS TO A SIGNIFICANT IMPACT ON PHA EXPENSES BECAUSE OF REGIONAL DIFFERENCES.

Regional Groupings

Region	States
0	CT, MA, ME, NH, NJ, RI, VT
1	DE, NY, PA
2	DC, MD, NC, SC, VA, WV
3	AL, FL, GA, MS, TN
4	IN, KY, MI, OH
5	IA, MN, MT, ND, SD, WI
6	IL, KS, MO, NE
7	AR, LA, OK, TX
8	AZ, CO, ID, NM, NV, UT, WY
9	AK, CA, HI, OR, WA

TO CALCULATE A SCORE, THE WEIGHTED THRESHOLDS FOR ALL SIX CATEGORIES ARE SUMMED. PHAs THAT HAVE EXPENSES PER UNIT PER MONTH OF LESS THAN THE TOTAL THRESHOLD WILL RECEIVE 1.5 POINTS. THE EXPENSE MANAGEMENT THRESHOLDS ARE EXPRESSED IN DOLLARS PER UNIT PER MONTH AND ARE ORGANIZED BY REGIONAL PEER GROUPINGS.

Expense Management (EM)							
Region	Very small	Small	Low Medium	High Medium	Large	Extra Large	Score
0	EM<$57	EM<$59	EM<$58	EM<$65	EM<$73	EM<105	1.5
0	EM≥$57	EM≥$59	EM≥$58	EM≥$65	EM≥$73	EM≥105	0
1	EM<$63	EM<$58	EM<$61	EM<$66	EM<$73	EM<105	1.5
1	EM≥$63	EM≥$58	EM≥$61	EM≥$66	EM≥$73	EM≥105	0
2	EM<$57	EM<$62	EM<$53	EM<$64	EM<$69	EM<105	1.5
2	EM≥$57	EM≥$62	EM≥$53	EM≥$64	EM≥$69	EM≥105	0
3	EM<$62	EM<$56	EM<$54	EM<$60	EM<$66	EM<105	1.5
3	EM≥$62	EM≥$56	EM≥$54	EM≥$60	EM≥$66	EM≥105	0
4	EM<$64	EM<$62	EM<$60	EM<$62	EM<$70	EM<105	1.5
4	EM≥$64	EM≥$62	EM≥$60	EM≥$62	EM≥$70	EM≥105	0
5	EM<$53	EM<$53	EM<$51	EM<$57	EM<$71	EM<105	1.5
5	EM≥$53	EM≥$53	EM≥$51	EM≥$57	EM≥$71	EM≥105	0
6	EM<$57	EM<$55	EM<$54	EM<$58	EM<$77	EM<105	1.5
6	EM≥$57	EM≥$55	EM≥$54	EM≥$58	EM≥$77	EM≥105	0
7	EM<$54	EM<$53	EM<$52	EM<$57	EM<$63	EM<105	1.5
7	EM≥$54	EM≥$53	EM≥$52	EM≥$57	EM≥$63	EM≥105	0
8	EM<$60	EM<$61	EM<$57	EM<$60	EM<$66	EM<105	1.5
8	EM≥$60	EM≥$61	EM≥$57	EM≥$60	EM≥$66	EM≥105	0
9	EM<$57	EM<$58	EM<$56	EM<$68	EM<$72	EM<105	1.5
9	EM≥$57	EM≥$58	EM≥$56	EM≥$68	EM≥$72	EM≥105	0

* THE ESTIMATED GAAP THRESHOLDS WERE BASED ON DATA FROM FINANCIAL INFORMATION OBTAINED FROM PHAS CURRENTLY REPORTING UNDER GAAP AS OF JULY 1, 1999. THE PHA FINANCIAL STATEMENTS HAD FISCAL YEAR ENDS RANGING BETWEEN 1996 AND 1998. AS MORE DATA IS ENTERED INTO THE SYSTEM, THESE THRESHOLDS WILL BE RE-ASSESSED TO BETTER REFLECT THE DATA DISTRIBUTIONS. THE THRESHOLDS PRESENTED HERE HAVE BEEN ROUNDED TO ONE DECIMAL PLACE FOR PRESENTATION PURPOSES, WHEREAS THOSE USED TO CALCULATE SCORES AT REAC ARE NOT ROUNDED.

Appendix 3 – Threshold Tables for Entity-Wide GAAP Scoring

These tables can be interpreted in the following manner:

o Identify a size category for an indicator;

o The rows under that size category identify ranges of possible values for that indicator; and

o The column to the right labeled "Score" identifies the score or range of scores that is awarded to each range of indicator value for that size category.

Current Ratio (CR)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
CR<1	0	CR<1	0	CR<1	0	CR<1	0
CR =1	2.4	CR=1	2.9	CR=1	2.9	CR=1	3.4
1<CR<3.7	2.4<Score<9	1<CR<3.1	2.9<Score<9	1<CR<3.1	2.9<Score<9	1<CR<2.6	3.4<Score<9
3.7≤CR≤9.7	9	3.1≤CR≤7.2	9	3.1≤CR≤6.9	9	2.6≤CR≤5.3	9
9.7<CR<13.2	9>score>7.5	7.2<CR<9.5	9>Score>7.5	6.9<CR<9.1	9>Score>7.5	5.3<CR<6.8	9>Score>7.5
CR≥13.2	7.5	CR≥9.5	7.5	CR≥9.1	7.5	CR≥6.8	7.5

Current Ratio (CR)			
Large	Score	Extra Large	Score
CR<1	0	CR<1	0
CR=1	4	CR=1	5.8
1<CR<2.3	4<Score<9	1<CR<1.6	5.8<Score<9
2.3≤CR≤3.6	9	1.6≤CR≤2.5	9
3.6<CR<4.4	9>Score>7.5	2.5<CR<3	9>Score>7.5
CR≥4.4	7.5	CR≥3	7.5

Months Expendable Fund Balance (MEFB)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
MEFB<1	0	MEFB<1	0	MEFB<1	0	MEFB<1	0
MEFB =1	1.9	MEFB=1	2	MEFB=1	1.9	MEFB=1	2.1
1<MEFB<4.7	1.9<Score<9	1<MEFB<4.5	2<Score<9	1<MEFB<4.7	1.9<Score<9	1<MEFB<4.3	2.1<Score<9
4.7≤MEFB≤15	9	4.5≤MEFB≤10.6	9	4.7≤MEFB≤9.8	9	4.3≤MEFB≤12.2	9
15<MEFB<20.9	9>Score>7.5	10.6<MEFB<14.2	9>Score>7.5	9.8<MEFB<12.7	9>Score>7.5	12.2<MEFB<16.9	9>Score>7.5
MEFB≥20.9	7.5	MEFB≥14.2	7.5	MEFB≥12.7	7.5	MEFB≥16.9	7.5

Months Expendable Fund Balance (MEFB)			
Large	Score	Extra Large	Score
MEFB<1	0	MEFB<1	0
MEFB=1	1.7	MEFB=1	4.9
1<MEFB<5.3	1.7<Score<9	1<MEFB<1.8	4.9<Score<9
5.3≤MEFB≤11.1	9	1.8≤MEFB≤6.8	9
11.1<MEFB<14.5	9>Score>7.5	6.8<MEFB<9.7	9>Score>7.5
MEFB≥14.5	7.5	MEFB≥9.7	7.5

Days Receivable Outstanding (DRO)							
Very Small	Score	Small	Score	Low Medium	Score	High Medium	Score
DRO ≤ 2	4.5	DRO ≤ 5	4.5	DRO ≤ 7	4.5	DRO ≤ 9	4.5
2<DRO<8	4.5>Score>0	5<DRO<17	4.5>Score>0	7<DRO<20	4.5>Score>0	9<DRO<25	4.5>Score>0
DRO≥8	0	DRO≥17	0	DRO≥20	0	DRO≥25	0

Days Receivable Outstanding (DRO)			
Large	**Score**	**Extra Large**	**Score**
DRO ≤ 10	4.5	DRO ≤ 11	4.5
10<DRO<26	4.5>Score>0	11<DRO<22	4.5>Score>0
DRO≥26	0	DRO≥22	0

Occupancy Loss (OL)							
Very Small	**Score**	**Small**	**Score**	**Low Medium**	**Score**	**High Medium**	**Score**
OL≤5%	4.5	OL≤5%	4.5	OL≤4%	4.5	OL≤4%	4.5
5<OL<13%	4.5> Score>0	5<OL<14%	4.5 >Score>0	4<OL<11%	4.5 >Score>0	4.0<OL<12%	4.5 >Score>0
OL≥13%	0	OL≥14%	0	OL≥11%	0	OL≥12%	0

Occupancy Loss (OL)			
Large	**Score**	**Extra Large**	**Score**
OL≤5%	4.5	OL≤13%	4.5
5<OL<12%	4.5> Score>0	13<OL<25%	4.5 >Score>0
OL≥12%	0	OL≥25%	0

EXPENSE MANAGEMENT

REAC HAS REVISED THE CALCULATION FOR THE EXPENSE MANAGEMENT COMPONENT. EACH EXPENSE MANAGEMENT INDICATOR WILL BE WEIGHTED ACCORDING TO THE TABLE BELOW. NON-TENANT RELATED EXPENSE CATEGORIES WERE ASSIGNED HIGHER WEIGHT TO ENCOURAGE PHAS TO ALLOCATE RESOURCES TO TENANT-RELATED EXPENSES.

Expense Management Indicator Weightings

Expenses	Percent Weight
Administrative Expense	34%
General Expense	33%
Tenant Service Expense	10%
Protective Service Expense	10%
Maintenance & Operation Expense	10%
Utilities Expense	3%
Total	100%

IN ADDITION, REAC HAS ADDED REGIONAL PEER GROUPINGS BASED ON ANALYSIS THAT POINTS TO A SIGNIFICANT IMPACT ON PHA EXPENSES BECAUSE OF REGIONAL DIFFERENCES.

Regional Groupings

Region	States
0	CT, MA, ME, NH, NJ, RI, VT
1	DE, NY, PA
2	DC, MD, NC, SC, VA, WV
3	AL, FL, GA, MS, TN
4	IN, KY, MI, OH
5	IA, MN, MT, ND, SD, WI
6	IL, KS, MO, NE
7	AR, LA, OK, TX
8	AZ, CO, ID, NM, NV, UT, WY
9	AK, CA, HI, OR, WA

TO CALCULATE A SCORE, THE WEIGHTED THRESHOLDS FOR ALL SIX CATEGORIES ARE SUMMED. PHAs THAT HAVE EXPENSES PER UNIT PER MONTH OF LESS THAN THE TOTAL THRESHOLD WILL RECEIVE 1.5 POINTS. THE EXPENSE MANAGEMENT THRESHOLDS ARE EXPRESSED IN DOLLARS PER UNIT PER MONTH AND ARE ORGANIZED BY REGIONAL PEER GROUPINGS.

Expense Management (EM)							
Region	**Very small**	**Small**	**Low Medium**	**High Medium**	**Large**	**Extra Large**	**Score**
0	EM<$57	EM<$59	EM<$58	EM<$65	EM<$73	EM<105	1.5
0	EM≥$57	EM≥$59	EM≥$58	EM≥$65	EM≥$73	EM≥105	0
1	EM<$63	EM<$58	EM<$61	EM<$66	EM<$73	EM<105	1.5
1	EM≥$63	EM≥$58	EM≥$61	EM≥$66	EM≥$73	EM≥105	0
2	EM<$57	EM<$62	EM<$53	EM<$64	EM<$69	EM<105	1.5
2	EM≥$57	EM≥$62	EM≥$53	EM≥$64	EM≥$69	EM≥105	0
3	EM<$62	EM<$56	EM<$54	EM<$60	EM<$66	EM<105	1.5
3	EM≥$62	EM≥$56	EM≥$54	EM≥$60	EM≥$66	EM≥105	0
4	EM<$64	EM<$62	EM<$60	EM<$62	EM<$70	EM<105	1.5
4	EM≥$64	EM≥$62	EM≥$60	EM≥$62	EM≥$70	EM≥105	0
5	EM<$53	EM<$53	EM<$51	EM<$57	EM<$71	EM<105	1.5
5	EM≥$53	EM≥$53	EM≥$51	EM≥$57	EM≥$71	EM≥105	0
6	EM<$57	EM<$55	EM<$54	EM<$58	EM<$77	EM<105	1.5
6	EM≥$57	EM≥$55	EM≥$54	EM≥$58	EM≥$77	EM≥105	0
7	EM<$54	EM<$53	EM<$52	EM<$57	EM<$63	EM<105	1.5
7	EM≥$54	EM≥$53	EM≥$52	EM≥$57	EM≥$63	EM≥105	0
8	EM<$60	EM<$61	EM<$57	EM<$60	EM<$66	EM<105	1.5
8	EM≥$60	EM≥$61	EM≥$57	EM≥$60	EM≥$66	EM≥105	0
9	EM<$57	EM<$58	EM<$56	EM<$68	EM<$72	EM<105	1.5
9	EM≥$57	EM≥$58	EM≥$56	EM≥$68	EM≥$72	EM≥105	0

* THE ESTIMATED GAAP THRESHOLDS WERE BASED ON DATA FROM FINANCIAL INFORMATION OBTAINED FROM PHAS CURRENTLY REPORTING UNDER GAAP AS OF JULY 1, 1999. THE PHA FINANCIAL STATEMENTS HAD FISCAL YEAR ENDS RANGING BETWEEN 1996 AND 1998. AS MORE DATA IS ENTERED INTO THE SYSTEM, THESE THRESHOLDS WILL BE RE-ASSESSED TO BETTER REFLECT THE DATA DISTRIBUTIONS. THE THRESHOLDS PRESENTED HERE HAVE BEEN ROUNDED TO ONE DECIMAL PLACE FOR PRESENTATION PURPOSES, WHEREAS THOSE USED TO CALCULATE SCORES AT REAC ARE NOT ROUNDED.

[FR Doc. 00–16154 Filed 6–27–00; 8:45 am]
BILLING CODE 4210–01–C

Federal Register

Wednesday,
June 28, 2000

Part V

Department of Housing and Urban Development

Public Housing Assessment System Management Operations Scoring Process for Fiscal Years Ending September 30, 1999, and December 31, 1999, PHAs; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–14]

Public Housing Assessment System Management Operations Scoring Process for Fiscal Years Ending September 30, 1999, and December 31, 1999, PHAs

AGENCY: Office of the Director, Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: This notice provides additional information to public housing agencies and members of the public, regarding HUD's process for issuing Management Operations scores to PHAs under the Public Housing Assessment System (PHAS).

This notice is an update of the Management Operations Indicator scoring notice that was published on June 23, 1999, and takes into consideration public comment received on the June 23, 1999 notice, and provides the basis for scoring public housing agencies on their management operations as provided in the PHAS Transition Notice published on October 21, 1999. The Notice also reflects the differences in scoring between advisory scores and actual Management Operations scores. This notice is applicable only to PHAs with fiscal years ending September 30, 1999, or December 31, 1999. For PHAs with fiscal years ending on or after March 31, 2000, a separate Management Scoring Notice is published elsewhere in this **Federal Register**. The changes made to this notice are discussed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Wanda Funk, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone Technical Assistance Center at 1–888–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

1. Purpose of This Notice

The purpose of this notice is to provide additional information about the scoring process for PHAS Indicator #3, Management Operations. The purpose of the Management Operations assessment is to measure certain key management operations and responsibilities of a PHA for the purpose of assessing the PHA's management operations capabilities.

The information provided in this notice was originally published on May 13, 1999 (64 FR 26232), and republished on June 23, 1999 (64 FR 33708). HUD solicited public comment on both the May 13, 1999, and June 23, 1999, notices. This Management Operations Scoring Process notice, published in this edition of the **Federal Register**, has been revised, to reflect the public comments received on the previous notices and to provide the basis for scoring PHAs on their management operations as provided in the PHAS Transition Notice published on October 21, 1999 (64 FR 56676). This Management Operations Scoring Notice is applicable only to PHAs with fiscal years ending September 30, 1999, or December 31, 1999. For PHAs with fiscal years ending on or after March 31, 2000, a separate Management Operations Scoring Notice is published elsewhere in this **Federal Register**.

Additionally, this notice differs from the June 23, 1999, notice to reflect the difference in scoring between advisory scores and actual Management Operations scores. Eliminated from the notice published on June 23, 1999, are the last row and footnote in Table 2, Possible Grades; and the third paragraph under Sub-indicator Score. These two items only applied to PHAS advisory scores for fiscal year end September 30, 1998, December 31, 1998, March 30, 1999, and June 30, 1999, PHAs.

2. Changes From PHMAP To PHAS

The PHAS assessment of a PHA's management operations utilizes six of the eight PHMAP indicators:

- Vacancy rate and vacant unit turnaround time;
- Capital Fund;
- Rents uncollected;
- Work orders;
- PHA annual inspection of units and systems; and
- Security/economic self-sufficiency.

The adjustment for physical condition and/or neighborhood environment will be made under PHAS Indicator #1, Physical Condition. The same definitions and exemptions that apply to the PHMAP also apply to the PHAS, except as noted in 24 CFR 902, subpart D. The PHMAP indicator for financial management is assessed under PHAS Indicator #2, Financial Condition; and PHMAP indicator #7 for resident services is assessed under PHAS Indicator #4, Resident Service and Satisfaction.

There are certain differences between the PHMAP score and the PHAS score calculated for a PHA's management operations. Under the PHAS, PHA requested modifications and exclusions no longer apply. Under the PHAS, a PHA will not be assessed under a sub-indicator and/or component if the PHA does not receive funding for that program, *i.e.,* Capital Fund. PHAs will certify to sub-indicator #2, Capital Fund, and all PHAs will certify to and be scored on sub-indicator #6, Security/economic self-sufficiency, under PHAS Indicator #3.

3. Submission of Management Operations Certification

Under the PHAS, a PHA is required to electronically submit certification on its performance under each of the management operations sub-indicators. If circumstances preclude a PHA from reporting electronically, HUD will consider granting short-term approval to allow a PHA to submit its Management Operations certification manually. A PHA that seeks approval to submit its certification manually must ensure that the REAC receives a request for manual submission in writing 60 calendar days prior to the submission due date of its Management Operations certification. The written request must include the reasons why the PHA cannot submit its certification electronically. The REAC will respond to such a request and will manually forward its determination in writing to the PHA.

4. Elements of Scoring

The Management Operations Indicator score provides an assessment of each PHA's management effectiveness. The computation of the score under this PHAS Indicator utilizes data that was submitted for PHMAP and requires three main calculations, which are:

- Scores are first calculated for all of the components that have been submitted by the PHA;
- Based upon the component scores, a score is then calculated for each sub-indicator; and
- From the six sub-indicator scores, an indicator score is then calculated.

The three calculations are performed on the basis of the following:

- The point value of the six sub-indicators and/or components, which are listed in Table 1; and
- The point equivalent to the grades assigned under PHMAP for each sub-indicator and/or component.

TABLE 1.—MANAGEMENT OPERATIONS SUB-INDICATOR AND COMPONENT POINTS

Sub-indicator	Sub-indicator points	Component	Component points
Vacancy Rate/Unit Turnaround Time (PHMAP Indicator #1).	8.0	Vacancy Rate	4.0
		Unit Turnaround Time	4.0
Capital Fund (PHMAP Indicator #2)	6.0	Unexpended Funds	1.0
		Timeliness of Fund Obligation	1.5
		Contract Administration	1.0
		Quality of Physical Work	2.0
		Budget Controls	0.5
Rents Uncollected (PHMAP Indicator #3)	4.0		
Work Orders (PHMAP Indicator #4)	4.0	Emergency Work Orders	2.0
		Non-Emergency Work Orders	2.0
Inspections of Units and Systems (PHMAP Indicator #5)	4.0	Inspection of Units	2.0
		Inspections of Systems	2.0
Security/Economic Self-Sufficiency (PHMAP Indicator #8).	4.0	Tracking/Reporting Crime-Related Problems	1.0
		Screening of Applicants	1.0
		Lease Enforcement	1.0
		Grant Program Goals	1.0

If the PHAS Capital Fund sub-indicator (PHMAP Indicator #2) is not applicable, then the 6 points for that sub-indicator are redistributed among the other five sub-indicators so that the total points add up to the 30 points for Management Operations under the PHAS. This is accomplished by multiplying 30/24 or 1.25 by each of the remaining sub-indicator scores, which is 125 percent of the original points. The new points for the sub-indicator ''Vacancy Rate and Unit Turnaround Time'' would be 10.0, and the new points for the other four sub-indicators would be 5.0.

The PHMAP grades for each sub-indicator/component are assigned values to indicate the percentage of the sub-indicator/component points that will be awarded in the calculations. The assigned values for the PHMAP grades, which are listed in Table 2, are the same for each sub-indicator/component that is being assessed. For example, a PHA with an E for the component ''Inspection of Units and Systems'' would receive 30% of the component points of 2, for a score of 0.6 for the component.

TABLE 2.—POSSIBLE GRADES

Grades	Value
A	1.00
B	0.85
C	0.70
D	0.50
E	0.30
F	0.00

Calculations under the PHAS Management Operations Indicator are performed as follows:

Component Score. The component score equals its points multiplied by the value of the grade for the PHA. For example, a PHA with an E for the component ''Inspection of Units and Systems'' would receive 30% of the component points of 2, for a score of 0.6 for the component.

Sub-indicator Score. The sub-indicator score is the sum of the component scores with the points of non-assessed components being proportionately redistributed across components that have been assessed.

Indicator Score. The Indicator score equals the sum of the sub-indicator scores with the points of non-assessed sub-indicators being proportionately redistributed across sub-indicators that have been assessed. The Management Operations Indicator score equals the sum of the five other redistributed sub-indicator scores multiplied by 30/24 or 1.25, which is 125 percent of the original score.

If the Capital Fund sub-indicator (PHMAP indicator #2) is not applicable (the PHA does not have a Capital Fund Program), then the 6 points for that sub-indicator are redistributed among the other five sub-indicators in the calculation of the Management Operations Indicator score so that the total points add up to the 30 points for Management Operations under the PHAS.

5. Examples of Score Computations

An Example of Computing a Sub-Indicator Score With a Non-Assessed Component. The following provides an example for the calculation of a Capital Fund sub-indicator score and its component scores, when the Quality of Physical Work component has not been assessed. For this example, Table 3 provides the necessary information, which is:

- The weight of the Capital Fund sub-indicator components from Table 1;
- The sample grade for each component;
- The value of each grade from Table 2;
- The calculations for the component score; and
- The component scores.

The component score is calculated in this table by multiplying the points by the values in Table 3. These scores are included in the PHAS Report. Note that for reporting purposes, all scores are rounded to one decimal place.

TABLE 3.—EXAMPLE ASSESSMENT OF THE CAPITAL FUND SUB-INDICATOR

Component	Points	Grade	Value	Calculations	Score
#1 Unexpended Funds	1.0	A	1.0	(1.0) × (1.0) = 1.0	1.0
#2 Timeliness of Fund Obligation	1.5	A	1.0	(1.5) × (1.0) = 1.5	1.5
#3 Contract Administration	1.0	C	0.7	(1.0) × (0.7) = 0.7	0.7
#4 Quality of Physical Work	2.0	NA	NA	NA	NA
#5 Budget Controls	0.5	F	0.0	(0.5) × (0.0) = 0.0	0.0

In this example, the 4th component has not been assessed for sub-indicator #2, Capital Fund. Consequently, the points of the non-assessed component need to be redistributed proportionately across assessed components in order to calculate the Capital Fund sub-indicator score. This redistribution is accomplished by multiplying the sum of the component scores by 6 (the points for the sub-indicator) and dividing this result by the sum of the points of the components that have been assessed (4). This calculation for the Capital Fund sub-indicator score is provided below:

$$\text{Capital Fund Score} = \frac{(1.0 + 1.5 + 0.7 + 0.0) \times (6.0)}{1.0 + 1.5 + 1.0 + 0.5}$$

An Example of Computing the Indicator Score for a PHA Without a Capital Fund Program and That Has Less Than 250 Units. For this example, the PHA's sub-indicator scores are:

- The Vacancy Rate/Unit Turnaround Time score equals 6.8;
- The Capital Fund sub-indicator was not assessed;
- The Rents Uncollected score equals 4.0;
- The Work Orders score equals 2.8;
- The Inspection of Units/Systems score equals 3.7; and
- The Security/Economic Self-Sufficiency score equals 4.0.

The Capital Fund sub-indicator has not been assessed. Consequently, the points for the non-assessed sub-indicator need to be redistributed proportionately across assessed sub-indicators in order to calculate the Management Operations Indicator score. This redistribution is accomplished by multiplying the sum of the sub-indicator scores by 30 (the points for the Management Operations Indicator) and dividing this result by the sum of the points of the sub-indicators that have been assessed (24). The calculation for the Management Operations Indicator is provided below:

$$\text{Management Operations Indicator Score} = \frac{(6.8 + 4.0 + 2.8 + 3.7 + 4.0) \times (30.0)}{8.0 + 4.0 + 4.0 + 4.0 + 4.0} = 26.6$$

Dated: June 20, 2000.

Donald J. LaVoy,

Director Real Estate Assessment Center.

[FR Doc. 00–16155 Filed 6–27–00; 8:45 am]

BILLING CODE 4210–01–P

Federal Register

Wednesday,
June 28, 2000

Part VI

Department of Housing and Urban Development

Public Housing Assessment System Management Operations Scoring Process for PHAs With Fiscal Years Ending On or After March 31, 2000; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–15]

Public Housing Assessment System Management Operations Scoring Process for PHAs With Fiscal Years Ending On or After March 31, 2000

AGENCY: Office of the Director, Real Estate Assessment Center, HUD.

ACTION: Notice.

SUMMARY: This notice provides additional information to public housing agencies (PHAs) and members of the public, regarding HUD's process for issuing Management Operations scores to PHAs with fiscal years ending on or after March 31, 2000, under the Public Housing Assessment System (PHAS). This notice is an update of the Management Operations Indicator scoring notice that was published on June 23, 1999, and takes into consideration public comment received on the June 23, 1999, notice. This notice provides the basis for scoring PHAs on their management operations as provided in the PHAS Amendments final rule published on January 11, 2000, with certain corrections published on June 6, 2000. This notice is applicable to PHAs with fiscal years ending on or after March 31, 2000. (The Management Operations Scoring notice applicable to PHAs with fiscal years ending before March 31, 2000, is published elsewhere in this **Federal Register**.) The changes made to the Management Operations Scoring process for PHAs ending on or after March 31, 2000, are discussed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Wanda Funk, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW, Suite 800, Washington, DC 20024; telephone Technical Assistance Center at 1–888–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

1. Purpose of This Notice

The purpose of this notice is to provide additional information about the scoring process for PHAS Indicator #3, Management Operations. The purpose of the Management Operations assessment is to measure certain key management operations and responsibilities of a PHA for the purpose of assessing the PHA's management operations capabilities.

The majority of the information provided in this notice was originally published on May 13, 1999 (64 FR 26232), and republished on June 23, 1999 (64 FR 33708). HUD solicited public comment on both the May 13, 1999, and June 23, 1999, notices. This Management Operations Scoring Process notice, published in this edition of the **Federal Register**, has been revised to reflect the public comments received on the previous notices and to provide the basis for scoring PHAs on their management operations as provided in the PHAS Amendments Final Rule published on January 11, 2000 (65 FR 1712). This Management Operations Scoring notice is applicable only to PHAs with fiscal years ending on or after March 31, 2000. (The Management Operations Scoring notice applicable to PHAs with fiscal years ending September 30, 1999, or December 31, 1999, is published elsewhere in this edition of the **Federal Register**.)

2. Changes From the Public Housing Management Assessment Program (PHMAP) to PHAS

The PHAS assessment of a PHA's management operations utilizes five of the eight PHMAP indicators:

- Vacant unit turnaround time;
- Capital Fund;
- Work orders;
- Annual inspection of units and systems; and
- Security.

Former sub-indicator #6, security and economic self-sufficiency, are now two separate sub-indicators: Sub-indicator #5 is security; and sub-indicator #6 is economic self-sufficiency. This change reflects compliance with and the intent of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105–276, approved October 21, 1998 (referred to as the ''Public Housing Reform Act'') which added economic self-sufficiency of public housing residents as an additional factor under section 6(j) of the U. S. Housing Act of 1937. The statute recognizes the importance of this area as a separate assessment factor, and the Department has amended the Management Operations Indicator to reflect the statutory guidance.

The adjustment for physical condition and/or neighborhood environment will be made under PHAS Indicator #1, Physical Condition. The same definitions and exemptions that apply to the PHMAP also apply to the PHAS, except as noted in 24 CFR 902, subpart D. The PHMAP indicator for financial management is assessed under PHAS Indicator #2, Financial Condition; and PHMAP indicator #7 for resident services is assessed under PHAS Indicator #4, Resident Service and Satisfaction.

The vacancy rate component and the rents uncollected sub-indicator are removed from the Management Operations Indicator as a result of the Department's consideration of public comments from the June 22, 1999, PHAS Amendments Proposed Rule (54 FR 33348). These factors are assessed under the Financial Condition Indicator through the ''occupancy loss'' and ''tenant receivable outstanding'' components, and the inclusion of these factors under both the Financial Condition Indicator and Management Operations Indicator was duplicative. These changes ensure that the PHAS is an effective and efficient assessment system by eliminating any duplicative efforts of information collection under the PHAS.

There are certain differences between the PHMAP score and the PHAS score calculated for a PHA's management operations. Under the PHAS, PHA requested modifications and exclusions no longer apply. Under the PHAS, a PHA will not be assessed under a sub-indicator and/or component if the PHA does not receive funding for that program, *i.e.*, Capital Fund. PHAs will certify to sub-indicator #2, Capital Fund, and all PHAs will certify to and be scored on sub-indicator #5, security, and sub-indicator #6, economic self-sufficiency, under PHAS Management Operations Indicator #3.

3. Submission of Management Operations Certification

Under the PHAS, a PHA is required to electronically submit certification on its performance under each of the Management Operations sub-indicators. If circumstances preclude a PHA from reporting electronically, HUD will consider granting short-term approval to allow a PHA to submit its Management Operations certification manually. A PHA that seeks approval to submit its certification manually must ensure that the REAC receives a request for manual submission in writing 60 calendar days prior to the submission due date of its Management Operations certification. The written request must include the reasons why the PHA cannot submit its certification electronically. The REAC will respond to such a request and will manually forward its determination in writing to the PHA.

4. Elements of Scoring

The Management Operations Indicator score provides an assessment of each PHA's management effectiveness. The computation of the score under this PHAS Indicator utilizes data that was submitted for PHMAP and requires three main calculations, which are:

- Scores are first calculated for all of the components that have been submitted by the PHA;
- Based upon the component scores, a score is then calculated for each sub-indicator; and
- From the six sub-indicator scores, an indicator score is then calculated.

The three calculations are performed on the basis of the following:

- The point values of the six sub-indicators and/or components, which are listed in Table 1; and
- The multiplier value equivalent to the grades assigned under PHMAP listed in Table 2.

TABLE 1.—MANAGEMENT OPERATIONS SUB-INDICATOR AND COMPONENT POINTS

Sub-indicator	Sub-indicator points	Component	Component points
Vacant Unit Turnaround Time	4.0		
Capital Fund	7.0	Unexpended Funds	1.0
		Timeliness of Fund Obligation	2.0
		Contract Administration	2.0
		Quality of Physical Work	1.0
		Budget Controls	2.0
Work Orders	4.0	Emergency Work Orders	2.0
		Non-Emergency Work Orders	2.0
Inspections of Units and Systems	4.0	Inspection of Units	2.0
		Inspections of Systems	2.0
Security	4.0	Tracking/Reporting Crime-Related Problems	1.0
		Screening of Applicants	1.0
		Lease Enforcement	1.0
		Grant Program Goals	1.0
Economic Self-Sufficiency	7.0		

The PHMAP grades for each component are assigned values to indicate the percentage of the component points that will be awarded in the calculations. The assigned values for the PHMAP grades are listed in Table 2. Note that some components are only graded on A, C, and F.

TABLE 2.—POSSIBLE GRADES

Grades	Value
A	1.00
B	0.85
C	0.70
D	0.50
E	0.30
F	0.00

Calculations under the PHAS Management Operations Indicator are performed as follows:

Component Score. The component score equals the component's total possible points multiplied by the value of the grade for the PHA. For example, a PHA with an equivalent grade of E for the component, ''inspection of units,'' would receive 30% of the total possible component points of 2, for a score of 0.6 for the component. When non-assessed components exist, the value of the non-assessed component must be redistributed proportionately across components that have been assessed.

Sub-indicator Score. The sub-indicator score is the obtained by adding the redistributed component scores. When non-assessed Sub-indicators exist, the value of the non-assessed sub-indicator must be redistributed proportionately across the sub-indicators that have been assessed. Note that if the value of a sub-indicator is changed because of redistribution of non-assessed points, the values of the components of that sub-indicator must be redistributed again. This component redistribution does not change the value of the sub-indicator, it simply ensures that the sum of the components equals the new sub-indicator value.

Indicator Score. The Indicator score is determined by adding the sum of the sub-indicators.

5. Examples of Score Computations

An Example of Computing a Sub-Indicator Score With a Non-Assessed Component. Table 3 provides an example for the calculation of a Capital Fund sub-indicator score and its component scores when the Quality of Physical Work component has not been assessed. When non-assessed components exist, the value of the non-assessed component must be redistributed proportionately across components that have been assessed. In our example, the Capital Funds component, Quality of Physical Work, is not assessed. To redistribute the Quality of Physical Work points, each assessed component must be multiplied by the total possible points for the sub-indicator (7), and divided by the total possible points of the assessed components (5). The redistributed value of the total possible points for the Contract Administration component is calculated to be 1.4. In our example, the PHA has received a grade of C for Contract Administration; the PHA then receives only 70% of the redistributed points value for Contract Administration. As shown in Table 3, 70% of 1.4 equals 0.98 points. The Capital Fund sub-indicator score is then computed by summing the redistributed components. In the example from Table 3, the final score for the Capital Fund sub-indicator is 6.2 (6.16 rounded to the nearest tenth).

TABLE 3.—EXAMPLE ASSESSMENT OF THE CAPITAL FUND SUB-INDICATOR

Component	Total possible component points	Assessed component points	Redistribution calculation	Redistributed component points	Grade	Grade value	Score calculation	Comp. score
#1 Unexpended Funds	1.0	1.0	(1.0×7.0)/5.0	1.4	A	1.0	1.4×1.0	1.4
#2 Timeliness of Fund	2.0	2.0	(2.0×7.0)/5.0	2.8	A	1.0	2.8×1.0	2.8
#3 Contract Administration	1.0	1.0	(1.0×7.0)/5.0	1.4	C	0.7	1.4×0.7	0.98
#4 Quality of Physical Work	2.0	NA	NA	NA	NA	NA	NA	NA
#5 Budget Controls	1.0	1.0	(1.0×7.0)/5.0	1.4	C	0.7	1.4×0.7	0.98
Total (Sub-indicator Score)	7.0	5.0		7.0				6.16

An Example of Computing the Management Operations Indicator Score for a PHA Without an Economic Self-Sufficiency Program. Table 4 provides an example for the calculation of the Management Operations Indicator score when the Economic Self-Sufficiency sub-indicator has not been assessed (the PHA does not have a HUD-funded Economic Self-Sufficiency Program). When a non-assessed sub-indicator exists, the value of the non-assessed sub-indicator must be redistributed proportionately across the sub-indicators that have been assessed. To redistribute the Economic Self-Sufficiency points, each assessed sub-indicator must be multiplied by the total possible points for the MASS indicator (30), and divided by the total possible points of the assessed sub indicators (23). This calculation and the redistributed value of the total possible points for each sub-indicator is shown in Table 4. The final Management Operations Indicator score is derived by summing the redistributed sub-indicators.

These scores are included in the PHAS Report. Note that in the PHAS Report, scores are rounded to the nearest tenth.

TABLE 4.—EXAMPLE OF ASSESSMENT OF THE MANAGEMENT OPERATIONS INDICATOR SCORE FOR A PHA WITHOUT AN ECONOMIC SELF-SUFFICIENCY PROGRAM

Sub-indicator	Total possible sub-indicator points	Total possible assessed sub-indicator points	Actual sub-indicator score	Redistribution calculation	Redistributed sub-indicator points
Vacant Unit Turn-Around Time	4	4	4	(4 × 30)/(23)	5.2
Capital Fund	7	7	6.16	(6.16 × 30)/(23)	8.03
Work Orders	4	4	4.0	(4 × 30)/(23)	5.2
Annual Inspection	4	4	2.8	(2.8 × 30)/(23)	3.65
Security	4	4	4.0	(4 × 30)/(23)	5.2
Economic Self-Sufficiency	7	NA	NA	NA	NA
Total Management Operations Indicator Points	30	23	NA	NA	27.28

An Example of Rescaling Components So that the Component Sum Equals a Redistributed Sub-indicator. In the previous example, the sub-indicator points were redistributed because the Economic Self-sufficiency sub-indicator was not assessed. After the sub-indicator points were redistributed the components comprising the sub-indicator no longer added up to the redistributed value of the sub-indicator. A calculation must be performed to rescale the components of a sub-indicator so that those components add up to the redistributed sub-indicator. Table 5 contains an example of rescaling the Capital Fund components so that they add up to the redistributed Capital Fund sub-indicator. Each component is rescaled by multiplying by a factor of 30 divided by 23. As can be seen from Table 5, the rescaled component values add up to 8.03 which is the redistributed sub-indicator points for Capital Funds as shown above in Table 4.

TABLE 5.—EXAMPLE REDISTRIBUTION OF COMPONENTS WITHIN THE CAPITAL FUND SUB-INDICATOR

Component	Component values after first redistribution in table 3	Component rescaling calculation	Component values after rescaling
#1 Unexpended Funds	1.4	1.4 × (30/23)	1.82
#2 Timeliness of Fund Obligation	2.8	2.8 × (30/23)	3.65
#3 Contract Administration	0.98	0.98 × (30/23)	1.28
#4 Quality of Physical Work	NA	NA	NA
#5 Budget Controls	0.98	0.98 × (30/23)	1.28
Total Sub-Indicator Score	6.16		8.03

Dated: June 20, 2000.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

[FR Doc. 00–16156 Filed 6–27–00; 8:45 am]

BILLING CODE 4210–01–P

Federal Register

Wednesday,
June 28, 2000

Part VII

Department of Housing and Urban Development

Public Housing Assessment System Resident Service and Satisfaction Scoring Process; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4509–N–16]

Public Housing Assessment System Resident Service and Satisfaction Scoring Process

AGENCY: Office of the Director, Real Estate Assessment Center, HUD

ACTION: Notice.

SUMMARY: This notice provides additional information to public housing agencies, and members of the public, regarding HUD's process for issuing scores under the Resident Service and Satisfaction Indicator of the Public Housing Assessment System (PHAS). This notice is an update of the Resident Service and Satisfaction Indicator notice on scoring that was published on June 23, 1999. This notice takes into consideration public comment received on the June 23, 1999 notice and reflects the changes made to the PHAS regulations published on January 11, 2000, with certain corrections published on June 6, 2000. Additionally, the content has been revised to provide more detail about the formulas used to compute public housing agency (PHA) scores and to provide more information about requirements concerning the Follow-up Plan, which counts for 3 of the 10 points under the Resident Indicator. The changes made to this notice are discussed in the Supplementary Information section of this notice.

FOR FURTHER INFORMATION CONTACT: For further information contact Wanda Funk, Real Estate Assessment Center, Department of Housing and Urban Development, 1280 Maryland Avenue, SW., Suite 800, Washington, DC 20024; telephone the Technical Assistance Center at 1–888–245–4860 (this is a toll free number). Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Additional information is available from the REAC Internet Site, http://www.hud.gov/reac.

SUPPLEMENTARY INFORMATION:

1. Purpose of this Notice

The purpose of this notice is to provide additional information about the scoring process for PHAS Indicator #4, Resident Service and Satisfaction. The purposes of the Resident Service and Satisfaction assessment are to measure the level of resident satisfaction with living conditions at their public housing agency (PHA), to facilitate positive interaction and communication between public housing agencies and residents, and to guide PHAs in recognizing areas of concern identified by residents in survey responses. The Resident Service and Satisfaction assessment is an important indicator of a PHA's performance.

Of the total 100 points available for a PHAS score, a PHA may receive up to ten points under PHAS Indicator #4. Unlike PHAS Indicators #1, #2, or #3, PHAs will *not* be designated as ''troubled'' for a failing score under Indicator #4 in accordance with 24 CFR 902.67. The Resident Service and Satisfaction score, however, is included in the aggregate PHAS score.

The information provided in this notice was originally published on May 13, 1999 (64 FR 26236) and updated on June 23, 1999 (64 FR 33712). HUD solicited public comment on both the May 13, 1999, and June 23, 1999, notices. This Resident Service and Satisfaction Scoring Process notice, published in this edition of the **Federal Register**, has been revised from the June 23, 1999, notice, to reflect the public comments received on the previous notices and to reflect the changes made to the PHAS regulations by the final rule published on January 11, 2000 (65 FR–1712).

This notice includes the following major revisions and additions to the June 23, 1999 version:

- A detailed explanation of the weighted-average scoring methodology used to calculate PHA scores has been added.
- A table providing the weights assigned to each question and the scores assigned to each response has been provided. See Appendix 1.
- The threshold which exempts a PHA from the requirement to submit a Follow-up Plan has been changed from 90% to 75%.
- The manner in which the Survey Follow-up Plan is submitted to HUD has been changed. A PHA will receive three points for certifying that the Follow-up Plan will be developed as a supplement to its Annual Plan.

2. Elements of Scoring

The score of the Resident Service and Satisfaction assessment for all PHAs will be based upon two components, plus a threshold requirement.

First Component. The first component will be the aggregate score of the survey results.

Second Component. The second component will be a score based on the PHA's certifications that plans for survey implementation and follow-up corrective actions have been prepared by the PHA and have or will be acted upon. HUD's PHAS regulation at 24 CFR 902.53 provides that the second component will be a point score based on the level of implementation and follow-up or corrective actions based on the survey results.

Each of the components is worth five points, for a total of ten points, as outlined under Indicator #4 in the PHAS final rule (24 CFR 902.53). A PHA will receive a passing score if it receives at least six points of the available ten points. As noted earlier in this notice, however, a failing score under this Indicator will not cause a PHA to be designated as troubled.

Threshold Requirement. A PHA will not receive any points under PHAS Indicator #4 if the survey process is not managed as directed by HUD, the survey results are determined to have been altered, or the unit addresses are not updated and verified as described at 24 CFR 902.51. The threshold requirement is subject to verification.

The following chart shows the scoring components and point range.

Scoring components	Point range
Component One—Survey Results (5 points):	
Maintenance and Repair Section	0–1
Communication Section	0–1
Safety Section	0–1
Services Section	0–1
Neighborhood Section	0–1
Component Two—Implementation/Follow-Up Plan (5 points):	
Survey Implementation Plan	0 or 2
Survey Follow-up Plan	0 or 3
Total Possible Score	10

3. Scoring Process

The scoring process for the Resident Service and Satisfaction Indicator is dependent upon electronic updating, submission, and certification of information by PHAs. Although this notice discusses these electronic steps in terms of requirements, HUD has made allowance for manual submission of information, as discussed later in the notice.

Unit Address Update and Verification. The scoring process for PHAS Indicator #4 begins with ensuring accurate information about the PHA's units. PHAs will be required to electronically update unit address information initially obtained by the REAC from the recently revised form HUD–50058, Family Report. The REAC will supply a list of current units (listed by development) to PHAs via the internet. PHAs will be asked to make additions, deletions, and corrections to their unit address list. After updating the list, PHAs must verify that the list of unit addresses under their jurisdiction is complete. Any incorrect or obsolete address information will have a detrimental impact on the survey results. A statistically valid number of residents cannot be selected to participate in the survey if the unit address information is incorrect or obsolete. If a PHA does not verify the address information within two months of submission of the list of current units to the PHA by the REAC, and the address information is not valid, the REAC will not be able to conduct the survey at that PHA. Under those conditions, the PHA would not receive any points for the PHAS Resident Service and Satisfaction Indicator.

Electronic Update of Address List. The preferred method for updating a unit address list is electronic updating. If a PHA does not have this capability in-house, the PHA should consider utilizing local resources, such as the library or another local government entity that has internet access. In the event local resources are not available, the PHA may go to the nearest HUD Public and Indian Housing (PIH) program office and assistance will be given to transmit the unit address information. The PIH office will assist the PHA in electronically updating and transmitting its unit address list to the REAC. If circumstances preclude a PHA from updating and submitting its unit address list electronically, HUD will consider granting approval to allow a PHA to submit the updated unit address list information manually. A PHA that seeks approval to update its unit address list manually must ensure that the REAC receives the PHA's written request for manual submission 1 calendar month before the submission due date. The written request must include the reasons why the PHA cannot update the list electronically. The REAC will respond to the PHA's request within 15 calendar days of receipt of the request.

Sampling. A statistically valid number of residents will be chosen to receive the Resident Service and Satisfaction Survey. These residents will be randomly selected using a computerized program based on the total number of occupied and vacant units of the PHA. The Resident Service and Satisfaction assessment takes into account the different properties managed by a PHA by organizing the resident sampling based on the resident representation of each development in relation to the size of the entire PHA resident population. This procedure is known as stratified sampling. For example, if a PHA houses five percent of its residents in a given development, then five percent of the sample will be chosen from that development. A PHA's score, however, will represent the entire population within that agency. Results will not be statistically valid for each development at this time. HUD is committed, however, to developing this capacity in the near future.

Survey Distribution. The Resident Service and Satisfaction Survey will be distributed to the randomly selected sample of residents of each PHA by a third party organization (referred to as the ''survey administrator'') designated by HUD. The survey administrator will also be responsible for collecting, scanning, and aggregating results of the survey, and transmitting the survey results to HUD for analysis and scoring. HUD will keep individual responses to the survey confidential.

Component One—Survey Results (5 Points). The Resident Service and Satisfaction Survey form that will be used for the first annual assessment was published in the **Federal Register** on November 23, 1998, with OMB approval No. 2507–0001. Following the first year of the process, the survey form may be modified for subsequent assessment years (any significant modifications to the form will be published in the **Federal Register** in accordance with the PHAS regulations). The modifications may include, but are not limited to, rewording of specific questions and possible elimination of some questions. No additional scored questions will be added to the existing Resident Service and Satisfaction Survey without the opportunity to comment as provided in the PHAS regulations. In addition, the five survey sections, as described in 24 CFR 902.53, will not be modified.

Weights have been assigned to individual questions. Answers to some questions on the survey will be used for informational purposes only and will not be calculated into the score for the PHA. For example, questions regarding overall satisfaction with the PHA will not be calculated into the final survey score. The only questions that will be included in the score for the PHA will be questions that are directly related to compliance with the regulations or statutes applicable to the management of public housing. The score for the Resident Service and Satisfaction Survey will be based on a total possible score of five points.

Five Survey Sections. There are five survey sections as follows:

(1) Maintenance and repair (*e.g.,* work order response);

(2) Communication (*e.g.,* perceived effectiveness);

(3) Safety (*e.g.,* perception of building security measures);

(4) Services (*e.g.,* management response to service problems); and

(5) Neighborhood appearance.

Scores for each survey section will be calculated in the following manner. Each section will be given a score between zero and one. For example, if the maintenance and repair survey section has 83 percent of the possible points for that section, then it would be given a score of .83. The total survey score will be the sum of the five survey section scores. Thus, there are five possible points for the survey results. This part of the score will be presented in a numeric format with one decimal place (*e.g.,* 4.3).

These section scores are calculated based upon weights, ranging from 0 to 0.25, assigned to each question. Within each question, the response categories are assigned values ranging from 0% to 125%. Responses are given a value of 125% if the resident indicates that the PHA has exceeded the regulatory requirement on which the question is based.

Specifically, section scores are computed as follows:

(1) The numeric values associated with the responses given by a resident are averaged, based on the question weights, to obtain the respondent's section score. Although some responses may be valued 125%, these section scores are limited to 100% of the section's total points.

(2) The section scores of all respondents in each PHA are averaged, based on the weight of the questions that each resident answered, to obtain the PHA section score.

The scores assigned to each answer and the weights assigned to each question are provided as Appendix 1 to this notice.

Component Two—Implementation and Follow-Up Plans (5 Points). Points awarded for component two are based on the level of implementation of the survey and follow-up on its results, when necessary.

Survey Implementation Plan. Although, as noted earlier, a survey administrator will be responsible for distributing and collecting the survey results, the PHA will be responsible for disseminating information about the survey to its residents based on a Survey Implementation Plan provided by HUD. The Survey Implementation Plan will explicitly outline required marketing activities. The PHA must certify to the dates the implementation activities are carried out. Activities will include, but are not limited to, displaying posters supplied by HUD; conducting meetings with residents; and distributing flyers.

If the PHA certifies to having completed the above activities prior to the date set by HUD, the PHA will receive the full two points for this section. All implementation activities should take place prior to residents' receipt of the survey. HUD will set deadlines for electronic submission of Survey Implementation Plans by PHAs. All Survey Implementation Plans received past the deadline will not be considered, and the PHA will not receive any points for this component.

Survey Follow-up Plan. HUD will require PHAs to develop a Survey Follow-up Plan, if appropriate, based on the results of the survey by section. Follow-up Plans will be required for the lowest-scoring sections based upon thresholds determined by HUD. If a PHA scores .75 (*i.e.,* 75% of the possible points) or higher on a section of the survey, a Follow-up Plan will not be required for that section. If a PHA scores .75 or higher on all sections of the survey, no Follow-up Plan will be required and the PHA will receive the additional three points.

A PHA that is required to develop a Follow-up Plan will do so as part of its Annual Plan. Once the PHA receives its survey results, the PHA must electronically access a template to certify that it will complete its required Follow-up Plan as part of its annual plan. Follow-up actions will be directly related to the five survey sections listed above. The PHA will be able to develop its Survey Follow-up Plan based on areas identified by the survey which need improvement. As part of the Survey Follow-up Plan, the PHA will need to specify the following:

- Actions to be taken in the next fiscal year;
- The target date of completion; and
- The funding source (if required) that will be utilized.

A PHA will receive the full three points for this section by completing its Survey Follow-up Plan certification and developing a Follow-up Plan as part of its Annual Plan. Where appropriate, Field Office staff may offer technical assistance to a PHA regarding the Survey Follow-up Plan. Survey Follow-up Plans shall be retained in the PHA's office for three years, and available for review by HUD auditors or representatives of a duly constituted resident organization. No points will be awarded for this component if a PHA fails to certify and develop its Survey Follow-up Plan.

Audit. Where appropriate, the Survey Follow-up Plan will be subject to audit. If the auditor finds that the plan is not appropriate or that the PHA is not following its plan in good faith, the PHA will not receive the three points for the Survey Follow-up Plan portion of the Resident Service and Satisfaction assessment score.

Submission of Resident Service and Satisfaction Certification. Through the Resident Service and Satisfaction unit address, implementation, and follow-up certifications, the PHA certifies that the resident survey process has been managed as directed by HUD. PHAs are required to electronically submit their Resident Service and Satisfaction certifications. If a PHA does not have this capability in-house, the PHA should consider utilizing local resources, such as the library or another local government entity that has internet access. In the event local resources are not available, the PHA may go to the nearest HUD PIH program office and assistance will be given to the PHA to transmit its Resident Service and Satisfaction certifications.

If circumstances preclude the PHA from reporting electronically, HUD will consider granting approval to allow a PHA to submit its Resident Service and Satisfaction certifications manually. A PHA that seeks approval to submit the certifications manually must ensure that the REAC receives the PHA's written request for manual submission 2 calendar months before the submission due date of the respective Resident Service and Satisfaction certification. The written request must include the reasons why the PHA cannot submit the certification electronically. The REAC will respond to the PHA's request and will manually forward its determination in writing to the PHA.

Technical Review of the Resident Survey. The REAC will consider conducting a technical review of a PHA's resident survey results in cases where the contracted survey administrator can be shown by the PHA to be in error. The burden of proof, however, rests with the PHA to provide objectively verifiable evidence that a technical error occurred. Examples include, but are not limited to, incorrect material being mailed to residents; too few survey forms sent, which could render the sample size invalid; or the PHA's unit addresses were incorrect due to the survey administrator's error, such as unit numbers being omitted from the addresses. A PHA that does not update its unit address list as described above will not be eligible for a technical review based on incorrect addresses.

Dated: June 20, 2000.

Donald J. LaVoy,

Director, Real Estate Assessment Center.

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Appendix 1—Survey Answer Scores and Question Weights

Detailed below are the weights assigned to each question in the Resident Service and Satisfaction Survey. These weights are used to determine the score for the survey portion of the Resident Service and Satisfaction Survey. The Resident Service and Satisfaction Survey is worth a total of five points. Sections 2 through 6 of the survey are each worth one point. Section 1 and Section 7 are not included in the scores of the survey and will be used for data gathering purposes. Several questions in Sections 2 through 6 are also not included in the survey score. The questions that are included in the score are identified below.

Questions	**Question weight**	**Answer score**
Overall Satisfaction	**0 points**	
Q1. How satisfied are you with the following:	Not included in score	
Q1a. Your unit/home?		
Q1b. Your neighborhood/building?		
Q1c. Your neighborhood?		
Maintenance and Repair	**1 point**	
Q2. Over the last year, how many times have you called for maintenance or repairs?	Not included in score	
Q3. If you called for non-emergency maintenance or repairs (for example, leaky faucet, broken light, etc.), the work is usually completed in:	.25 points	

Questions	Question weight	Answer score
A. Have never called		Not scored
A. Less than 1 week		125%
A. 1 to 4 weeks		100%
A. More than 4 weeks		25%
A. Problem never corrected		0%
Q4. If you called for emergency maintenance or repairs (for example, toilet plugged up, gas leak, etc.), the work is usually completed in:	.25 points	
A. Have never called		Not scored
A. Less than 6 hours		125%
A. 6 to 24 hours		100%
A. More than 24 hours		25%
A. Problem never corrected		0%
Q5. Based on your experience, how satisfied are you with:		
Q5a. How easy it was to request repairs?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q5b. How well the repairs were done?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%

Questions	Question weight	Answer score
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q5c. How well you were treated by the person you contacted for repairs?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q5a. How well you were treated by the person doing the repairs?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Communication	**1 point**	
Q6. Do you think management provides you information about:		
Q6a. Maintenance and repair (for example, water shut-off, boiler shut-down, modernization activities)?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored

Questions	Question weight	Answer score
Q6b. The rules of your lease?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored
Q6c. Meetings and events?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored
Q7. Do you think management is:		
Q7a. Responsive to your questions and concerns?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored
Q7b. Courteous and professional with you?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored

Questions	Question weight	Answer score
Q7c. Supportive of your resident organization?	.16667 points	
A. Strongly agree		100%
A. Agree		75%
A. Disagree		25%
A. Strongly disagree		0%
A. Does not apply		Not scored
Q8. Are you involved in a resident organization in your housing development?	Not included in score	
Safety	**1 point**	
Q9. How safe do you feel:		
Q9a. In your unit/home?	.1875 points	
A. Very safe		100%
A. Safe		75%
A. Unsafe		25%
A. Very unsafe		0%
A. Does not apply		Not scored
Q9b. In your building?	.1875 points	
A. Very safe		100%
A. Safe		75%
A. Unsafe		25%
A. Very unsafe		0%
A. Does not apply		Not scored
Q9c. In your parking area?	Not included in score	

Questions	Question weight	Answer score
Q10. Do you think any of the following contribute to crime in your development? (mark all that apply)		
Q10a. Bad lighting	.09375 points	
A. Yes		0%
A. No		100%
Q10b. Residents don't care	Not included in score	
Q10c. Broken locks	.09375 points	
A. Yes		0%
A. No		100%
Q10d. Resident screening	.09375 points	
A. Yes		0%
A. No		100%
Q10e. Location of housing development	Not included in score	
Q10f. Vacant units	.09375 points	
A. Yes		0%
A. No		100%
Q10g. Police do not respond	Not included in score	
Q11. If residents in your development break the rules in the lease, does management take action?	Not included in score	

Questions	Question weight	Answer score
Q12. Are you aware of any crime prevention programs available to residents (for example, Neighborhood Watch, Block Watch, Community Policing, Tenant Patrol, or Street Patrol)?	.25 points	
A. Yes		100%
A. No		0%
A. Does not apply		Not scored
Services	**1 point**	
Q13. Over the last year, how many problems, if any, have you had with electricity or heat?	Not included in score	
Q13a. If you had a problem with electricity or heat, how long did it take to fix?	.25 points	
A. Never had a problem		100%
A. Less than 6 hours		125%
A. 6 to 24 hours		100%
A. More than 24 hours		25%
A. Problem never fixed		0%
Q14. Over the last year, how many problems, if any, have you had with kitchen appliances (for example, stove, refrigerator, etc.)?	Not included in score	
Q14a. If you had a problem with kitchen appliances, how long did it take to fix?	.25 points	
A. Never had a problem		100%
A. Less than 6 hours		125%

Questions	Question weight	Answer score
A. 6 to 24 hours		100%
A. More than 24 hours		25%
A. Problem never fixed		0%
Q15. Over the last year, how many problems, if any, have you had with water or plumbing (for example, toilets, hot water, etc.)?	Not included in score	
Q15a. If you had a problem with water or plumbing, how long did it take to fix?	.25 points	
A. Never had a problem		100%
A. Less than 6 hours		125%
A. 6 to 24 hours		100%
A. More than 24 hours		25%
A. Problem never fixed		0%
Q16. Over the last year, how many problems, if any, have you had with smoke detectors?	Not included in score	
Q16a. If you had a problem with smoke detectors, how long did it take to fix?	.25 points	
A. Never had a problem		100%
A. Less than 6 hours		125%
A. 6 to 24 hours		100%
A. More than 24 hours		25%
A. Problem never fixed		0%
Housing Development Appearance	**1 point**	
Q17. How satisfied are you with the upkeep of the following areas in your development?		

Questions	Question weight	Answer score
Q17a. Common areas (for example, stairways, hallways, etc.)?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q17b. Exterior of buildings?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q17c. Parking areas?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q17d. Recreation areas (for example, playgrounds and other outside facilities)?	.125 points	
A. Very satisfied		100%
A. Satisfied		75%
A. Dissatisfied		25%
A. Very dissatisfied		0%
A. Does not apply		Not scored
Q18. How often, if at all, are any of the following a problem in your development:		

Questions	Question weight	Answer score
Q18a. Abandoned cars?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Q18b. Broken glass?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Q18c. Graffiti?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Q18d. Noise?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Q18e. Rodents and insects (indoors)?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%

Questions	Question weight	Answer score
A. Always		0%
A. Does not apply		Not scored
Q18f. Trash/litter?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Q18g. Vacant units?	.07143 points	
A. Never		100%
A. Sometimes		75%
A. Often		25%
A. Always		0%
A. Does not apply		Not scored
Conclusion	**0 points**	
Q19. If there is a person with a permanent disability in your household who has difficulty moving around, did your management make necessary changes to your unit if you requested them (e.g., grab bars, lowered light switches, wheelchair access)?	Not included in score	

Questions	**Question weight**	**Answer score**
Q20. Since moving into your current residence, have you been told by a doctor, nurse, or the local health department that any of your children (who live with you) have lead poisoning or a high level of lead in their blood?	Not included in score	
Q21. Would you recommend your housing development to a friend or family member seeking public housing?	Not included in score	

[FR Doc. 00–16157 Filed 6–27–00; 8:45 am]
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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 JUNE 28, 2000

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Nectarines and peaches grown in—

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AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Exportation and importation of animals and animal products:

Bovine parts—

Imports from Argentina; prohibition; published 6-28-00

AGRICULTURE DEPARTMENT

Forest Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Waters subject to subsistence priority; redefinition; correction; published 6-28-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Northeastern United States fisheries—

Summer flounder; published 6-28-00

CONSUMER PRODUCT SAFETY COMMISSION

Flammable Fabrics Act:

Children's sleepwear (sizes 0-6X and 7-14); flammability standards—

Snug-fitting sleepwear; label and hangtag requirements; published 6-28-99

Snug-fitting sleepwear; label and hangtag requirements; correction; published 9-8-99

Snug-fitting sleepwear; label and hangtag requirements; correction; published 11-9-99

EDUCATION DEPARTMENT

Postsecondary education:

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) Program; published 6-28-00

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Energy conservation:

Energy savings performance contracting; technical amendments; published 6-28-00

ENVIRONMENTAL PROTECTION AGENCY

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

Georgia; published 6-28-00

FEDERAL RESERVE SYSTEM

Privacy Act; implementation; published 5-30-00

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Enterprise Oversight Office

Organization, functions, and authority delegations:

Revision; published 6-28-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Waters subject to subsistence priority; redefinition; correction; published 6-28-00

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Copyright claims registration:

Technical amendments; published 6-28-00

Freedom of Information Act, Privacy Act; implementation; and policies and procedures; published 6-28-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 5-24-00

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Potatoes (Irish) grown in—

Idaho and Oregon; comments due by 7-3-00; published 5-3-00

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quaratine, domestic:

Oriental fruit fly; comments due by 7-7-00; published 5-8-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

White abalone; comments due by 7-5-00; published 5-5-00

Fishery conservation and management:

Caribbean, Gulf, and South Atlantic fisheries—

Coastal migratory pelagic resources; comments due by 7-3-00; published 6-1-00

South Atlantic Fishery Management Council; hearings; comments due by 7-5-00; published 4-17-00

South Atlantic Fishery Management Council; meetings; comments due by 7-7-00; published 6-16-00

South Atlantic snapper-grouper; comments due by 7-6-00; published 6-6-00

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Act:

Futures commission merchants and introducing brokers; minimum financial requirements

Subordination agreements; net capital treatment; comments due by 7-3-00; published 6-2-00

DEFENSE DEPARTMENT

Federal Acquisition Regulation (FAR):

Advance payments for non-commercial items; comments due by 7-3-00; published 5-2-00

Cost accounting standards coverage; applicability, thresholds, and waiver; comments due by 7-6-00; published 6-6-00

EDUCATION DEPARTMENT

Civil Rights Restoration Act; implementation:

Nondiscrimination on basis of race, color, national origin, sex, disability, and age; conforming amendments to regulations; comments due by 7-5-00; published 5-5-00

ENVIRONMENTAL PROTECTION AGENCY

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

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Pennsylvania; comments due by 7-6-00; published 6-6-00

Toxic substances:

Polychlorinated biphenyls (PCBs)—

Non-liquid PCBs; use authorization and distribution in commerce; comments due by 7-7-00; published 12-10-99

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Individuals with hearing and speech disabilities; telecommunications relay services and speech-to-speech services; comments due by 7-5-00; published 6-21-00

Personal communications services—

Narrowband spectrum; unlicensed megahertz; decision whether to license or not; competitive bidding; comments due by 7-5-00; published 6-6-00

Radio stations; table of assignments:

Florida; comments due by 7-3-00; published 5-10-00

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Advance payments for non-commercial items; comments due by 7-3-00; published 5-2-00

Cost accounting standards coverage; applicability, thresholds, and waiver; comments due by 7-6-00; published 6-6-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human drugs:

Prescription drug marketing; effective date delayed, etc.; comments due by 7-3-00; published 5-3-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:

Hospital inpatient prospective payment systems and 2001 FY rates; comments due by 7-5-00; published 5-5-00

Supplemental practice expense survey data; submission criteria; comments due by 7-3-00; published 5-3-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Civil money penalties, assessments, and exclusions; comments due by 7-3-00; published 5-2-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Southwestern Washington/ Columbia River coastal cutthroat trout in Washington and Oregon; comments due by 7-3-00; published 6-2-00

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc.

Meetings; comments due by 7-7-00; published 6-20-00

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

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Colorado; comments due by 7-7-00; published 6-7-00

New Mexico; comments due by 7-7-00; published 6-7-00

Surface coal mining and reclamation operations:

Ownership and control of mining operations; definitions, permit requirements, enforcement actions, etc.; comments due by 7-7-00; published 6-7-00

LABOR DEPARTMENT

Federal Contract Compliance Programs Office

Affirmative action and nondiscrimination obligations of contractors and subcontractors:

Affirmative action programs; requirements; comments due by 7-3-00; published 5-4-00

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Advance payments for non-commercial items; comments due by 7-3-00; published 5-2-00

Cost accounting standards coverage; applicability, thresholds, and waiver; comments due by 7-6-00; published 6-6-00

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TREASURY DEPARTMENT

Practice before Internal Revenue Service; comments due by 7-5-00; published 5-11-00

TREASURY DEPARTMENT

Thrift Supervision Office

Lending and investments:

Responsible alternative mortgage lending; comments due by 7-5-00; published 4-5-00

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

H.R. 1953/P.L. 106–216

To authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria. (June 20, 2000; 114 Stat. 343)

H.R. 2484/P.L. 106–217

To provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States. (June 20, 2000; 114 Stat. 344)

H.R. 3639/P.L. 106–218

To designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the ''Harry S Truman Federal Building''. (June 20, 2000; 114 Stat. 345)

H.R. 4542/P.L. 106–219

To designate the Washington Opera in Washington, D.C., as the National Opera. (June 20, 2000; 114 Stat. 346)

S. 291/P.L. 106–220

Carlsbad Irrigation Project Acquired Land Transfer Act (June 20, 2000; 114 Stat. 347)

S. 356/P.L. 106–221

Wellton-Mohawk Transfer Act (June 20, 2000; 114 Stat. 351)

S. 777/P.L. 106–222

Freedom to E-File Act (June 20, 2000; 114 Stat. 353)

S. 2722/P.L. 106–223

To authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith. (June 20, 2000; 114 Stat. 356)

H.R. 2559/P.L. 106–224

Agricultural Risk Protection Act of 2000 (June 20, 2000; 114 Stat. 358)

H.R. 3642/P.L. 106–225
To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes. (June 20, 2000; 114 Stat. 457)
Last List June 19, 2000

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